The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, August 12, 2010, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Drew Kirkland, Chairman
Ward Pedley, Vice Chairman
Gary Noffsinger, Director
Madison Silvert, Attorney
Rev. Larry Hostetter
Tim Allen
Irvin Rogers
Keith Evans
Martin Hayden
Rita Moorman

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CHAIRMAN: I would like to welcome you to the August 12th meeting of the Owensboro Metropolitan Planning Commission. Would you please rise while our invocation and pledge of allegiance will be given by Mr. Madison Silvert.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of the July 8, 2010 meeting. Are there any additions, corrections, questions?

(NO RESPONSE)

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

MR. PEDLEY: Motion to approve.

CHAIRMAN: Motion for approval by Mr. Pedley.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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COMBINED DEVELOPMENT PLAN/MAJOR SUBDIVISIONS

ITEM 2

Paradise Landing, 6.461 acres (Postponed at July 8, 2010 meeting)

Consider approval of major subdivision preliminary plat/final development plan.

Applicant: Paradise Landing, LLC

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. The land use is consistent with the Adopted Comprehensive Plan and the property is layed out in such a way that it is in accordance with the subdivision regulations and zoning ordinance.

CHAIRMAN: Is there any questions?

(NO RESPONSE)

CHAIRMAN: If not the Chair is ready for a
MR. EVANS: Motion to approve.

CHAIRMAN: Motion for approval by Mr. Evans.

MS. MOORMAN: Second.

CHAIRMAN: Second by Ms. Moorman. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously. Next item, please.

MINOR SUBDIVISIONS

ITEM 3

999, 1011 Highway 140 E, 4.972 acres

Consider approval of minor subdivision plat.

Applicant: Glen & Johnna Gray

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

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: This plat comes before you as an exception to the zoning ordinance requirements. They're requesting to create a tract just under five acres with 50 feet of road frontage. There is an existing home site in the northwest corner of that approximately five acre tract. For findings and purposes they're requesting that this be created.

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They have put a note on the plat that there be no further division of the property. It does meet the zoning ordinance regulations, subdivision regulations. So with that we would recommend that you consider for approval.

CHAIRMAN: Do we have anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do we have any questions?

(NO RESPONSE)

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

MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Rogers.

MR. ALLEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 4

6650, 6664 US Highway 231, 4.719 acres

Consider approval of minor subdivision plat.

Applicant: Robert A. Blandford

MR. HOWARD: Again, this plat comes before you for a similar circumstance. They have the minimum
amount of road frontage, but it does exceed the three to one length to width ratio. There is an existing home on the property that they're creating a one acre tract around which leaves approximately 3.7 acres as the remainder. They have also noted on the plat that there will be no further division of the property. Meeting the subdivision regulation, zoning ordinance requirements. So with that we would recommend that you consider it for approval.

CHAIRMAN: Do we have anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions?

(NO RESPONSE)

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

MR. HAYDEN: Make a motion for approval.

CHAIRMAN: Motion for approval by Mr. Hayden.

MR. EVANS: Second.

CHAIRMAN: Second by Mr. Evans. 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 CHANGES

ITEM 5

1601, 1605, 1609 Frederica Street, 0.666 acres
Consider zoning change: From R-4DT Inner-City Residential to P-1 Professional/Service
Applicant: Marcus Bosley; Bill T. Timbrook

MR. HOWARD: Before I read the Staff Report I will note that all zonings heard tonight will become final 21 days after the meeting unless an appeal is filed. If an appeal is filed, then we will forward that rezoning request before the legislative body for their final consideration. The appeal forms should be available on the back table, on-line and in our office.

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS:

1. Approval of a consolidation plat to consolidate the three tracts into a single tract;
2. Due to the proximity to existing residential zones, all lighting for the subject property shall be directed away from the residential property to reduce the glare and impact of the lighting on the residential uses; and,
3. Access to Frederica Street shall be

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limited to the existing public alley only. The alley
may be widened to provide sufficient width for two-way
traffic.

FINDINGS OF FACT:

1. Staff recommends approval because the
proposal is in compliance with the community's adopted
Comprehensive Plan when considering the entire acreage
proposed for rezoning that is bisected by the public
alley;

2. The Subject property is located in a
Central Residential Plan Area, where
professional/service uses are appropriate in limited
locations;

3. The use as a professional office will be
nonresidential in nature and use;

4. The proposal is a logical expansion of
existing P-1 zoning located across Phillip Court to
the north and across Frederica Street to the west;
and,

5. At a total of 1.151 acres of proposed P-1
zoning, the expansion should not overburden the
capacity of roadways and other necessary urban
services that are available in the affected area.

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

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CHAIRMAN: Do we have anybody representing the applicant?

MR. WILSON: Mr. Chairman, Bill Wilson. I'm here on behalf of Mark Bosley.

We've got a little handout here I'd like the board members to take a look at what is proposed on this property.

Mr. Chairman, we're here tonight to answer any questions any members of the commission might have.

We have someone from Bryant Engineering who is here and Mark is here to describe it.

As you can tell from the photo, that's an actually photo of what the front of this property is going to look like. In the bottom right corner, let me call your attention. There's a swimming pool shown. That is not part of this project. There will be a veranda out back. But the front is an actual picture of what the building is going to look like. That's what you're going to seeing as you approach Frederica, I guess, on Griffith Avenue intersection there. You're going to be looking at that. What a beautiful addition it's going to be Frederica Street.

If anybody has any questions, Mark can describe in detail what's going to be done with this property, to this property, front, backside. We would
appreciate your all's favorable consideration of this rezoning application.

CHAIRMAN: Thank you. Is that your statement, Mr. Wilson?

MR. WILSON: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

Step to the microphone, please.

MR. SILVERT: State your name, please.

MR. PELPHREY: Thomas Pelphrey.

(TOMAS PELPHREY SWORN BY ATTORNEY.)

MR. PELPHREY: I live at 203 West 17th Street. My home, two of the properties back up to the alley of which my home resides next to. My home faces 17th Street.

I'm concerned on a couple of levels there about the safety that goes into this area. That the alleys will be, will the alleys remain both --

CHAIRMAN: Sir, ask the questions to us and then we'll turn around and turn the podium over to whoever needs to answer them.

MR. PELPHREY: Will both of the alleys remain open and is consideration being given to the -- that's an offset alley there already and it's dangerous as it is where the alleys intersect in the middle of the

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block. My concern is that there would be something
done that would make that a safe place.

Also concerned that the property dividers or
some kind of dividers between the property that's
developed and the alley. As you go down that alley,
behind the bank that's across from the school and you
going down that alley behind the other businesses that
take Frederica, there's a number of places where the
alley gets squeezed by things that are in there. It's
hard to tell whether you're on the alley or when
you're on the other person's property. Just wanted to
know how that was going to be handled.

Also the intersection there at Griffith and
Frederica and Phillips Court, that is an offset
traffic light already. If you come out from Phillips
Court and you try to make a left-hand turn, many
people off of Griffith do not realize that you have
the right-of-way there. You're trying to make a
left-hand turn. I would think that traffic light in
that spot needs to be looked at carefully for increase
traffic.

As a neighbor, I just want someone who is
going to be a good neighbor there. The homes that are
there now have been let run down. They aren't nearly
what they could be. I want a good neighbor. I would

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prefer it to stay residential, but if it goes P-1, then I would just like for the residents, the new people that take care of that would take care of it well. Build a new building. Build something that looks like the rest of the homes in the area. Preferably something of two-story structure. All of those homes around there are two-story. We had some construction across the street where the corner of Griffith and Frederica. Building was put in there, one level. The AAA building. It looks out of place frankly. I would appreciate others being given some consideration to match the homes that are in that area.

Finally, if it does change, my understanding is that the construction as planned is for just the three tracts between the alley and Phillips Court. What would be the disposition then of the other two homes there on the south side of the alley. If it gets changed to P-1, do those home immediately, do they stop being rentals? How long would that take? What would the property owner do in the meantime in terms of keeping that property up now that it's gone to P-1. I don't know and I'm asking a question: If it's changed, does it change from rentals to P-1 immediately or is there time given, etcetera?

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CHAIRMAN: Does that conclude your questions?

MR. PELPHREY: That's a long question.

CHAIRMAN: We got it. If you'll be seated, I think I'm going to start from the bottom up.

Mr. Noffsinger.

MR. NOFFSINGER: Yes, sir.

CHAIRMAN: Why don't you take the one about the remaining two homes and the P-1 division, the two-story request about the building, and the intersection of Griffith Avenue and Phillips Court.

MR. NOFFSINGER: First of all, the properties that are rezoned, being proposed to be rezoned tonight, once they're zoned P-1 the residential use may continue. They become nonconforming uses and they can continue without alteration. Meaning you could not make any additions to those buildings. They'll continue to be used for residential, if that's the owner's desire, until such time as they're converted to a professional service use.

I think the second item was the two-story request. That is something that the applicant is here tonight that can comment on the height of the structure, but Owensboro Metropolitan Zoning Ordinance that this community has adopted does not have a minimum height requirement. There are maximum height
requirements in that ordinance. There are no minimum. So there is nothing that this board could do to require this building to be two stories in height.

I think the third question was the traffic signal at this intersection. The streets are existing. They will have an existing access point or they'll utilize the alley on Frederica Street for ingress/egress to the property. There will also be two access points on Phillips Court. If there are any issues related to traffic movements and signalizations, those would be have to be addressed at the time of the final development plan which has not been submitted here tonight. That's something for the local traffic engineers to take a look at and see what improvements may be deemed necessary.

CHAIRMAN: Mr. Wilson, I think the other two questions, the division of the alley and the property, and will both alleys be open.

MR. WILSON: Mr. Chairman, the alleyway that comes in, which is the only access to Frederica Street, and that's under the Plan Staff Recommendation, is the existing alleyway which is on the south side of these three units that are under this present rezoning application. That entrance will in fact be widen in order to have safe capacity in and
out of that alley.

The overall traffic, these are investment counselors, planners. Probably going to be less traffic than what's been in there in the last good many years. It's not going to be a high traffic situation at all.

The alley that runs north/south to the rear of it has been there for, gosh, I hate to say how many years. Of course, it will remain there. It's a public alley and it will remain there. The back will be attractively done as will the front. The architecture, as you can tell, is similar to the existing I think it's the Collignon & Nunley building now. It's used to be on the corner of Phillip and Frederica. It's very similar to that. It will be very compatible to that type of architecture. As you can see from the photo, and that's an actual of what it's going to look like. It's going to be extremely attractive. I assure all the neighbors that they will be pleased with what comes in by them.

CHAIRMAN: He also asked about the division of the property in the alley.

MR. WILSON: I can't address that. Perhaps Mr. Bosley can.

MR. SILVERT: Could you state your name,
MR. BOSLEY:  Mark Bosley.

(MARK BOSLEY SWORN BY ATTORNEY.)

MR. BOSLEY:  The alleys will remain, as Mr. Wilson said, the same. They'll be widen from 10 feet to 24 feet. It's lot better ingress/egress. As a primary entrance to our property, we'll use the Phillips Court entrance. We won't use the alley as a primary entrance point. Will go in beside the building. Have a circular drive in the front. Parking in the back. There will be a solid wall around the property in the back.

As far as the other two properties for right now, we do not intend to maintain those houses as rentals. We intend to demolish them and do the site plan elevation for all five lots at the same time. If they're not immediately sold to someone at P-1, under an approved plan, then we'll do whatever landscaping is required by the City to maintain them in the interim.

CHAIRMAN:  Thank you.

Are there any further questions or any other questions in regard to this?

Yes, sir.

MR. SILVERT:  Could you state your name,

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please.

POSTLEWAITE: Gary Postlewaite, 201 West 17th Street.

(GARY POSTLEWAITE SWORN BY ATTORNEY.)

MR. POSTLEWAITE: My major concern is changing the atmosphere of the neighborhood. Just because we've got George Collignon's property there that's a semi-Mediterranean style doesn't mean it's correct for the neighborhood and we need to do another one.

We've got the AAA building across the street, which is horrendous for the neighborhood. It changed the whole looks of the neighborhood. I'm appalled that even happened.

I mean I moved in that neighborhood because of what it is. There are historic homes in the neighborhood. There's I know at least one on the historical register.

When we start tearing down these nice looking two-story homes on Frederica Street, it's going to completely open up all front of that property and significantly change what is down on Phillips Court, and I don't even live on Phillips Court. I live around the corner from it, but my property adjoins the backside across from where this building is proposed.

Phillips Court is one of the nicer areas we

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have left in the city of some major fine homes. This
is going to change that so dramatically that I think
it will be a crying shame if it happens.

Personally I'm not opposed to the P-1
designation. We've got P-1 all up and down Frederica
Street in existing homes that look fine because you
haven't changed the neighborhood. When we do this and
tear those homes down, it completely changes the look
of the neighborhood. There's not many left on
Frederica Street. We have difficulty now because the
homes aren't maintained. They're rental units. They
haven't been maintained for years.

One other issue that hasn't been addressed,
back in the alley where the alley that runs
north/south is an offset alley. Where the offset is,
which is on the corner of where they're proposing
there, is an existing garage. So there's a blind
corner from two sides right there. It's an extremely
difficult situation to deal with. There have been
several accidents right there just by what few cars
run up and down that alley. There is considerable
traffic on that alley. There's a lot of traffic that
comes out the home down the way, down toward Davis
Street. So I'm very concerned about that.

I'm concerned mainly that we're going to go

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back and put in a single-story building that doesn't fit the character of the neighborhood. I would ask that that not happen.

We had several things in that neighborhood that have happened over the years that have caused it to not look as good and has brought my home value down and I don't want my home value to come down again. We've got two habitat houses over on 18th Street, which are right there that look like two sore thumbs stuck in the middle of some nice craftsman style homes.

I don't think a Mediterranean style home sitting on that corner is the thing to do.

CHAIRMAN: Mr. Postlewaite, what would be your suggestions based on your background? What would be suggestions to improve this proposal.

MR. POSTLEWAITE: A two-story building would be my first suggestion. Something not Mediterranean style. Something more in style with what's on Frederica Street.

One thing is going to happen, by taking those three lots, and I'm guessing now, but I'm sure most of the trees are going to come down.

There's a significant grade change when you start in the other two lots. When you try to come
down on Frederica Street off that alley, there's probably a four foot grade change right there. So when you're trying to pull out on Frederica Street, you've got to get all the way out on the sidewalk, all the way out on the edge of the street before you can see south. So that needs to be addressed.

When we take down those three houses and two more houses on that corner, it's going to open that up so much and it's going to completely change the looks of that neighborhood. I think it would be a travesty. I'm not against the P-1. If you could take the existing homes and remodel them to use as a P-1, I think that would be fine.

Anything else, Mr. Kirkland?

CHAIRMAN: Are you finished, Mr. Postlewaite?

MR. POSTLEWAITE: Maybe. I want everybody to know that I think this is wrong. I don't think P-1 is out of line at all, but taking those houses down and opening that up that much I think, from my architectural background, is the wrong thing to do.

CHAIRMAN: Would you be willing to lend your expertise to the project, if they ask?

MR. POSTLEWAITE: Absolutely. Be glad to. It would be free.

CHAIRMAN: Thank you, Mr. Postlewaite.
Mr. Wilson, which one of your team would you like to bring to the podium for this?

MR. WILSON: Mr. Bosley.

MR. SILVERT: Could you state your name again for the record.

MR. BOSLEY: Mark Bosley.

CHAIRMAN: Mr. Bosley, I'm sure you understood Mr. Postlewaite's concerns.

MR. BOSLEY: I do.

CHAIRMAN: I know obviously this is a design that you like. Obviously you're the owner, investor. Is there any other avenue that you could use, any other development, any other renovation that you could do to enhance what's given in the neighborhood, other than abruptly change the style of the neighborhood? I don't think in any shape, form or fashion was Mr. Postlewaite opposed to a P-1 zoning. In other words, your business being there or whatever business is there, he's not opposed to that, but he made it very clear that he's opposed to the architectural design. I think Mr. Postlewaite did state that he does have an architectural background and would be willing to help, and I think his price is very reasonable. Is there any consideration that this could be something that you would be willing to consider to make it cost
MR. BOSLEY: Let me address some of the issues and start first with the idea that maybe we could remodel the existing buildings that are there and use them for P-1.

In my mind, I'm not an architect, but I would say that's not even remotely feasible to do. If anybody has been in those buildings and seen them, they're not something that in my mind could be repaired period.

When you look at the height of the building, one-story versus two-story story, our proposal is to bring the building up at least five blocks high. So it will start maybe this high off the ground to begin with. There's 12 foot ceilings in the building. So all the rooms will be much higher than a regular standard 8 or 9 foot standard height that you have in most offices. So it's going to sit much higher anyway.

Our clientele that we work with, we do a lot of estate business planning for people that are at or near retirement age. We need something on one level. We wanted something that was easily accessible, you know, for our clients and would be easy for them to get in and out. Be very visible for them to see.

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A lot of the trees will come down, but in place we'll have new trees that will go up. We've already contacted a tree service to put in full grown trees. So they'll be put strategically placed that will be a benefit to the lot and enhance the lot as opposed to some of the very over grown trees that are in there now.

As far as the alleys and access and what's going to happen with the offset alley, you we're going to do is widen the alleys. We're going to take them from 10 feet to 24 feet. There won't be a visibility problem as you pull out on Frederica Street because in our site plan recommendation will get approved by Planning & Zoning to show that there will be no blind spot as you pull in and out of that because we'll level that out.

As far as the Mediterranean style house, I don't know. Like I said, the building right across the street is that style. We could argue philosophically about whether it would look better to go in and put a Victorian style house in as an office, but it's not going to fit in with our plans. We can't do two-story. We could, I guess, if you put an elevator in. We discussed all of that and we thought with our clientele and the ages they are, we're much.
better served having everything on one level, again, with high ceilings.

CHAIRMAN: I understand what Mr. Postlewaite is saying. I mean obviously, you know, I don't think -- nobody has spoken against going to P-1. I think if there was a way that, you know -- I don't know how the board will vote, of course. If we could advance this project, but have you work with, I mean I don't see where you have anything to lose with Mr. Postlewaite's challenge of using him for free. If you don't like what he does, you know, it's still your money. If there was a way that he could economically figure out how to save or enhance the buildings that are there and enhance your operation, seems like it would be a win-win. If there's not, they go down, trees go down, and you start.

I can understand the dramatic change in the neighborhood where we do have residential citizens backing up to that and some concern about this is a pretty dramatic change in architecture for that area. I understand the two-story, but I understand your side from the business standpoint is the two-story building with an elevator and other things that come into effect.

MR. BOSLEY: I think with this building being
set up higher and having the 12-foot ceiling, the porch across the front is probably 17 or 18 feet high after you get up to the porch. It's going to look a lot closer to a two-story building than it is a one-story anyway just because of the way it's going to be built.

As far as the style, we think the style is going to be important. I think it's going to be very attractive. I think it's going to be anything that's going to be out of place. Again, look across the street to see a very similar style house.

We won't have the palm trees. When you look in your picture there, the palm trees will not be part of it. So it won't look quite so Spanish style as that picture looks.

CHAIRMAN: That was the total aspect of the project swaying me was the palm trees. I was wanting to see how that was going to take place.

MR. BOSLEY: We already have the plans. We already have -- I didn't anticipate, you know, candor that there would be a question about the style of the office. We thought if anything that -- the people that we've shown the photograph to and have seen the picture think it's a very attractive building. It will be much better to everybody we've talk to, except
for Mr. Postlewaite, as opposed to putting up just a
standard rectangular shape office building that we
commonly see along Frederica Street.

CHAIRMAN: I applaud you for your efforts in
going the extra mile to the design that you have.
You're not putting up an inexpensive design. You're
not going straight line and square.

MR. BOSLEY: That's right.

CHAIRMAN: And I applaud you for that. I was
just seeing if there was some middle ground where we
have a resident who is a qualified, you know,
architect that is willing to donate his services to
try to better the neighborhood. Victorian style may
not be appropriate. May not work, but it's something
that if you would consider I think would be a nice
touch to the neighborhood at no additional cost to
you.

MR. BOSLEY: Tactfully, no. I wouldn't like
to consider it. We like this building. We think that
the building as is, is appropriate for the lot. I
think it will drastically change the look of the lot,
but I think it will be an improvement. Not bad. I
don't think it's going to detract from any of the
homes that are on Phillips Court.

I took architect at Western myself. I don't

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have a degree. I think I know a little bit about architecture. I designed my house. We put a lot a thought and effort into this design. It lays out exactly the way we need for our practice. We have two financial planning offices that will be inside one building. It's zoned very well so we can share a reception area and share a conference room. My wife, Cindy, has her newly formed company, Ashley Worth, that will be on one side and I'll be on the other side with my established practice.

CHAIRMAN: I don't think the interior is the least bit of concern. I think the exterior is where the concern is. That's your statement. As a member of commission, I thought it would be appropriate to ask if there was something you all could do because this is an unusual request. Not from somebody that's says, well, let me draw something on the back of a napkin and hand it to you. It's from somebody that does this for a living that was willing to change some exterior, and it may not be that big of a deal.

MR. BOSLEY: I think the exterior will be a commercial grade exterior. It will look very much like the photograph that you have there.

CHAIRMAN: Does anybody else on the commission have any questions or ideas?

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Have a seat, Mr. Bosley.

Does anybody else have --

Yes, ma'am. Step to the podium, please.

MR. SILVERT: State your name, please.

MS. FONTAINE: My name is Jennifer Fontaine.

I apologize. I thought we were a little late and missed the vote.

MR. SILVERT: I need to swear you in first.

(JENNIFER FONTAINE SWORN BY ATTORNEY.)

MS. FONTAINE: I thought maybe we were a little late and missed opposing the vote. Am I correct?

CHAIRMAN: Ma'am, we have not voted yet.

MS. FONTAINE: I live at 1611 Frederica. What he was saying about none of them being able to be -- I've been cleaning on three of the properties since February and they're beautiful homes. I mean it wouldn't take a lot, you know. I have a little bit of a drafting background. I can do things. They're not in that bad of a shape. I mean mine isn't. It's a grade vine in the back. I don't even know how many years it's been there. I haven't been able to look into that yet. There's just so many things wrong with tearing down mine anyway. The one that she lives in they need a little bit of work, but there's not a lot

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of structural damage to them. They haven't changed a lot of them. They've got beautiful floors. They have a lot of character. I would just like to keep my home. I would like to be given the option to buy that house. I would love to have that house. That's all I have to say. I just don't agree with it being torn down.

CHAIRMAN: Thank you very much.

Yes, ma'am.

MS. DALTON: Tina Dalton.

(TINA DALTON SWORN BY ATTORNEY.)

MS. DALTON: My home is at least 100 years old. The staircase in it --

CHAIRMAN: Excuse me. Would you state your address, please?

MS. DALTON: 1605 Frederica.

CHAIRMAN: Thank you.

MS. DALTON: The staircase in it is made of endangered wood. You can't even get the wood anymore that it's made out of. The interior of my home there is nothing wrong with it. The exterior, we've already talked to the owner about painting it and fixing it up and taking care of it. Yes, a lot of people didn't live in the homes for a while, but we love the homes. They're historic. Your grandparents, your cousins,
your aunts, somebody could live in that home. They
don't need to be destroyed. There's nothing wrong
with them. You can't find craftsmanship like these
homes have any more. My family lives there. Her
family lives there. There's other families that live
in these homes.

Down Frederica there are empty buildings for
rent and for sale that if they want to develop
something they can develop it down there. They don't
need to destroy these homes. One of the homes is 110
years old. That is part of Owensboro's history. If
they destroy that, what's going to happen next?
That's all I have to say.

CHAIRMAN: Thank you very much.

Are there any other comments?

Yes.

MR. SILVERT: Could you state your name,
please.

MR. ROBERTS: My name is Bob Roberts.

(BOB ROBERTS SWORN BY ATTORNEY.)

MR. ROBERTS: I guess I've got a little unique
situation. I've lived in the area. I live at 1729
Freeman and worked in the area since I was 11 years
old at Roberts Motors. In that time, I've passed
these houses and I've been down those alleys. I don't

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know how many people have lived there for I can say 46 years. That's how long it's been. I don't know how many of these people have been there, but those house have gone downhill not just in the last few years. They've been going downhill consistently.

I know Mark and Cindy. I don't think there's anyone that has to have any concern about how they'll take care of their property because it will be take care of much better than what's being done now.

I know Gary. I understand his concerns. There are a lot of buildings in a lot of areas in town that may not go with what neighbors think blend. I've got one or two houses down from me that I don't necessarily think blend. I even have a problem, I guess, with telling someone who is wanting to improve the looks of an area and invest in Owensboro and continue to give a good look to Owensboro, people that come from outside, I have a problem with telling them what they ought to do. I think that people of Owensboro should be happy that in climate, in this financial climate that someone is willing to risk building this building. I just think you all should approve it. Thank you.

CHAIRMAN: Mr. Roberts, there's no way the commission was trying to prevent or suggest what Ohio Valley Reporting  
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somebody should or should not do.

MR. ROBERTS: I realize that.

CHAIRMAN: Just determine whether it's going
to be approved P-1.

MR. ROBERTS: Right.

CHAIRMAN: Thank you.

Does anybody else have any comments?

Yes, ma'am.

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

MS. BRADLEY: Nancy Bradley.

(NANCY BRADLEY SWORN BY ATTORNEY.)

MS. BRADLEY: I live at 206 Phillips Court.

My house is on the historical registry.

The only thing I had or the only thing I want
to say is that I would like to have the integrity of
the neighborhood, I would like to have the integrity
of Phillips Court kept in mind. I would like to have
the old houses that we have on Phillips Court thought
of and know that they will stay for years to be.

Changing that to a P-1 I can understand and
I'm not against that. That part I can understand, but
I don't quite understand with all the trees going down
we will actually face -- now I face Phillips Court.
Coming in I would be on the right-hand side. So I
come right behind -- I'm 206. There's a 210 Phillips and then the alley. Then would be the lot that you people are talking about. I guess with everything, the trees and everything coming down I feel that we would be directly looked into or that we could directly see Frederica, of course. I think people coming down Frederica can look back into us.

You stated that there would be a wall; is that correct?

MR. BOSLEY: Yes.

MS. BRADLEY: I don't know how high the wall is.

CHAIRMAN: Ms. Bradley, if you have some questions I'll --

MS. BRADLEY: I have to talk to you. They stated that there would be a wall behind their building; is that correct?

CHAIRMAN: Yes, ma'am. He did state that.

MS. BRADLEY: How high is the wall; do you know?

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: No, ma'am, I do not. I have questions about the wall too.

MS. BRADLEY: The alley would be increased. The houses that those ladies spoke about, I've lived
there for 20 years. The people that live in the 
houses, people that are coming and going, they come 
and go pretty quickly. I don't know how long you have 
lived there. I have been in some of the houses that 
were 20 years ago and they were kept very fine and 
they are beautiful. I don't know what you're saying 
about the wood in the staircase, but I do know the 
houses that does have that staircase.

Could they be turned back into something? I'm 
not sure about that. They have gone to great, they 
are, in to my estimation, they are in decay to my 
estimation. The health department has been called 
several times. That's what you people are saying that 
you would do for us. I do understand that. Again, I 
would like to have the building, I guess I'm going 
back to more historical, more of a Victorian. That's 
cosmetic I know, but that's my feeling.

I had to smile when he said that when you're 
saying it needed to be on one floor because of your 
clientele. I am 71. I have gone through the, and I 
truly can get up on to the second floor office. So 
don't shortchange us please. That we do have a way 
that we can exist.

I just want it to fit into the neighborhood. 
I want it to fit into Phillips Court. I want it to be

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a pleasant neighborhood.

I used to teach. Now I'm getting from the kids the in the back telling me how to teach. That's been a while.

To keep it historical. I don't think I have anything else to say.

CHAIRMAN: Thank you.

Let me bring Mr. Bosley to the podium one more time. I think the questions regarding the height of the wall and then I think Mr. Noffsinger.

MR. NOFFSINGER: In the location please.

Because I understood him to say it would be surrounded by a wall, but you have parking off the alley. If you would explain the location of the wall and then the height.

MR. BOSLEY: For one thing the building is a very wide building. It's 102 feet wide. So it expands across two full lots. There will be parking on the side. The backyard will be enclosed by a solid wall. We haven't gotten to the point of how high it will be. I would guess 6 to 8 feet tall, something like that. The building itself is very long. It will be very tall and will shield a lot of, I think, the concerns from the people in the back. They're not going to be people driving down Frederica that are
going to look in anybody's yard because they're going
to see the building. It will be very prominent on the
block.

We do want to enclose the backyard because
it's really not going to be that big by the time the
building gets in. There's an enclosed veranda in the
back. By the time you take that out, I'm guess
there's not going to be a very big yard in the back.

There will be a solid wall, from the back of the
building itself to the back, but we haven't gotten
that far along. That will be part of our proposal
that we would have for Planning & Zoning.

MR. NOFFSINGER: Excuse me, if I could.

So the wall would be between the building and
your parking area to the rear?

MR. BOSLEY: That's correct.

MR. NOFFSINGER: Thank you.

MR. BOSLEY: I would like for Mr. Wilson, if I
could, to address an article that was in the paper
from Gary Adams with the historical society. Could I
do that?

CHAIRMAN: I'm sure Mr. Wilson will be very
brief.

MR. WILSON: I will be brief.

CHAIRMAN: Mr. Wilson, would you like to

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address that question also about --

MR. WILSON: We seem to be talking about people's taste and different architectural designs. There's one person that's absent tonight that's dealt with a lot over the years and a lot of you all have. He's a very talented man. Used to work for this commission, and that's Gary Adams with the Preservation Alliance.

I've worked with Gary on both sides of the issues over the years. Most recently with the demolition of Longfellow Elementary School where he took a very active position.

Gary was quoted repeatedly in an article that appeared in the paper over the weekend about this development. Without going through what all he had to say, in quoting him, and I quote, "If this goes forward and the new building is done in a Spanish revitalize style, that is one of the types identified as reflected in the district in the application for the historical district Adams said."

I'm saying Gary, while he's not up here waving the flag one way or the other, he would be if he found this not to not be appropriate as far as the Preservation Alliance is concerned. He had a very favorable comment in the article that just appeared on Ohio Valley Reporting

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this thing. I would ask the commission to bring this
on to vote and let these people go forward with a
really nice development. Thank you.

CHAIRMAN: Thank you, Mr. Wilson.

Are there any other further comments,
questions?

Mr. Postlewaite.

MR. SILVERT: Just state your name again for
the record, please.

MR. POSTLEWAITE: Gary Postlewaite.

Mark, I just want to say that I think you
would be a great neighbor.

I'm glad and I think what he wants to do will
be very nice when he gets through. Just because
Mr. Adams was quoted as saying there was that style in
the neighborhood does not mean that it's appropriate
or does not mean that he said it was appropriate. He
said that style was in the neighborhood.

CHAIRMAN: Are you familiar with Mr. Adams?

MR. POSTLEWAITE: Absolutely.

CHAIRMAN: Thank you.

MR. POSTLEWAITE: I want Mark to understand
that I think it would be great to have something done
there because otherwise there's probably not going to
be anything done that will help that neighborhood.

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I'm very adamant about the style of the building.

CHAIRMAN: The exterior design?

MR. POSTLEWAITE: Exterior design.

One more question. I still don't understand where the fence will be.

CHAIRMAN: Mr. Noffsinger can handle that.

MR. NOFFSINGER: I worked on that one.

It's going to be between the building and the parking to the rear. It will not enclose the alley. So it will be right behind the rear of the building or to the rear.

MR. POSTLEWAITE: Parking would be outside the fence wall?

MR. NOFFSINGER: Outside the wall, yes, sir. That's as I understood it.

MR. POSTLEWAITE: Which doesn't suit me at all. If you look at Mr. Collignon's building across the way, his parking is enclosed with a fence which really helps. Thank you.

CHAIRMAN: All right. I think we've had adequate discussion on this matter. Does anybody from the commission have any questions, suggestions?

MR. PEDLEY: I don't have any questions. I have some comments.

CHAIRMAN: Okay, Mr. Pedley.

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MR. PEDLEY: I visited that site today. Walked it and drove through. Those buildings are deteriorating very, very badly. This is an opportunity to enhance that neighborhood. If we turn this down, Mr. Bosley goes to another site, how long will it sit there for the buildings to continue to deteriorate. Also someone come back with B-4 zone which would be much worse.

The P-1 zone is the most compatible thing you can have in a residential neighborhood. It's very compatible. That's the comments I have, if you're ready for a motion.

CHAIRMAN: Yes, sir. The chair would be ready for a motion.

Wait, Mr. Pedley.

Step to the podium, please.

MR. SILVERT: Could you state your name again for the record.

MS. FONTAINE: Jennifer Fontaine.

I haven't had anybody to come into my home and look at it, to look at the structural. I don't see why they say -- I mean from the outside they look, you know, a little rough, but I do not believe not one minute that these homes could not be saved with some effort and labor that we're all willing to put into
They are not that deteriorate. Mine has a good roof. Needs a facial, like the gutters. It probably would make it another year, you know, without all of that, but the roof is perfect. My attic is the driest thing in that house. Three of them I know that does not deteriorate. I mean they are deteriorating, but it could be stopped and with the effort of us. I just don't think it ought to go through at all. I mean nobody has come in to look to be able to say for sure. They haven't come into my house to see that they're gone, they're not savable.

CHAIRMAN: Thank you for your comments.

Yes, ma'am.

MR. SILVERT: Could you state your name again, please.

MS. DALTON: Tina Dalton.

And I would like to invite anyone to come and see the interior of my home. There is nothing wrong with it. Like I said, the hardwood, the craftsmanship, everything is beautiful in the house. Yes, the exterior needs painting. We've already talked to the owners. We're willing to work to fix these homes up. They don't need to be destroyed. This is Owensboro's history. Thank you.

CHAIRMAN: All right.
MR. ADAMS: Can I say one thing, please?
CHAIRMAN: Yes, sir.
MR. SILVERT: Could you state your name, please?
MR. ADAMS: Don Adams.
(DON ADAMS SWORN BY ATTORNEY.)
MR. ADAMS: I live at 210 Phillips Court.
I've been in the construction business for years. Not like this gentleman being an architect, but I know structure and the outside. It seems like those houses are beyond economical repair. I don't think the owner now is willing to do anything to bring them up to enhance the neighborhood. Mr. Bosley here is doing something to enhance the neighborhood. If you all don't vote to approve this, that means they'll just sit there and then fall around everybody in three, four or five years, and then nothing will be done. Then what are you going to do? That's about all I have got to say.
CHAIRMAN: Mr. Adams, you realize this commission is not to determine the ability to fix or to the upkeep of buildings?
MR. ADAMS: I know that, yes.
CHAIRMAN: Thank you very much.
All right I think everybody has had the
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opportunity to comment. We've heard all sorts of
different opinions and options. I think at this point
in time Mr. Pedley is on the verge of making a motion.

MR. PEDLEY: I think I need to clarify my
statement. I was only speaking of the houses that are
proposed to be torn down. None other in the
neighborhood. There are very nice homes on Phillips
Court. I drove through several times. Very, very
nice homes. Good state of repair. I'm speaking of
the houses that's proposed to be torn down. Only
that. That's the only thing I looked at.

With that I'm ready to make a motion.

CHAIRMAN: Go ahead, Mr. Pedley.

MR. PEDLEY: I make motion for approval based
on Planning Staff Recommendation with Conditions 1
through 3 and Findings of Fact 1 through 5.

CHAIRMAN: Motion for approval by Mr. Pedley.

Do we have a second?

MS. MOORMAN: Second.

CHAIRMAN: Ms. Moorman has a second. All in
favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, plea.

RELATED ITEMS:

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ITEM 5A

1601, 1605, 1609 Frederica Street, proposed P-1

Consider request for Variances in conjunction with an application for zoning change to reduce the roadway buffer on Frederica Street from 60 feet to 40 feet.

Reference: Zoning Ordinance, Article 13, Section 13.6221

Applicant: Marcus Bosley; Bill T. Timbrook

MR. HOWARD: The applicant has requested a variance. During the review we found that there are at least six other instances where roadway buffer variances have been granted in the vicinity up and down Frederica Street.

Typically those roadway buffer variances have been reduced to 45 feet from the center line of the road. The applicant requested 40 feet. Based on talk with the applicant and their engineer redid the drawing, they're agreeable to a roadway buffer of 45 feet instead of going all the way down to 40, which is the right-of-way at that location.

Due to the size of the lots and the building and the shape, we would recommend that the variance be approved with the conditions that they do submit a consolidation plate for the properties and that the roadway buffer variance be granted at 45 feet instead of 40 feet.

I would like to enter that Staff Report into the record as Exhibit B.

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CHAIRMAN: There's somebody here representing the applicant. Are there any other questions? Do you have a statement, Mr. Wilson?

MR. WILSON: No, I don't, Mr. Chairman. We're here to answer any questions that anyone might have that goes with the rezoning and the development of the area.

CHAIRMAN: Thank you.

Any questions from the commission?

(NO RESPONSE).

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

MR. ROGERS: Motion to approve the Variance with the two conditions.

MR. NOFFSINGER: Excuse me. You will need to adopt Findings of Fact for that recommendation.

MR. ROGERS: With the Findings of Fact 1 through 4.

CHAIRMAN: We've got a motion for approval by Mr. Rogers.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

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Next item, please.

ITEM 6

1611, 1615 Frederica Street, 0.485 acres
Consider zoning change: From R-4DT Inner-City Residential to P-1 Professional/Service
Applicant: Marcus Bosley; Bill T. Timbrook

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS:

1. Approval of a consolidation plat consolidating the two tracts into a single tract;

2. Due to the proximity to existing residential zones, all lighting for the subject property shall be directed away from the residential property to reduce the glare and impact of the lighting on the residential uses; and,

3. Access to Frederica Street shall be limited to the existing public alley only. The alley may be widened to provide sufficient width for two-way traffic.

FINDINGS OF FACT:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan when considering the entire acreage proposed for rezoning that is bisected by the public
alley;

2. The subject property is located in a Central Residential Plan Area, where professional/service uses are appropriate in limited locations;

3. The use as a professional office will be nonresidential in nature and use;

4. The proposal is a logical expansion of existing P-1 zoning located across Frederica Street to the west; and,

5. At a total of 1.151 acres of proposed P-1 zoning, the expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

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

CHAIRMAN: We have somebody representing the applicant. Mr. Wilson is here.

MR. WILSON: Here to address anything you might have. I believe you've heard it, but we're here to address what's intended for that property.

CHAIRMAN: Thank you.

Do we have any other questions?

(NO RESPONSE)

CHAIRMAN: If not the Chair is ready for a

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motion.

MR. HAYDEN: I make a motion for approval with Staff Recommendations and Conditions 1 through 3 and Findings of Fact 1 through 5.

CHAIRMAN: Motion for approval by Mr. Hayden.

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.

Next item, please.

RELATED ITEM:

ITEM 6A

1611, 1615 Frederica Street, 0.485 acres Consider request for Variances in conjunction with an application for zoning change to reduce the roadway buffer on Frederica Street from 60 feet to 40 feet.

Reference: Zoning Ordinance, Article 13, Section 13.6221

Applicant: Marcus Bosley; Bill T. Timbrook

MR. HOWARD: A very similar scenario to the previous variance. Numerous variances along Frederica Street reducing roadway buffer to 45 feet. Similar conditions as well. That we would recommend approval that they resubmit subdivision plat to consolidate the lots. That the roadway buffer be granted at 45 feet instead of at 40 feet.

We feel this because based on findings it will
not adversely affect the public health, safety or welfare; it will not alter the essential character of the general vicinity; it will not cause a hazard or a nuisance to the public; and it will not allow an unreasonable circumvention of the requirements of the zoning regulations.

We would like to enter the Staff Report in to the record as Exhibit D.

CHAIRMAN: We do have somebody representing the applicant. Are there any questions?

(NO RESPONSE)

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

MR. PEDLEY: Mr. Chairman, make a motion for granting the Variance based on the findings it will not adversely affect the public health, safety or welfare; it will not alter the essential character of the general vicinity; it will not cause a hazard or a nuisance to the public; and it will not allow an unreasonable circumvention of the requirements of the zoning regulations with the conditions of approval of a Consolidation Plat and the roadway buffer variance is granted at 45 feet from the centerline of Frederica Street.

CHAIRMAN: We have a motion for approval by

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Mr. Pedley.

MR. EVANS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 7

Portion of 4300 Highway 54, 7.72 acres

Consider zoning change: From A-U Urban Agriculture to B-4 General Business

Applicant: Lake Forest Community, LLC

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS:

1. Access to Highway 54 shall be limited to a single access point in alignment with Gate Way. All individual lot access shall be from internal streets only;

2. Install a right-turn lane on Highway 54 at the access in alignment with Gate Way unless the projected intersection traffic does not meet the warrants of the Kentucky Transportation Cabinet policy for auxiliary turn lanes;

3. A 10 foot landscape easement with a six Ohio Valley Reporting (270) 683-7383
foot element and one tree every 40 linear feet shall be installed along the south property line where adjoining residential zoning; and,

4. Due to the proximity to existing residential zones, all lighting for the subject property shall be directed away from the residential property to reduce the glare and impact of the lighting on the residential uses.

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 an Urban Residential Plan Area, where general business uses are appropriate in very-limited locations;

3. The proposed use of the property as a commercial subdivision will be nonresidential in use;

4. The proposed zoning change is a logical expansion of an existing general business zoning classification located immediately east of the subject property; and,

5. With the installation of an access point to Highway 54 and improvements required by the Kentucky Transportation Cabinet, the development should not overburden the capacity of roadways and

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other necessary urban services that are available in
the affected area.

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

MR. PEDLEY: Mr. Chairman, I need to
disqualify myself on Items 7, 8 and 8A.

CHAIRMAN: Let the record show that Mr. Pedley
has disqualified himself on those mentioned items.

Do we have somebody representing the
applicant?

MR. RINEY: Yes.

CHAIRMAN: Do we have any questions of the
applicant?

MR. EMBRY: Yes.

CHAIRMAN: Yes, sir.

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

MR. EMBRY: Barry Embry, 4748 Water Wheel Way,
Owensboro.

(BARRY EMBRY SWORN BY ATTORNEY.)

MR. EMBRY: I also represent the Tanglewood
Homeowners Association.

The only question we have is dealing with the
previous zoning on 54 where there's supposed to be a
buffer and trees put in. The street work has been put
in. The roughing has been put in. Nothing has been
done as far as putting the buffer in. So we’re not
opposed to any of the zoning to B-4, but curious when
the work is going to be done as far as what was
approved with the original piece on the corner of
Thurston-Dermont Road and 54.

CHAIRMAN: Okay, Mr. Embry. Thank you.

Mr. Riney, I believe you’re representing the
applicant.

MR. RINEY: Yes, sir.

MR. SILVERT: State your name, please.

MR. RINEY: Jim Riney.

(JIM RINEY SWORN BY ATTORNEY.)

MR. RINEY: The developers have the screening
requirement and they fully intend to implement that
screening requirement. Two things have occurred.

Number one, there has been some discussion
with some of the adjacent Tanglewood property owners.
That they may want to acquire a small strip. Of
course, that would have to come back before the
Planning Staff at a minimum, possibly this body. Then
there’s also a temporary detention basin there that
was built during construction.

As Mr. Embry said, there has been some work
out there, earth work and preliminary streets and some
utilities have been installed, but with the unknown
about the acquisition of the strip along that property
and the retention basin, the screening hasn't been put
in. Typically the screening is installed when there's
some buildings or parking, something that warrants
that more than the earth work and the beginning of the
infrastructure. So the developers are aware. The
screening is in. They're committed to do that and
basically it's a question of timing.

CHAIRMAN: Thank you, Mr. Riney.

Does anybody else have any questions?

(NO RESPONSE)

CHAIRMAN: Mr. Embry, I think he answered your
question.

MR. EMBRY: Yes. We don't expect an exact
date. I know we're not getting an exact date, but
it's sort of been sitting there, sitting there. So
we're just kind of curious if it's this year or next
year.

CHAIRMAN: I think he sort of gave you the
reasons for.

MR. EMBRY: Yes. I know the reasons. Mainly
thing just wanted it brought that it was still laying
out there.

CHAIRMAN: Thank you.
If there no further questions, the Chair is ready for a motion.

MR. ROGERS: Motion for approval based on Planning Staff Recommendations with Conditions 1 through 4 and Findings of Fact 1 through 5.

CHAIRMAN: We've got a motion for approval by Mr. Rogers.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE - WITH THE DISQUALIFICATION OF WARD PEDLEY.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 8

Portion of 4300 Highway 54, 15.41 acres
Consider zoning change: From A-U Urban Agriculture, R-1A Single-Family Residential and B-4 General Business to R-1C Single-Family Residential

Applicant: Lake Forest Community, LLC

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS:

Provide a pedestrian connection to the greenbelt trail to the south.

FINDINGS OF FACT:

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

2. The subject property is located in an Urban Residential Plan Area, where urban low-density residential uses are appropriate in limited locations;

3. The proposed use is in compliance with "Urban Residential Development" as outlined in the Comprehensive Plan;

4. The proposal is a logical expansion of existing R-1C zoning to the east, south and west; and,

5. Sanitary sewer service is available to the subject property along with all other urban services.

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

CHAIRMAN: We have somebody here representing the applicant. Are there any questions of the applicant?

Yes, sir.

MR. SILVERT: State your name again for the record.

MR. EMBRY: Barry Embry.

We live at the entryway to our subdivision, Tanglewood. It is called Water Wheel Way. We know by looking at the plan that it's going to connect into
Lake Forest to what's called Springhurst.

We're curious as far as changing the street name and then also need to know from a buffer standpoint, traffic is going to pick up quite a bit on a street that is currently dead end. Is there going to be an entry buffer distinguishing Lake Forest from Tanglewood Park. Another concern is some communities they have put in speed bumps. They have slow down traffic and that effects property value. So just curious of what's going to make not go passing through our subdivision, because traffic will pick up if people are cutting through Lake Forest to get to 54 and miss the stoplight on the corner of Thruston and 54.

MR. NOFFSINGER: Mr. Chairman, I think I can address that.

There will be a median at the end of Water Wheel Way as you go on to Springhurst Lane. That median will be like a grass type median and you'll go on either side of it. So that should give you your buffer in terms of the going from one development to the other. There are no speed bumps proposed. Since these are public streets, there will be no speed bumps on those streets.

MR. EMBRY: So this will be similar to where
Brooks connects to Lake Forest, where you have the road that actually splits in the middle with grass on both sides?

MR. NOFFSINGER: Right. There will be no street name changes or addresses changes for anyone. You'll stay Water Wheel Way and the new part will be Springhurst Lane through Lake Forest.

MR. EMBRY: Thank you.

There will be no stop sign or anything. It will be just a flow through?

MR. NOFFSINGER: That's correct.

CHAIRMAN: If there are no further questions, the Chair is ready for a motion.

MR. ALLEN: Make a motion for approval subject to the condition they provide a pedestrian connection to the greenbelt trail to the south and the Staff recommendations and Findings of Fact 1 through 5.

CHAIRMAN: Motion for approval by Mr. Allen.

MR. EVANS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE - WITH THE DISQUALIFICATION OF WARD PEDLEY.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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Related Item:

ITEM 8A

Lake Forest, 15.41 acres

Consider approval of major subdivision preliminary plat.

Applicant: Lake Forest Community, LLC

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. The land use is consistent with the underlying zone and comprehensive plan. The proposal meets with the adopted subdivision regulations and zoning ordinance.

CHAIRMAN: We have somebody here representing the applicant. Do we have any questions?

(NO RESPONSE)

CHAIRMAN: If there are no questions, the Chair is ready for a motion.

MR. HAYDEN: I make a motion for approval.

CHAIRMAN: Motion for approval by Mr. Hayden.

MS. MOORMAN: Second.

CHAIRMAN: Second by Ms. Moorman. All in favor raise right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE - WITH THE DISQUALIFICATION OF WARD PEDLEY.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

Ohio Valley Reporting

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ITEM 9

507 East Parrish Avenue, 0.511 acres
Consider zoning change: From I-1 Light Industrial to B-4 General Business
Applicant: Aaron Clark; William A. & Patricia J. Johnson

PLANNING STAFF RECOMMENDATIONS

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

CONDITION:

No access shall be permitted to East Parrish Avenue. Access shall be limited to Sweeney Street and the alleys only.

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 an Industrial Plan Area, where general business uses are appropriate in very-limited locations;

3. The use as a chiropractic office will be nonresidential in nature and use;

4. The proposal is a logical expansion of existing B-4 zoning located across East Parrish Avenue to the south; and,

5. At 0.511 acres of proposed B-4 zoning, the expansion should not overburden the capacity of

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roadways and other necessary urban services that are available in the affected area.

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

CHAIRMAN: Do we have anybody representing the applicant?

(NO RESPONSE)

CHAIRMAN: Do we have any questions?

(NO RESPONSE)

CHAIRMAN: If there are no questions, the Chair is ready for a motion.

FATHER LARRY: Mr. Chairman, I move to accept the Staff Recommendation based on Findings Fact 1 through 5 and the condition that no access shall be permitted to East Parrish Avenue. Access shall be limited to Sweeney Street and the alleys only.

CHAIRMAN: Father Larry has a motion for approval.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously. Next item, please.

ITEM 10

Ohio Valley Reporting

(270) 683-7383
Portions of 2401-2501 Blocks Barron Drive, 
37.648 acres
Consider zoning change: From A-U Urban Agriculture to B-4 General Business
Applicant: Massie-Clarke Development Company, Inc., James C. Ellis Estate

PLANNING STAFF RECOMMENDATIONS
The Planning Staff recommends approval subject to the conditions and findings of fact that follow:
CONDITIONS:

General Conditions:
1. Surety for roadway improvements for each individual phase will be posted at the time of final platting and must be installed prior to the issuance of any occupancy permit for that phase of development except for the left-turn lane on Barron Drive at Access 1 as stated in Phase 1, Item 2 conditions.
2. Any commercial development beyond the 25,000 square foot threshold as established in the Traffic Impact Study will trigger the need for all roadway improvements to be completed.
3. Provide a minimum of 700 feet of spacing between the stop bar on Barron Drive at the Carter Road intersection and Site Access 2.
4. Provide a minimum of 250 foot spacing between any site access points.
5. Connect internal sidewalks to the existing

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sidewalk system.

6. Submission and approval of a final development plan.

7. Due to the proximity to residential structures, all lighting for the subject property shall be directed away from the residential structures to reduce the impact of the commercial light and glare onto the residential property.

Phase I Conditions:

1. Install Access 1 to serve as the main access to Phase 1 development with the first final plat.

2. On Barron Drive at the intersection of Site Access 1, install an eastbound left-turn lane per KYTC specifications when the 125th lot is final platted.

Phase II Conditions

1. Install a traffic signal at the Carter Road and Barron Drive intersection if the signal has not been installed by others.

2. Install a northbound right-turn lane on Carter Road at Barron Drive per KYTC specifications.

3. Extend the westbound left-turn lane on Barron Drive at Carter Road from 125 feet to 225 feet or as required by KYTC.

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4. Provide sufficient left-turn lane capacity for eastbound traffic on Barron Drive at Site Access 2 per KYTC specifications.

5. Widen Barron Drive from the Carter Road intersection to Site Access 1 (the easternmost site access) to accommodate three 11-foot lanes with a center, two-way left-turn lane.

6. Review with local officials the need for additional traffic control at Tamarack Road and Barron Drive.

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 an Urban Residential Plan Area, where general business uses are appropriate in very-limited locations;

3. The use as a commercial center will be nonresidential in nature and use;

4. The proposal is a logical expansion of existing B-4 zoning located across Barron Drive to the east;

5. At 37.648 acres, the proposal exceeds the 1.5 acre minimum recommended in the Comprehensive Plan; and,
6. With roadway improvements as required by the traffic impact study and the reviewing agencies, the expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

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

CHAIRMAN: Do we have anybody representing the applicant?

MR. SANDIDGE: Yes, Mr. Chairman. My name is Ridley Sandidge. I'm here on behalf of Massie-Clarke Development Company. Accompanying me tonight are Mr. Jim Riney who is the engineer and Mr. Bill Hayes who is a traffic engineer. We're here to answer any questions the commission may have or that anybody else may have. Thank you.

CHAIRMAN: Thank you, Mr. Sandidge.

Are there any questions from the audience?

Yes, sir.

MR. VESSELS: My name is Mark Vessels.

(MARK VESSELS SWORN BY ATTORNEY.)

MR. VESSELS: I live at 4060 Pine Lake Court. So I live in Brookhill, but my parents live at 2512 Middleground Drive. They have since 1971.

I think what we have here is two different

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issues. I think the first issue is the flood problem.
This was addressed a little bit a couple of nights ago
at the meeting I believe at Lewis Lane Baptist Church.
Mom and Dad has lived there, like I said,
since 1971, since I was 11. There were floods there
back then.

CHAIRMAN: Sir, let me interrupt you at this point. This commission has nothing to do with the flooding, the retention basin or anything like that. This meeting tonight, this hearing tonight is only concerned with the zoning change. So flooding is an entirely separate issue which we will not address.

MR. VESSELS: So who do we complain to the fact that it's flooding Mom and Dad's property like never before?

CHAIRMAN: The complaint will be tied in with the applicant because the city engineer will eventually sign off on the plot. When he signs off on the plot, it will state that the flooding and retention basin and everything meets where there's no water from flood property flowing on another property owners. That will come to us later, but tonight we're only discussing the changing of the application for the zoning change.

MR. VESSELS: Okay. So this will be brought

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up later, the problem with the flooding?

   CHAIRMAN: It will be dealt with in the
application when it goes -- if we change the zoning
requirement or we change the zoning from agricultural
to the different zoning change, then it will go to the
city engineer for approval and he has to sign off on
it for the drainage, for the runoff, and stating that
there will be no property, water going from one
property owner to another.

   MR. VESSELS: So the fact that they change
this thing four times trying to keep the water from
doing anything is --

   CHAIRMAN: That really has no bearing on the
zoning change, but I think Mr. Noffsinger will address
that.

   MR. NOFFSINGER: Yes. Thank you, Mr.
Chairman.

Tonight we are here to consider the land use
for the property in terms of the zoning. Right now
it's zoned agricultural. We're considering whether to
be B-4 general business, residential or multi-family
residential. We do not have a drainage plan on the
agenda tonight. There is not a drainage plan for this
property. That will come at a later date. That later
date is at the time that the developer files a

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preliminary subdivision plat and final development
plan for the property. The developer cannot turn one
shovel of dirt until such time as that plan comes
before this commission and is considered. Any
cconcerns about drainage that occur out there now that
you have need to be taken up with the City of
Owensboro and the city engineer's office.

CHAIRMAN: That's step one.

MR. VESSELS: I understand. I understand.
We've done that to no avail for over a year now.

On the other, as far as the B-4 thing, I mean
does anybody really want businesses in our backyard?

Mr. Pedley pointed out earlier on another
matter that a P-1 would be much more preferential than
the B-4 in somebody's yard or in somebody's
neighborhood. That's what you all are going to these
guys neighborhood. Is you're putting businesses right
in their backyards, and they don't like it.

I was under the impression that you wouldn't
just zone something B-4 that wasn't contiguous with
any other B-4. It's kind of spot zoning something
B-4.

MR. NOFFSINGER: I can address that question,
if you would like.

CHAIRMAN: Yes, sir,
MR. NOFFSINGER: The way the zoning ordinance is written, if you're on a major street within the limits of the bypass, such as an arterial or major collector, you can make application for commercial zoning. If you're outside the limits of the bypass, you have to adjoin an existing B-4 general business zone in order to make application for that. So due to the location of this property and the flexibility of the adopted comprehensive plan we have for this community, the applicant is able to submit an application.

MR. VESSELS: Okay. Well, those are my concerns. I know that my father, my mother and the others in the neighbor that I know of absolutely don't want businesses in their backyard. Thank you.

CHAIRMAN: Any other comments?

Yes, sir.

MR. SILVERT: State your name, please.

MS. MASTELLER: Kimberly Masteller.

(KIMBERLY MASTELLER SWORN BY ATTORNEY.)

MS. MASTELLER: I live at 2516 Middleground Drive and that's at the end of where Barron and carter meets.

My understanding was, and you've just stated that, that you're not talking about flooding issues.
and I understand that now, but I didn't think they would zone anything until this issue was fixed before.

I understand what you just said.

Also, my concern is I live behind, my house will be right behind. I'm the second to the end of Middleground. My house will be behind where the commercial buildings will be built. I don't know what kind of commercial building you're talking about. If it's a gas station or what it may be. My concern is if this does happen I want to know if they're going to put a concrete, at least an 8 foot or higher concrete wall that divides our neighborhood to the commercial area for privacy or just for protection. If it's a gas station, I don't want someone at 3:00 in the morning robbing the place and running into my backyard. I have children and there's other families that have children in our neighborhood. I want to see that.

Exactly what he was saying. I don't understand how they would put commercial and then I understand that it would be apartment buildings and then another neighborhood. How that all ties together when it's going against another neighborhood. I don't see why they would do that because that would also make our homes be less in value because of this.

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I moved in and they have cut off Barron Drive to Middleground because of the traffic, because of children and it's neighborhood. They cut that off for that reason and now with the commercial building you're putting in behind us and the side street that stops and doesn't come in, you're opening that up for commercial traffic to go through the neighborhood. I understand if it opens up down the road where there's more neighborhoods being built, but not behind our house where it's commercialized. You're going to have delivery trucks going in and out of that neighborhood. It's hard right now for our school bus drivers to drive a school bus down and be able to turn around because you can't turn around and go through -- you have to turn around in that little area.

So it concerns me that they're going to open that road up for commercial use.

CHAIRMAN: Thank you.

Mr. Sandidge.

MR. SANDIDGE: Yes, Mr. Chairman.

CHAIRMAN: I think there were several questions there. There was a question there about the kind of development of the B-4 business development and about the screening that will take place there. I assume you were following along there with the Ohio Valley Reporting (270) 683-7383
neighborhoods there on Middleground.

MR. SANDIDGE: Correct. I believe that's right.

There are no plans in place for any particular use, gas station or any other commercial use for this particular property at this time. So I can't identify any particular use that is going to be put to right now.

If the zoning change is approved, it will be B-4 general business.

With respect to screening, we're going to comply with whatever the requirements of the zoning ordinance are for 6 foot continuous element, trees every 40 feet. Certainly whatever is imposed on us in the final development plan we'll comply with. That's our plan for that.

CHAIRMAN: At this present time, Mr. Sandidge, there are no businesses that are signed up or anything that's going to go in these B-4 areas at this time?

MR. SANDIDGE: That is correct.

CHAIRMAN: Thank you.

MR. SANDIDGE: Yes, sir.

CHAIRMAN: Are there any other questions?

Yes, ma'am.

MS. MASTELLER: He said it's not going to be Ohio Valley Reporting

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as of right now any commercial buildings or whatever,
but there will be sooner or later.

CHAIRMAN: No, ma'am, that is not what he said. He said at this time there are no plans for what they are going to use it for. He didn't say there weren't going to be commercial buildings.

MS. MASTELLER: But there will be.

I would not like to see trees or bushes put there every 40 feet. Is that what he said? That's not any protection or privacy between a residential area neighborhood.

CHAIRMAN: Excuse me. What Mr. Sandidge was saying there, and I'll allow you to correct me if I'm wrong. I think Mr. Sandidge referred to the ordinance, whatever the ordinance required for that specific incident. Whatever it might be they are willing to do it and will do it. Mr. Noffsinger could be more specific.

MR. NOFFSINGER: For B-4 General Business it would be a 6 foot high continuous element. That might be a wooden privacy fence. It could be shrubs, but it has to be meet I believe it's an 80 percent opacity requirement. So it has to be close to solid. It's not necessarily solid. If it's a vinyl privacy fence, perhaps you're going to get closer to that. It's an
80 percent opacity and it's a 6 foot element.

MS. MASTELLER: I'm new to this. I'm not sure what all of this means.

When this does take place, do I come back again to find out what they're going to be putting there? Because they can't tell us now what's going to be put there. Is this another time and date?

MR. NOFFSINGER: There will be another application before this board at some point in the future to show to this board and the public what they intend to do.

Now, adjoining property owners are not notified. In a zoning change they are. However, on a preliminary subdivision plat final development plan, adjoining property owners are not notified. I would hope that some way you are notified by the press or by the developer.

MR. SANDIDGE: Let me say this about that.

CHAIRMAN: Mr. Sandidge.

MR. SANDIDGE: I understand her concerns and I appreciate that. We're willing at such time a final development plan comes up to give notice voluntarily to everybody that was given notice of this hearing tonight.

MS. MASTELLER: I would appreciate that.
MR. NOFFSINGER: That would give you the opportunity, everyone that receive a notice with the zoning change, you would receive that notice. You would know when this board is going to take action on that development plan. At that time you would have the specifics on the street design, the drainage, screening and buffering requirements. I'm not saying you shouldn't address screening tonight. I think that's certainly something in terms of land use compatibility there that you should talk about, but there will be plan at a later date that is not here tonight.

CHAIRMAN: Wouldn't it be correct at that time also, Mr. Noffsinger, that the certification by the county engineer would go with that piece of property about the drainage?

MR. NOFFSINGER: The city engineer, yes, sir, would have to sign off on the drainage plan, if it's in the city annex. If it's not annexed in the city, it would be the county engineer.

CHAIRMAN: Presently I think it's county property.

Are there any other questions?

Yes, sir.

MR. SILVERT: Could you state your name,
MR. BABBITT: Bob Babbitt.

(BOB BABBITT SWORN BY ATTORNEY.)

MR. BABBITT: I live at 2530 Chant Court. It's on the corner of Middleground and Chant Court.

I can tell you that the drainage problem and what the city or whoever has done it is not adequate. I know you're not here to address flooding, but I've been in that area since 1993. I remember some good floods. I can remember 1997. That two hours of that flood they called it that they had a week or so ago was up to -- and I'm down at the far end close to Marywood. The water was almost up to my garage, almost in there. If it hadn't stopped, I would have had water in my garage, in my house. I spent a lot of money on my house. I've got laminate floors. All it takes is a little bit of water and it's all wiped out.

Now, my question is this: When is the purchase of this, when are they going to address the problem of sewers? They've done a bad job on the sewers. A real bad job. It's so dry out there right now there shouldn't have been any water in the basin at all. Everything came from down around Barron Drive all the way down that ditch to Chant Court. Chant Court was completely flooded. The backyards of people
on Chant Court was flooded. My backyard was. In about one more hour of rain, it would have been in my house.

CHAIRMAN: I appreciate your comments, but there again we're not doing this tonight.

MR. BABBITT: I realize that.

CHAIRMAN: Mr. Noffsinger will give you an update of when this will take place and we will have a certification by the city or the county engineer and the correction of the drainage situation.

MR. BABBITT: I realize that and I hate to take your time up and I don't mean to be impolite, but I've been retired. I've got everything tied up in my house right now. Like I say, one more hour of rain coming down and I would have been wiped out.

CHAIRMAN: All right. Mr. Noffsinger.

MR. BABBITT: I would have been wiped out. The rest of the people would have been wiped out. The only way with us, and I know I'm out of order, is to bring our problem to the forefront of the people that we can talk to. We were down at the Neighborhood Alliance meeting. There was probably about 65 down there stressing our point. It's the only reason I'm up here. I know I'm out of the order and I don't mean to be impolite. I thank you people for listening to Ohio Valley Reporting

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me, but you're going to have a whole neighborhood over there that's just going to be a mess.

CHAIRMAN: You have not been impolite and we will address your concerns, but at this time we cannot address your concerns.

MR. BABBITT: I understand that.

CHAIRMAN: But they will addressed at a later time.

MR. BABBITT: I just would like to know when the people purchasing this and they come up with this when will they address it. That's all my concern is.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: I believe the City of Owensboro is currently attempting to address the problem. The city engineer, Joe Schepers, is here tonight. I think the city was out. Their contractors were out today working to clean the ditches in that area.

Again, we're not here to solve that problem tonight. We can't solve that problem tonight. The city engineer is fully aware of the situation. Prior to the plan coming in for our approval and this board approving any plan to develop that property, the city or county engineer will have to sign off on the plan, the drainage plan, and those problems need to be
corrected.

They realize there is a problem and they're working very feverishly to correct any problems that might exist out there today. It's going to take time and the developer will not be turning dirt next week, next month. It's going to take a little bit of time.

MR. BABBITT: Can I say one more thing?

CHAIRMAN: No, sir. We've got another gentleman that has not spoken. We're going to give him the opportunity.

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

MR. HOWARD: My name is John Howard.

(JOHN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: We reside at 2250 Middleground Drive. I've got a question for the chairman.

It's my understanding that one of the primary functions of this commission is to protect the safety of the citizens of Owensboro; is that correct?

CHAIRMAN: Amongst many others.

MR. HOWARD: Is that correct?

CHAIRMAN: We are charging with planning and zoning and obviously the safety of the citizens is one of those things. I would say the police and other organizations stand before us in being the primary.
MR. HOWARD: I want to state that I'm not in an adversarial position with the James C. Ellis heirs or with the Massie-Clarke Development Company.

Good to see you back in town, Ridley.

MR. SANDIDGE: Thank you, John.

MR. HOWARD: This might be a little unorthodox. We used to have an inconvenience in Thoroughbred Acres. Thoroughbred Acres is a beautiful place to live. Got good neighbors. Everybody keep their property up. Minds their own business. No crime.

We now have a severe safety problem in Thoroughbred Acres. I would like to ask the Commission if -- now, this safety problem comes as a result of the changes that were made in the James C. Ellis property. If it hadn't been changed, I wouldn't be here tonight.

That property is going to have to play a role in re-establishing the safety of the citizens of Thoroughbred Acres. I would like to ask the Commission if you would perform the part of the duty that I think you do, is protect the safety of citizens of Owensboro. Would you all consider maybe tabling this application?

Our problem is this: The city is beating
around the bush about what they're going to do here.

Now, I'm not an expert, but I've been around the drainage issue for many years. That Ellis property is going to have to play a part in straightening out the safety problems that exist in Thoroughbred Acres. I don't know it's going to be additional easements or what's going to happen. I think that we're looking at a very expensive fix. Now, if the rezoning is approved, then that kind of closes an avenue we have to help the city to get this problem straightened out. I don't think delaying the rezoning of this property for 30 days is going to be hurt anybody. It might be very important to us.

CHAIRMAN: Mr. Howard, let me --

MR. HOWARD: I didn't say anything about flooding. I'm talking about safety. I know that you protect the safety of the citizens of Owensboro and we're pleading with you now to hear our case.

CHAIRMAN: What is the safety issue that you're identifying?

MR. HOWARD: Now, don't accuse me of talking about flooding.

CHAIRMAN: You were going someplace and I know we were going there together, but I didn't get there.

MR. HOWARD: I'm going to try to explain to
you what the safety problem is.

     CHAIRMAN: Very good. Very quickly I hope.

     MR. HOWARD: I've got a Dixie Dumpster that belongs to the City of Owensboro. It's sit in the same place for years, and years, and years. You know where my Dixie Dumpster wound up at?

     CHAIRMAN: No, sir. I have no idea.

     MR. HOWARD: Over four miles away. Now, how did it get over there? Now, if my Dixie Dumpster had instead been a two year old child, he'd been over there too. I'm an old gray-headed guy. If I was out there wading around and fell down, I would have been over there. So we've got a safety problem.

     I don't see that it's unreasonable to ask this Commission to simply delay this decision for 30 days until the City comes up with a concrete proposal that satisfies the citizens of Thoroughbred Acres. You've got a responsibility to protect our safety.

     CHAIRMAN: Is that the conclusion?

     MR. HOWARD: No, sir.

     You opened a can worms here. Okay. It's been stated that no water will come off --

     CHAIRMAN: Sir, we've been down --

     MR. HOWARD: Wait a minute. You're the one stated -- it was stated here tonight that no water

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will be permitted off this property onto other property.

CHAIRMAN: I said that is what the city or the county engineer does. That's not what this commission does.

MR. HOWARD: Did I hear that wrong?

CHAIRMAN: That is not what this commission does. That is what the city or the county engineer, and that's exactly the way I stated it and that's the way I will restate it.

MR. HOWARD: Might I ask Mr. Ridley a question?

CHAIRMAN: You can ask the commission and I'll address Mr. Sandidge.

MR. HOWARD: Would you ask the counsel for the Massie-Clarke Development Company if they would delay this application for 30 days?

CHAIRMAN: I'll be glad to. Thank you.

Mr. Sandidge.

MR. SANDIDGE: I heard the question.

CHAIRMAN: I'm sure you understand it.

MR. SANDIDGE: I do. I do.

I want to make a couple of things clear here in response to the question first.

We've got an option to purchase this real Ohio Valley Reporting

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estate. The option is contingent upon obtaining satisfactory zoning for the intended use that we want to put the property to.

We haven't turned a spade of dirt. We have nothing to do with any drainage issues out there. While I appreciate the concerns that are being expressed here about drainage, we don't have anything to do with that. That's not our responsibility. We simply have an option. We're trying to get the property rezoned.

We have contractual obligations which have time limitations, and that's why we're here before you tonight. My client has spent a great deal of money getting this property set up as it's set up now. With whatever drainage solutions work out, and I'm confident something will be worked out, we're going to spend more money. We're doing this thing incremental. One thing we need to know is whether or not we can get the property rezoned for the uses that we intend. If we can't do that, we can stop and quit. Until we know that, we can't really move on and move forward.

Given that fact and given the time limitations that we are under, and we are under time limitations, I cannot consent to tabling this matter.

CHAIRMAN: Mr. Sandidge, would you say that
the drainage situation is an upmost concern of your
client?

MR. SANDIDGE: I don't want to say it's the
utmost, but it is certainly a major concern, yes.
Yes, it is. It's something we're going to have to
look at.

CHAIRMAN: There's one person here that I
think I may ask to come to the podium. He may be able
to help us with some of these issues.

Mr. Schepers, would you mind stepping to the
podium?

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

MR. SCHEPERS: Joe Schepers.

(CHOE SCHEPERS SWORN BY ATTORNEY.)

CHAIRMAN: First I want to thank you on behalf
of the commission and all the audience here for being
and attending this meeting. Thank you very much.

Now, obviously you've heard the concerns of
many of our citizens. Obviously you're very much
aware of the drainage situation. Would you take the
commission and the audience through the steps the city
is taking and will take to alleviate this problem?

MR. SCHEPERS: Yes, sir.

We met with the neighborhood alliance two
nights ago and went through this with them to try to alleviate some of their concerns. Basically currently we're working with the design firm that we had hired to design the entire project to come up with solutions to some of the drainage projects. We're working at redesigning the ditches along Barron. We're working at some of the ditches, redesigning the ditches on the backside of Middleground. We've already started working on cleaning out the main ditch that goes down the center of the field. So basically we are working on, as Gary said, it's not a quick fix. It is something that we are working with that. We're also working with the Ellis Estate as far as obtaining some easements from them to put these additional ditches in. Our intention is by the end of the week, which is tomorrow afternoon, we'll have a final solution.

We are divided up into two halves. The west half and the east half. We have presented the western half solution to the Ellis Estate. We intend to produce the eastern half to them tomorrow working with our design firm.

CHAIRMAN: What would you say your estimate, and I'm not asking a professional opinion. I'm just asking an estimate. The flow through the ditches currently versus the flow that they're able to achieve
with the re-engineering that you all are doing and the cleaning up?

MR. SCHEPERS: Well, the main ditches there's no more water. It's still the same amount of water getting to the main ditches. Still the same amount of water getting to Scherm. So that hasn't changed.

As far as volume, that I can't tell you those numbers off the top of my head.

CHAIRMAN: But obviously your improvement so far is to obviously alleviate these problems that we're facing right now?

MR. SCHEPERS: Yes. The water that used to flow across the Ellis Estate at a diagonal used to come off of the streets and flow kind of diagonally across the Ellis Estate and get into the ditches. What we're trying to do is create ditches along the north property line that will take it around the border of the Ellis Estate and then directly into the same ditches it was getting into prior to the project.

CHAIRMAN: My previous statement about what your, if it is city or the county engineer if it stays county, is to make sure that when you sign off on the property that the water from one property does not leave that property and flood another property.

MR. SCHEPERS: Yes, but you've got two

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different issues.
The first is the issue of what the city's project has done out there. That is not part of Massie-Clarke's doing. It's not part of Massie-Clarke's project. They're not really involved in that. They really have nothing to do with it. That is the city's project. That is the city's concern and the city's fix. I don't see where that could tie with Massie-Clarke.

The second issue is once Massie-Clarke develops on the property that the city has raised, at that point we would be stepping in, reviewing their drainage and making sure their drainage plan works, all their design calculation works.

So you have two different issues, two different projects. One is the city's concern. The would be the Massie-Clarke's to have develop afterwards, which both the city and the county would be reviewing. So there are kind of two steps, two issues, two different responsible parts.

CHAIRMAN: When you say "works," you mean there' not a drainage problem, correct?

MR. SCHEPERS: That is correct. So once the city gets everything up and running, the city gets the problem resolved, we will have the ditch work going
around, then Massie-Clarke or whoever, Massie-Clarke
if they get the rezoning, they get to develop it, then
we will be reviewing all of their calcs. and making
sure their calcs. follow on the improvement specs and
they have no additional water, more than what's there
now coming to them.

CHAIRMAN: When you say you've worked with
Massie-Clarke for additional easements --

MR. SCHEPERS: No, sir. I'm working with the
Ellis Estate.

CHAIRMAN: I'm sorry. Ellis Estate.

Incorrect.

With the Ellis Estate for additional
easements, would you explain that?

MR. SCHEPERS: I would rather not because
they're talking about property acquisition. I would
rather not talk about that publicly.

We are working with them to obtain purchase
additional easements from them. No, I would not like
to elaborate because that's property acquisition.

CHAIRMAN: I'm sorry. I thought maybe it
would tie in somewhat to the drainage situation. I
understand your position on that.

Now, after I got a few of my questions cleared
up and answered, Mr. Schepers, stay close at hand.

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Why don't you sit down close because I'm sure we'll be calling you back.

Yes, ma'am.

MR. SILVERT: State your name, please.

MS. BELL: Ashley Bell.

(ASHLEY BELL SWORN BY ATTORNEY.)

MS. BELL: I just have a couple of questions.

One, if it is rezoned to a B-4, what would that do the adjoining property value? The second one is, I know one of the ordinances is to be 10 feet from the adjoining to start building, 10 from the adjoining property. I know the city is speaking of digging a deeper ditch. Would that be 10 feet from the ditch or 10 feet from like my fence line?

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: One, this commission cannot comment on property values. That would be a job of an appraiser. So you would have to consult an appraiser. Setbacks are measured from the property line. Not a ditch line. It will be where the property line falls.

MS. BELL: Thank you.

CHAIRMAN: Yes, ma'am.

In the back.

MR. SILVERT: State your name, please.
MS. BRANCH: Deborah L. Branch.

(DEBORAH L. BRANCH SWORN BY ATTORNEY.)

MS. BRANCH: My question is: We're not as much involved with the commercial end on Middleground because we live at 2238 Count Turf, but we are concerned with the individual who is representing Massie-Clarke stated that he would be willing to notify the people along Middleground of any future plans on B-4. However, that affects more than just line of Middleground. That affects all the people that's over in that area of the subdivision. I'm asking for them to take into consideration to ask all of us along that west end or southwest end of Thoroughbred Acres for our input on what a B-4 and what B-4's can be put in there, plus the multi-family dwelling. Ultimately that is going to affect everyone's property values. That is not an enhancement to a Thoroughbred Acre Subdivision. I don't care if you put up a 6 foot wall, you put up 40 trees. I don't care what you do out there. That is a traffic problem when you're opening up the streets, opening up access roads. There's going to be a lot more traffic coming through there. There's going to be a lot more noise. Right now our streets are not even -- a lot of parts of the streets need to be

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repaired. So we're going to have more damage onto the streets. So that's my question in regards will they take into consideration if this is zoned to a commercial B-4 multi-family dwelling, residential, whatever they're going to zone it as, that they take into consideration everyone in that subdivision. Not just the people along Middleground. Because there's Count Turf. There's Venetian Way. There's Canonero Loop. There's Chateau. There's Chant Court. There is Carry Back Court. They're all going to be affected by it.

CHAIRMAN: Thank you, Ms. Branch.

Mr. Sandidge, I know that you willingly volunteered to notify the people that you're required to notify by our ordinance. Ms. Branch has a concern and a question.

MR. SANDIDGE: Let me say thins: I want to clarify my offer a little while ago. My offer is contingent upon us being the proponent of the development plan. If somebody else, then the deal is off. If we're the proponent of the development plan, we will voluntarily give notice to people in the B-4 zone. I cannot agree to give notice to everybody in the world. If this lady wants to give her name and address to me, I'll add her to the list, but I'm not
going to agree street by street.

    CHAIRMAN: Yes, sir. Thank you.

    MR. NOFFSINGER: Mr. Chairman, it will be the
Planning Staff's recommendation that if an approval is
granted tonight on any or all of these zoning changes
that a condition be placed on the rezoning that
requires the applicant at the time they submit their
detailed plans, preliminary plat, final development
plan, that the applicant notify all adjoining property
owners as they did with the zoning change. Now,
that's not everyone up Venetian Way, but I feel like
the word is probably going to get out that the
development is proposing to develop the property. If
these properties were notified as part of the zoning
change, the same property owners of property should be
notified with the development plan.

    CHAIRMAN: Mr. Sandidge, yours originally was
sort of a voluntary pledge on your part.

    MR. NOFFSINGER: We're going to help you.

Mr. Noffsinger is making this a part of the condition.

    MR. SANDIDGE: That's fine. I just didn't
want to create a requirement that I would ultimately
fail in complying with.

    CHAIRMAN: I understand. I wanted to make
sure that now --

    MR. NOFFSINGER: We're going to help you.
MR. SANDIDGE: Thank you. That's fine.

CHAIRMAN: Thank you, Mr. Sandidge.

Let me make sure that we've gotten everybody

who has not had a chance to speak to speak.

Yes, ma'am.

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

MS. SNYDER: Beth Snyder.

(BETH SNYDER SWORN BY ATTORNEY.)

MS. SNYDER: Before you vote on the B-4 I

would like for you to ask Mr. Sandidge an option.

He's got the multi-family behind the residential area

on Middleground. To me, I'm not a planner or

anything, but it appears that maybe a multi-family

area, which could be quite a few people, if it's a

high-rise, three or four stories high maybe or how

many apartments or duplexes or whatever they're going

to put there. I don't think you can limit that. If

he could move that multi-family zoning there, before

you vote on B-4, because I think after you vote on

B-4, stick that over there by that basin. Put it over

there by the basin. That will be a big chunk of the

residents, a larger group of the population that are

single-family dwellings and they would be going out

Barron Drive. That would help as far as our
neighborhood maybe. I'm not against people that live in apartments, but there wouldn't be quite so much noise. There wouldn't be quite so much traffic. They would go out Barron Drive and that would relieve some of the traffic over in the residential neighborhood. I don't know if it's too late for him to change his plan, but I feel like after he gets it on B-4 it will be B-4 from now on.

CHAIRMAN: We can sure ask.

We'll start with Mr. Sandidge. That may not be his expertise.

Mr. Sandidge.

MR. SANDIDGE: Thank you. It's certainly not my expertise. We have developed the proposed use of this real estate over time and we brought it before this commission tonight. I don't have the authority, I certainly don't have skill, don't have the ability to make changes and move things around. So what's before you tonight is what has to be either voted on tonight and approved or declined. I don't have the ability to make that change nor the authority to make that change.

CHAIRMAN: Thank you, Mr. Sandidge.

Yes, sir.

MR. SILVERT: Would you state your name,

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please?

MR. HELM: Reggie Helm.

(REGGIE HELM SWORN BY ATTORNEY.)

MR. HELM: I just want to agree with both John and this lady here. That I think if we delay this maybe they can go back to the drawing board and maybe work with it a little bit.

When we bought this property, we knew eventually one day that it would be built, but we didn't realize it was going to be three feet taller than what it was or that there would be businesses there. We figured maybe, you know, hopefully to be family, but not multi-dwelling. We wish that they would delay and maybe meet with the alliance. When they do notify, notify the alliance who can also assist in notifying the neighborhood. I ask that you delay for 30 days so maybe we can work on some issues.

Thank you.

CHAIRMAN: Yes, sir.

MR. SILVERT: State your name, please.

MR. ALBERS: My name is Josh Albers.

(JOSH ALBERS SWORN BY ATTORNEY.)

MR. ALBERS: I live along Chippewa Drive. My first question is about the gray area, about the city and the county. What portion of this is in the city.
jurisdiction and what portion is in the county?

I'm also delighted at the residential area
that we'll have behind us. However my question is, I
anticipate that it will be, especially right from the
basin that it will be a little more upscale than our
neighborhood. I would ask that some barrier be put up
or something like that to separate it out from the
more humble neighborhood that we have.

CHAIRMAN: Thank you. You did a nice job.

Very concise and quick questions.

Mr. Noffsinger, I think both of these are
yours.

MR. NOFFSINGER: Two questions.

One, all of this property is located within
the limits of Daviess County. There's not any of it
that's been annexed into the City of Owensboro at this
point. I can't tell you that it's going to be or it's
not going to be, but it hasn't been at this point.

Two, in terms of the screening from
residential R-1C to R-1C, typically the zoning
ordinance does not require a buffer from residential
to residential. So typically you do not buffer
residential uses. The adopted comprehensive plan
actually encourages a variety of housing types within
developments so that you don't have particularly

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exclusionary zoning where you only have houses of one price level. It encourages and a good planning practice, encourage these housing types of many different values and sizes. We don't have any requirements there.

CHAIRMAN: Mr. Schepers, would you come back to the podium again.

Some of the people in the community and the surrounding neighbors are obviously concerned with their drainage issues and other things. Mr. Sandidge representing the developers obviously want to move forward on the project, which I think, you know, obviously we want to promote projects if we can. The city or the county engineer is really, I know and I applaud the city for the efforts that you say they're doing as we speak. They're right on this. Clearing out and doing things to help promote this project, to help promote drainage, to help the neighbors in Thoroughbred Acres with the water problem, which they've made it very obvious it is a very bad situation.

Would you reiterate the final step that either you, the city engineer, or the county engineer in your position would be that have really the final key on this drainage situation. I mean in no shape or form
will you let this thing progress with your approval until it meets your satisfaction or whether it be in the county.

MR. SCHEPERS: Yes, sir. Again, you have to divide up it into two different projects like I said. Once we get the problem fixed, then either the city engineer or county engineer will make sure that the development is designed per the public improvement specs. We can't have additional requirements other than the PI specs, but we will require it to be designed according to the public improvement specs, which basically it's quite detailed, but yes, it's exactly like you said. We have to look at the amount of runoff coming from it. We have to make sure the drainage is going to the basin. Not dumping into the ditches.

CHAIRMAN: Or in these people's backyards.

MR. SCHEPERS: Or into the people's backyards. We will be ensuring that they take all the drainage directly into the basin.

CHAIRMAN: I know your plan is to get it done and get it done as quickly and into the best fashion as you can. I understand that.

But, for instance, if for some reason when this comes up the next time, if all of these things
MR. SCHEPERS: If all what being done?

CHAIRMAN: If the drainage does not meet your specification and all the flow has not been documented and isn't correct at that time.

MR. SCHEPERS: I would not sign off on it. If I don't sign off on it, I don't believe, Gary, you can answer that, but if I don't sign off on it I don't believe you can proceed.

MR. NOFFSINGER: That is correct. The developer may ask for the Planning Commission to consider it anyway, but our position would be in support with the county engineer that we not proceed if there's still issues that the engineers aren't comfortable with.

CHAIRMAN: Thank you very much. You've been very, very helpful.

Do we have anybody else? This gentleman right back here has not spoken.

Yes, sir. Would you like to step to the podium?

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

MR. BYRNE: Johnny Byrne, 2513 Middleground

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Drive.

(JOHNNY BYRNE SWORN BY ATTORNEY.)

MR. BYRNE: I basically just wanted to let you guys know that the stub streets, that's what I call them, these little streets that were put in and never used on Middleground, that those things are awfully handy to us. Once we get traffic coming in and out of those, it's going to be difficult for people to even back out of their driveways, you know. We don't back in to those really today, but once we get traffic coming out on Middleground, Middleground ends up at Gary Back. It's a dead end. I hope you're aware of that. It's just for those folks of us that live up in that area it's going to be really inconvenient and maybe potentially hazardous. I wanted to let you know that.

I personally, just speaking for myself, would like not to see any multi-family dwellings. I'd love to see that field full of single-family dwellings. I think it would enhance everybody's property. Again, that's just my opinion.

Again, you've heard all about the drainage. We're looking really forward to getting that fixed.

I'd just like to thank you, Joe, for coming tonight and supporting us. I believe the city is

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going to help us get this fixed. We're looking forward to that.

I'd like to appeal to the Commission to table this rezoning request until a 30 day time period has elapsed. That's what I've got to say. Thank you.

CHAIRMAN: Thank you.

I think everybody has had the opportunity to speak.

Yes, sir.

MR. SILVERT: State your name, please.

MR. DECKER: Richard Decker.

(RICHARD DECKER SWORN BY ATTORNEY.)

MR. DECKER: I live at 2508 Middleground.

Since I have Joe right here to my right, may I address a question to you and you to him?

CHAIRMAN: Be glad to, yes, sir.

MR. DECKER: We're looking at the north property line, the ditch that's being constructed there. I understand that is a permanent fix for our drainage issues. That's the way it's been presented to us. I wonder, these ditches will be constructed to grade and let's say they do work. Will these ditches, how are they going to maintained if they're not concrete lined? Because you see ditches there will be silt run-off, there will be buildup. How are they
going to get back in there and maintain these ditches
and recreate the situation that if it does work
continues to work. Because as you look around town
right now, even the concrete lined ditches are silted
up, but they can be accessed, cleaned out and brought
back to that flood line where it's designed to work.
That's my first question to Mr. Schepers.

CHAIRMAN: Thank you.

Mr. Schepers, I believe there's no sense in me
restating the question. I think you've got it.

MR. SCHEPERS: We've got our own ditch
cleaning crew. It's a crew dedicated to do nothing
but cleaning out ditches. We will be acquiring
easements from the Ellis Estate. We will have
easements to get in there to regrade the ditch. We
are keeping ditches better than in the past. They're
not silting up like they did in the past, since we do
have a full-time ditch crew. I don't believe we've
ever had a full-time ditch crew in the history of
Owensboro until the last five years. So we are
keeping ditches better. They are staying better
cleaned out. They won't get into the shape that some
of the ditches have in the past.

CHAIRMAN: Thank you.

I've sort of limited to one stand per person.

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I've got another gentleman over here that has not spoken.

GENTLEMAN: May I come back later?

CHAIRMAN: Well, I'm going to give this gentleman over here who has not had a chance to speak to speak. Thank you.

Yes, sir.

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

MR. BRADLEY: Don Bradley.

(DON BRADLEY SWORN BY ATTORNEY.)

MR. BRADLEY: I live at 2526 Venetian Way.

I oppose the current development plan for rezoning on numerous reasons.

A little bit confused as far as not discussing the flooding. I was looking at your brochure that you pass out. It looks like that in it it says that part of yours is to be in charge of the development plan. That includes drainage of surface water. So I was a little bit confused when we kind of went away from that and we came back.

You know, most of the residents, and I agree with Mr. Howard, we have a safety problem. That safety problem is fire trucks, ambulances, when we have these problems in the street.
Looking at the development plan we've got a problem with traffic. A lot of these families that's been a childhood neighborhood for as long as I can remember. There's some older residents that live there, but a lot of families move there. I moved there to raise my children.

So as it currently is I just want to go on record that I oppose it. I would like to see it come back and proposed as single-family dwellings. Thank you.

CHAIRMAN: Thank you.

Do we have anybody else that has not had the opportunity to speak that would like to?

Yes, sir.

MR. SILVERT: Could you state your name, please.

MR. HIGHSMITH: Wayne Highsmith.

(WAYNE HIGHSMITH SWORN BY ATTORNEY.)

MR. HIGHSMITH: Obviously none of us are thrilled about the potential of a business zone behind our house, but we understand development. We understand that that is what this vote is going to take place on.

A couple of things that I would ask when the vote comes up is to consider making it conditional.
That they have agreed, you know, they're going to do the fence requirement. We ask that that be more substantial. Whether it be defined as a brick wall, 8 foot, that's up to you, but we ask something more substantial than potentially a wooden 6 foot fence.

The other thing on this particular zoning question would be that we would like to see that spur left closed. Thereby keeping basically the neighborhood as a residential area. I don't think any of us really see a need or a reason that that spur should be opened up into the business area allowing more traffic into our area.

CHAIRMAN: I think for the record would you be a little bit more specific? I know exactly where you're talking about. Can you be just a little more specific for the record?

MR. HIGHSMITH: It's the spur on the west end of Middleground that will empty into that B-4 potential zoning change.

MR. ALLEN: 2500 Middleground and 2432 Middleground section?

MR. HIGHSMITH: I can't see from here, but it surrounds right.

CHAIRMAN: You do agree to Mr. Allen.

MR. HIGHSMITH: Besides those two things, I
also ask the question about, I'm a little unclear. I know that there's outline behind these houses in this commercial area a 10 foot line. I'm not very clear on what that plan is, if that 10 foot doesn't go with this zoning change. If it remains grass. If it becomes part of that north side ditch. I'd like a little bit more clarity on what to expect with what's happening directly behind my house and the neighbors beside me. That's all I've got.

CHAIRMAN: Thank you very much.

Let us answer this question, please.

Mr. Noffsinger.

MR. NOFFSINGER: No, sir, I cannot address that question without a final development plan to know what's going to happen with the ditches.

CHAIRMAN: What about the 10 foot line?

MR. NOFFSINGER: Can't address that. It's 10 feet from the property line. Where that property line will be, don't know about the drainage or the easements. The ordinance says 10 feet from the property line. Now, wherever that is, that's where the 10 foot buffer would start.

CHAIRMAN: Mr. Sandidge.

MR. SANDIDGE: I'm not sure I understand what the question is.
CHAIRMAN: I will restate it.

MR. SANDIDGE: Thank you.

CHAIRMAN: He had a question there about the screening. You know, there's a 6 foot high minimum screening requirement. What he was requesting was would you all consider a more extensive screening requirement.

MR. SANDIDGE: I would say this: He mentioned an 8 foot brick wall. I will say that we will not consider that, but we would consider a more substantial fencing in the form of a vinyl fencing as opposed to a wooden fencing, which would be easier to maintain over time. So we would consider that. That fencing would be in compliance with the buffering requirements of the zoning ordinance.

CHAIRMAN: Which the buffering requirement is?

MR. NOFFSINGER: Six foot.

MR. SANDIDGE: Correct.

CHAIRMAN: Thank you, Mr. Sandidge.

Yes, ma'am.

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

MS. BRADLEY: Wanda Bradley.

(WANDA BRADLEY SWORN BY ATTORNEY.)

MS. BRADLEY: I live at 2526 Venetian Way.
The concerns I have with this project are traffic. I haven't heard the applicant discuss what the traffic implications are going to be on our neighborhood, but there are three inlets that are going to be connected both to the residential, the multi-family and to the business. Venetian Way is a through street out of the neighborhood. So I feel certain that we're going to have quite a bit of increase in the volume of traffic on our street. Of course, it's already been stated it's a family neighborhood. My concern is with the traffic.

I'm opposed to this, the way it's presented tonight. Several people have suggested tabling it. I think that would be a wonderful idea. Mr. Sandidge could go back to the client. Tell them the concerns and see if they would be willing to negotiate and make some changes in some of these zoning proposals, but as it stands I'm opposed to it.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Mr. Chairman, from the Thoroughbred Acres Development there will only be two of the stub streets extended into this development. That would be Count Turf Drive and then the one into the commercial section.

The other street between Venetian Way and
Canonero Loop, that street will not be extended.

There's a major drainage ditch there and trees. That street will not be extended.

Now, there will be two other extensions into this development. From Ottawa Drive and then one off of Chippewa Drive, which are existing stubs.

The developer's traffic engineer is here tonight, Mr. Bill Hays. There has been a traffic impact study prepared on the property. He would be the appropriate person to discuss traffic patterns and what's being proposed.

MS. BRADLEY: I'd love to hear what he has to say.

CHAIRMAN: Mr. Hays, would you step forward. MR. SILVERT: Could you state your name, please?

MR. HAYS: Bill Hays.

(BILL HAYS SWORN BY ATTORNEY.)

MR. HAYS: Let me start by explaining that when we look at these type of developments, this size and scope and the land use there is really three types of traffic. Be sure we understand what, use the numbers. They're all three vary different types.

One of the types, when you have any type of business is you have people who are already going on

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Carter Road or on Barron Road who decide to turn off, conduct that business, and then continue back in the same direction they were going. Those are called pass-by trips. They're not new trips. They're just people who divert, get something there rather than getting something later on, some other time.

The second type that people don't think about very much, but happens in a mixed use development is that you have people who go from their residence to one of the businesses and back. They may not even get in the car. They may take a bike or walk. That's what's called sustainable development. It's something that a lot of planning agencies are trying to move toward. Those trips are substantial in this development. It's somewhere around 17 to 20 percent of the total trips are never going to leave the site.

The third type, the one that you're most familiar with are the trips that are either going to be generated by the development by someone who lives there, who goes to work or goes to church or something or is people from outside going in to visit someone there or to go to a business there.

So when we look at all these things, we have to look at the type of trips. Then the second question is: How are we going to get there?

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We spent quite a bit of time looking at the traffic counts that are in the neighborhood there now. There's several count stations available in the neighborhood. We looked at how you go from one place to another. I've driven the neighborhood. We came up with a percentage of the trips that will be generated by the site that we think will go through this neighborhood. We think that will be about eight percent of the total trips generated.

A lot of trips, depending on what businesses come, would be coming off say the bypass, off of Carter Road, off of Tamarack. You've got a lot of different ways to get here. So when you start chopping up those pieces and where they go, you've got a lot of different players involved here.

Now, of that portion that go through this neighborhood to the north, quite frankly I expect the majority to be people who live there. Because if you've got a business there, it's going to be quicker for these people to go to that business rather than two or three miles in the other direction. They may even walk depending on where their house is to the business or take a bicycle or something.

When you look at where these trips out, I don't see a lot of people who are going to go to and
from this development who are going to be coming from
downtown or from the east side of town who are going
to go through these streets because of the way they're
layed out. There's a three-way stop on Venetian and
Middleground, for instance. Many of the streets break
in different ways. I literally had to look at my map
twice to get out of the subdivision. It's very well
layed out. It's a wonderful neighborhood. I wish I
could have my kids grow up in a neighborhood like
that. It's super.

I know Joe. He's a colleague and friend of
mine. I know he's working hard with the drainage
problem.

I don't think the concerns are certainly, I
can't imagine a truck driver with an 18-wheeler
deciding to go down Middleground. I just don't think
it makes any sense. Trucks are going to get back on
state highways and go back on the bypass or wherever
they're going.

So I think in this sense most of the concerns
on the traffic are really not as pronounced as -- I
certainly understand the concerns of anyone who is
living there and seeing a new development come in, but
I don't think it's going to be as substantial as it
may appear at first glance.
CHAIRMAN: Thank you.

Does anybody have any --

Yes, sir.

MR. SILVERT: State your name, please.

MR. KAMUF: James Lacy Kamuf.

(JAMES KAMUF SWORN BY ATTORNEY.)

MR. KAMUF: Just a quick question for Mr. Hays.

You said this site is own only to generate an additional 8 percent of traffic. If so, is there any statistics on how many people are going to travel from this new site, the Massie or the Ellis Development Estate into Thoroughbred Acres? I mean do you have a number of how many people you think are going to actually go the other way? I know you're predicting some people are actually going to travel to that.

CHAIRMAN: Is that the conclusion of your question, sir?

MR. KAMUF: Yes.

CHAIRMAN: Mr. Hays.

MR. HAYS: I apologize if I didn't phrase it correctly.

We have a procedure that's set nationally of how we estimate the trips that any lane use is going to develop. The Commonwealth of Kentucky requires us to
to go, in fact, they provide a spreadsheet of flexibility. This is the way you do it. That's the procedure we did with this.

The 8 percent what I'm referring to is of all the people who are driving to this site. Not people inside the site already, but people driving there. You look at different ways they can get there. They can get there by Tamarack. They can get on Carter by either direction. You look at all of these. We estimate that by 8 percent of those total trips are going to be going to or from, going through the neighborhood to get to and from this site. I'm saying furthermore --

CHAIRMAN: Excuse me for a second.

Sir, would you excuse yourself. There's people who you are disturbing.

Mr. Hays, go ahead. It was somewhat distracting to me.

MR. HAYS: Of all the trips, and I'm trying catch my numbers here.

Full development with everything 20 years from now, we have numbers give, for instance, in the afternoon peak. About 380 trips going in. About 390 coming out. We're saying of that 380, 390, obviously some of those are going to be internal trips. Some
are going to be trips where people are passing by, but
8 percent of the generated trips are going to go to
and from the neighborhood. We think that's going to
be around 60 going in and 60 going out. A total of
120. You've got multiple ways they're going to go,
stub streets they're going to go. A lot of it is
going to be from people in the neighborhood.

CHAIRMAN: Let me ask you one thing too.

With these stub streets, and maybe you stated
it and I wasn't quick enough to catch it. With these
stub streets coming out of what I would refer to as
Thoroughbred Acres, don't you feel like people in
Thoroughbred Acres are using these stub streets also
to exit Thoroughbred Acres?

MR. HAYS: Joe asked me that question. It's a
good question.

If I lived here, I could be more precise and
tell you who would come out and which direction and
everything.

The one thing I would caution is coming out.
You're heading away from downtown. So you would have
to have a destination to the south part of town
somewhere from Carter. So I'm not sure of all
destinations in the city, how many people in this
neighborhood are going to be going to and from the

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south direction there.

I think, yes, some of them will. I would ask how they're going there now? Are they going down Scherm? Are they taking one of the local streets and making a left turn on Carter during rush hour? Are they going up to the next traffic signal and turning left? Some of those, yes, probably. They will have as much impact on the people who live in this, who will eventually live in this subdivision as vice versa.

I don't think those are going to be huge numbers because you're still going to come out and be the signal. You're going to be wanting to make a left turn that you can't make now from some other way.

CHAIRMAN: Thank you.

I think everybody has had the opportunity to speak. I think we're at the point in time now where -

MR. ALLEN: Mr. Chairman, I have one quick question.

CHAIRMAN: Absolutely.

MR. ALLEN: You mentioned the spur access. I think what I'm hearing from the neighbors over in that area is that they would like a more distinct barrier between the residential area and the business area. It seems like looking at the plan the own real area,
the only real issue here is that one little spur up at
the end of Middleground. Is this an absolute
necessity for the project? In other words, it looks
like it's just one little access point. Is that a
necessity for that project to be successful or is that
just there was a spur there and it seemed like a
natural progression to join those streets?

        CHAIRMAN: Mr. Sandidge, you can bring up
whoever you'd like.

        MR. SANDIDGE: Well, I may have to bring up
somebody else.

        Gary, you may be able to answer this question.

        My understanding is is that when subdivisions
in the City of Owensboro and other cities are laid out
and when you reach the end of the development, the
current development, they stub in streets for the
purpose of connecting them in the future to other
developments that may be contiguous and develop at a
later time.

        When we submitted this plan, Mr. Allen, we
submitted because the planning people here in
Owensboro require. That's what they want us to do to
make these neighbors flow together and be connected.
That's why we did that and that's why it appears as it
does.

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MR. ALLEN: I understand that. I was just saying though from your perspective, from the developer's perspective, is that stub being connected, is that a necessity? Do you feel that like that's an essential part of this project being successful or being viable up there or is it you're just following the directions that normally happen with the planning and zoning?

MR. SANDIDGE: I don't know that I can answer that.

Can you answer that?

MR. RINEY: Mr. Allen, we had a pre-application meeting with the Planning Staff which is a usual customary procedure. As Mr. Sandidge says, the planning of this community and other areas, those stub streets are required to be stubbed out for connectivity. Either pedestrian or obviously vehicular.

So when we met with Planning Staff, there are a total of five around the perimeter of this property. The requirement was that they needed to maintain that connectivity from the planning concept. The one that was eliminated was because of the large ditch and the drainage feature there. It comes back to planning features. It was not driven by a need by the
development I guess is what I was saying. It was
driven because it was already planned to connect to
whatever was developed on this existing site.

MR. ALLEN: Thank you.

Gary, my question to you then would be: From
a planning perspective, is that little stub absolutely
necessary?

MR. NOFFSINGER: I think it's absolutely
necessary. Is it absolutely necessary for the success
of the business? No. But is it absolutely necessary
for connectivity and for the convenience of these
neighborhoods and based upon what the traffic
engineer, what their traffic model shows should
happen, I think it's absolutely critical. Because
their model is based upon these street stubbing. If
that street doesn't stub, then where does that divert
traffic? Then you start diverting traffic onto some
of these other stubs. I think in terms of planning
perspective it's absolutely critical.

CHAIRMAN: Does anybody else on the commission
have any questions?

(NO RESPONSE)

CHAIRMAN: Sir, we've got other people. We've
let everybody speak one time. If we start with you a
second time, then we need to give everybody a second
time. I think the commission --

MR. DECKER: I have signatures of a petition that --

CHAIRMAN: You may submit it to the stenographer here and we will put it into the record. Madison, how do we do that?

MR. SILVERT: Just as a reminder to the Commission about the law regarding petitions. We customarily accept them as exhibits. We not accept them as evidence that should give any weight as to whether or not this should or should not be approved, but merely that the exhibit was presented at the hearing.

CHAIRMAN: Thank you.

MR. DECKER: Could I say --

CHAIRMAN: No, sir. We've given everybody an opportunity. I'm not going to start over a second round with everybody else.

MR. DECKER: I didn't get to address the zoning. I addressed the drainage.

CHAIRMAN: No, sir. We've given everybody a chance.

Sir, go ahead.

MR. SILVERT: Could you state your name again for the record, please.
MR. DECKER: Richard Decker.

MR. SILVERT: Remind you that you've been sworn.

MR. DECKER: I guess as far as the traffic impact study, those are fine and okay, but they really are just assumptions and projections and nobody really knows how it's going to play out.

I guess the neighborhoods is concerned with the Planning Commission, if we open that street stub up at 2500 and that commercial traffic, for whatever reason it doesn't play out as the traffic study indicated, that we've got a mistake there that can't be corrected. I guess the neighborhood is concerned with we've got a 50/50 chance that he's either right or he's wrong. If that stub is wrong for the neighborhood, that is a negative impact that we can't correct. What that does is throw traffic in the neighborhood. It creates a safety issue because of that. The property values are affected also.

I guess we just ask the Planning Commission to step back and say, what if that is wrong and if that is a negative impact how are we going to fix it?

Also I would like to also I should talk about here that I would like to suggest that instead of a 6 foot solid element being a board fence, which as we
all know maintenance issues of that. That a solid
brick wall be constructed. I know that's been kind of
shot down, but I would like to put that on record as
that is being requested by the whole neighborhood.
Thank you for the opportunity.

CHAIRMAN: Thank you very much.

MR. HOWARD: May I make one real quick
question? I promise to be brief.

CHAIRMAN: Mr. Howard needs to speak.

MR. BRIAN HOWARD: We had a letter submitted
to the office that I need to read into the record.

It was written to Mayor Payne dated August 3,
2010.

"I am writing concerning the August 12, 2010,
meeting related to a possible change of zoning for
undeveloped property that is bounded by Barron Drive,
Scherm Road and Thoroughbred Acres. I will not be
available to attend the public hearing; therefore I
will express my concerns by this correspondence which
I trust you will share with the Commissioners or
others who will act on the matter of rezoning.

"First - I am concerned about the water
drainage that the recent site grading has brought
about. The recent overnight heavy rain has shown that
a large volume of water will be dumped into the
Thoroughbred Acres where Count Turf adjoins the property being considered for zoning change. If this situation is not corrected before granting rezoning, there will be little incentive for it to be addressed at all. Houses are threatened.

"Second - There is the matter of significant traffic increase into Thoroughbred Acres via Count Turf Drive. I am especially concerned about commercial/truck traffic into Thoroughbred Acres. Commercial traffic needs to be directed to Barron Road and banned access into Thoroughbred Acres. An access for private vehicles onto Ottawa Drive would give options for private vehicles and divide traffic. As with the water issue, this concern should be granted prior to rezoning approval.

"Thank you for hearing my concern and sharing it with others who will be considering the rezoning.

"Sincerely, Ronald F. Schulz.

CHAIRMAN: Thank you.

Have you spoken before?

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

MR. STEWART: John Stewart, 2545 Chant Court.

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to say that this should be tabled tonight for at lest
30 days. All I've heard is suppositions and maybes.
Owensboro is typically built on this suppositions.
They put in a shopping center or whatever without any
consideration toward drainage or anything else. So
this needs to be straightened out before this is even
thought about again.

As far as ditches go, there's a ditch behind
my house. I live in the very corner of the Ellis
Estate and Thoroughbred Acres. I've got an easement
behind my house. I've been there 11 years and I've
been trying to get it cleared and nobody. I've called
everybody in Owensboro and nobody has addressed it.
The ditch that goes from my property towards Scherm
Road has never been cleaned out. If they have a
permanent ditch crew, that would be a wonderful
improvement for Owensboro. I just wanted that to be
stated on the record.

CHAIRMAN: Thank you very much.

Does anybody else from the Commission have any
questions?

(NO RESPONSE)

CHAIRMAN: Mr. Howard, I've sort of given
everybody an opportunity one time.

MR. HOWARD: I have one quick question.

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CHAIRMAN: We're not going to take any more. We've reached the point that we've gone into redundancy. I think we've pretty well done everything and listened and has given everybody a single chance. I think the Chair has reached a point where we need to accept a motion on this issue.

MR. EVANS: Mr. Chairman, could I ask Mr. Sandidge a question?

CHAIRMAN: Absolutely.

MR. EVANS: Are you at liberty to say what a postponement of 30 days, what would it do to your plans? Would it skew them in any way? Would it jeopardize your deal?

MR. SANDIDGE: Yes, it certainly could because we've got a time limitation to get the zoning either done or not done. The time limitation is fast approaching. If we table this for 30 days, that's going to put us right up on the end of it. We need to go on and get this done and decide it one way or the other.

Let me just add. I understand where you may be coming from. It seems to me that the purpose here and the concerns that the residents have there, which they're certainly legitimate concerns, what's being done here is they want to hold us hostage in order to
get Joe to do what he's already committed to do. It just seems to me that's the purpose here. Again, we have nothing to do with this drainage problem. When the time comes, when the development plan is, if a development plan is submitted on our behalf, we're going to have to satisfy all the drainage requirements. That's already been testified to. And we will do that. But in the meantime, as I said earlier, this is an incremental process for us. It involves great expense. For us to go beyond this tonight without knowing, then we're going to have to go on and we would incur further expense without knowing whether or not the property be rezoned or not. That's why I'm expressing a degree of urgency under this contract. Thank you.

CHAIRMAN: Thank you, Mr. Sandidge.

Does anybody on the Commission have a suggestion or a question?

MR. PEDLEY: I have one.

I understand Mr. Sandidge's situation with him client. Sometimes we have that. Someone else might be looking at that land. Time is of the essence. I understand that. I also understand the citizens concern. Thoroughbred East area, if we do approve this nothing can happen. It cannot move further. No
drainage, no grade work, no nothing until the
development plan.

Is that right, Mr. Noffsinger?

MR. NOFFSINGER: That is correct.

MR. PEDLEY: As far as the Thoroughbred East
community I can see no harm in approving this zoning
change. I understand Mr. Sandidge and his client.
I've been in the same situation before.

With that, Mr. Chairman, I think I'm ready for
a motion.

CHAIRMAN: Your motion is, Mr. Pedley?

MR. PEDLEY: Are you ready?

CHAIRMAN: Yes, sir.

MR. PEDLEY: I want to make a motion for
approval based on Staff Recommendations with the
Continues, on the General Conditions 1 through 7;
Phase I Condition 1 through 2; Phase II Condition 1
through 6; and Findings of Fact 1 through 6.

CHAIRMAN: We had this additional condition
that Mr. Sandidge has agreed to about notifying all of
the property owners that were notified in this
hearing. So they will be duly notified when we have
the next hearing that you all can be there. That
hearing will be only after Mr. Schepers signs off on
the drainage situation. It's up to --
MR. SANDIDGE: And the county.

CHAIRMAN: And the county. I'm sorry, I didn't want to give you -- you were here and we greatly appreciate you being here.

MR. PEDLEY: That condition is included in my motion.

CHAIRMAN: I hope all the homeowners realize that until all these things, all your concerns, I mean they're our concerns too. I sympathize with each and every one of you on this. This thing cannot move forward until the drainage situation is taken care of. The city is taking on a double burden. They are also doing the work. Then Mr. Schepers or the county will sign off on it.

MR. PEDLEY: Mr. Chairman, Mr. Noffsinger has an issue before we have a second on this.

MR. NOFFSINGER: Yes, sir.

Mr. Pedley, would you consider reading the conditions and findings of fact into the record because it has been quite a while since those were read into the record by Staff? I think it would be good to make those clear as to what your conditions are and your findings of fact are. I know it's a lot of reading.

MR. PEDLEY: Under Conditions:

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General Conditions:

1. Surety for roadway improvements for each individual phase will be posted at the time of final platting and must be installed prior to the issuance of any occupancy permit for that phase of development except for the left-turn lane on Barron Drive at Access 1 as stated in Phase 1, Item 2 conditions.

2. Any commercial development beyond the 25,000 square foot threshold as established in the Traffic Impact Study will trigger the need for all roadway improvements to be completed.

3. Provide a minimum of 700 feet of spacing between the stop bar on Barron Drive at the Carter Road intersection and Site Access 2.

4. Provide a minimum of 250 foot spacing between any site access points.

5. Connect internal sidewalks to the existing sidewalk system.

6. Submission and approval of a final development plan.

7. Due to the proximity to residential structures, all lighting for the subject property shall be directed away from the residential structures to reduce the impact of the commercial light and glare onto the residential property.

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Phase I Conditions:

1. Install Access 1 to serve as the main access to Phase 1 development with the first final plat.

2. On Barron Drive at the intersection of Site Access 1, install an eastbound left-turn lane per KYTC specifications when the 125th lot is final platted.

Phase II Conditions

1. Install a traffic signal at the Carter Road and Barron Drive intersection if the signal has not been installed by others.

2. Install a northbound right-turn lane on Carter Road at Barron Drive per KYTC specifications.

3. Extend the westbound left-turn lane on Barron Drive at Carter Road from 125 feet to 225 feet or as required by KYTC.

4. Provide sufficient left-turn lane capacity for eastbound traffic on Barron Drive at Site Access 2 per KYTC specifications.

5. Widen Barron Drive from the Carter Road intersection to Site Access 1 (the easternmost site access) to accommodate three 11-foot lanes with a center, two-way left-turn lane.

6. Review with local officials the need for Ohio Valley Reporting

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additional traffic control at Tamarack Road and Barron Drive.

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 an Urban Residential Plan Area, where general business uses are appropriate in very-limited locations;

3. The use as a commercial center will be nonresidential in nature and use;

4. The proposal is a logical expansion of existing B-4 zoning located across Barron Drive to the east;

5. At 37.648 acres, the proposal exceeds the 1.5 acre minimum recommended in the Comprehensive Plan; and,

6. With roadway improvements as required by the traffic impact study and the reviewing agencies, the expansion should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

MR. NOFFSINGER: Did you get the notification of adjoining property owners?

MR. PEDLEY: With the notification of Ohio Valley Reporting

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adjoining property owners for the preliminary final development plan.

MR. NOFFSINGER: As per the same process that was used for the zoning change.

MR. PEDLEY: As same the process as for the zoning change.

MR. NOFFSINGER: Yes.

CHAIRMAN: Thank you, Mr. Pedley, for your motion and your reading skills. You're very good.

Mr. Pedley has made a motion. I assume we all remember Mr. Pedley's motion for approval. Do we have a second.

MS. MOORMAN: Second.

CHAIRMAN: We've got a second by Ms. Moorman.

All in favor raise your right hand.

(BOARD MEMBERS TIM ALLEN, IRVIN ROGERS, FATHER HOSTETTER, DREW KIRKLAND, WARD PEDLEY, KEITH EVANS AND RITA MARTIN RESPONDED AYE.)

CHAIRMAN: All opposed.

(BOARD MEMBER MARTIN HAYDEN RESPONDED NAY.)

CHAIRMAN: We have seven for and one opposed.

The motion carries.

Next item, please.

ITEM 11

Portions of 2401-2501 Blocks of Barron Drive, 3.575 acres
Consider zoning change: From A-U Urban Agriculture to R-3MF Multi-Family Residential

Applicant: Massie-Clarke Development Company, James C. Ellis Estate

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS:

General Conditions:

1. Surety for roadway improvements for each individual phase will be posted at the time of final platting and must be installed prior to the issuance of any occupancy permit for that phase of development except for the left-turn lane on Barron Drive at Access 1 as stated in Phase 1, Item 2 conditions.

2. Any commercial development beyond the 25,000 square foot threshold as established in the Traffic Impact Study will trigger the need for all roadway improvements to be completed.

3. Provide a minimum of 700 feet of spacing between the stop bar on Barron Drive at the Carter Road intersection and Site Access 2.

4. Provide a minimum of 250 foot spacing between any site access points.

5. Connect internal sidewalks to the existing sidewalk system.

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6. Submission and approval of a final development plan.

7. Due to the proximity to residential structures, all lighting for the subject property shall be directed away from the residential structures to reduce the impact of the commercial light and glare onto the residential property.

Phase I Conditions:

1. Install Access 1 to serve as the main access to Phase 1 development with the first final plat.

2. On Barron Drive at the intersection of Site Access 1, install an eastbound left-turn lane per KYTC specifications when the 125th lot is final platted.

Phase II Conditions

1. Install a traffic signal at the Carter Road and Barron Drive intersection if the signal has not been installed by others.

2. Install a northbound right-turn lane on Carter Road at Barron Drive per KYTC specifications.

3. Extend the westbound left-turn lane on Barron Drive at Carter Road from 125 feet to 225 feet or as required by KYTC.

4. Provide sufficient left-turn lane capacity

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for eastbound traffic on Barron Drive at Site Access 2 per KYTC specifications.

5. Widen Barron Drive from the Carter Road intersection to Site Access 1 (the easternmost site access) to accommodate three 11-foot lanes with a center, two-way left-turn lane.

6. Review with local officials the need for additional traffic control at Tamarack Road and Barron Drive.

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 an Urban Residential Plan Area, where multi-family residential uses are appropriate in limited locations;

3. The use of the property for multi-family residential development meets the "urban residential development" criteria of the Comprehensive Plan by providing a variety of housing types suitable to a variety of people;

4. Sanitary sewer services is available for service to the subject property; and,

5. Although the R-3MF portion does not have direct frontage on Barron Drive which is classified as Ohio Valley Reporting

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a collector roadway, the Comprehensive Plan

established "major-street" oriented to include access
through adjoining existing or new uses of the same or
higher intensity of the subject property.

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

CHAIRMAN: We definitely have somebody
representing the applicant.

MR. SANDIDGE: Yes, we do, Mr. Chairman.

We're here to answer any questions about this
application.

CHAIRMAN: Thank you, Mr. Sandidge.

Are there any other questions of the applicant
or any questions regarding this phase of this
application?

(NO RESPONSE)

CHAIRMAN: If there are no questions, are
there any questions from the Commission?

MR. NOFFSINGER: I just have one statement and
that is if you choose to approve this rezoning that
the motion be made to approve with the conditions as
stated in the previous motion and that you state the
findings of fact, you read each findings of fact
because they are somewhat different.

CHAIRMAN: Are there any other questions from
the Staff or the Commission?

(NO RESPONSE)

CHAIRMAN: Mr. Sandidge.

MR. SANDIDGE: That was the same notification requirement?

MR. NOFFSINGER: Yes, sir.

MR. SANDIDGE: Thank you.

MR. NOFFSINGER: For the preliminary subdivision plat final development plan at your next stage.

MR. SANDIDGE: Correct. As I said before, I wanted to be sure.

MR. NOFFSINGER: As per the rezoning. The same process you used in the rezoning process you'll use the same process for the next step.

MR. SANDIDGE: Thank you.

CHAIRMAN: All right. The Chair is then ready for a motion.

MR. PEDLEY: Mr. Chairman, I make a motion for approval again based on:

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 an
Urban Residential Plan Area, where multi-family residential uses are appropriate in limited locations;

3. The use of the property for multi-family residential development meets the "urban residential development" criteria of the Comprehensive Plan by providing a variety of housing types suitable to a variety of people;

4. Sanitary sewer services is available for service to the subject property; and,

5. Although the R-3MF portion does not have direct frontage on Barron Drive which is classified as a collector roadway, the Comprehensive Plan established "major-street" oriented to include access through adjoining existing or new uses of the same or higher intensity of the subject property.

CHAIRMAN: Thank you.

Do we also have the mailing in there?

MR. NOFFSINGER: We've got the same conditions as the previous motion.

CHAIRMAN: Thank you, Mr. Pedley. And that is a motion for approval. Do we have a second?

MR. ROGERS: Second.

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

(BOARD MEMBERS TIM ALLEN, IRVIN ROGERS, FATHER)

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HOSTETTER, DREW KIRKLAND, WARD PEDLEY, KEITH EVANS AND
RITA MARTIN RESPONDED AYE.)
CHAIRMAN: All opposed.
(BOARD MEMBER MARTIN HAYDEN RESPONDED NAY.)
CHAIRMAN: We have seven to one. The motion
passes.
Next item, please.
ITEM 12
Portions of 2401-2501 Blocks of Barron Drive, 40.457
acres
Consider zoning change: From A-U Urban Agriculture to
R-1C Single-Family Residential
Applicant: Massie-Clarke Development Company, Inc.;
James C. Ellis Estate

PLANNING STAFF RECOMMENDATIONS
The Planning Staff recommends approval subject
to the conditions and findings of fact that follow:
CONDITIONS:
General Conditions:
1. Surety for roadway improvements for each
individual phase will be posted at the time of final
platting and must be installed prior to the issuance
of any occupancy permit for that phase of development
except for the left-turn lane on Barron Drive at
Access 1 as stated in Phase 1, Item 2 conditions.
2. Any commercial development beyond the
25,000 square foot threshold as established in the
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Traffic Impact Study will trigger the need for all roadway improvements to be completed.

3. Provide a minimum of 700 feet of spacing between the stop bar on Barron Drive at the Carter Road intersection and Site Access 2.

4. Provide a minimum of 250 foot spacing between any site access points.

5. Connect internal sidewalks to the existing sidewalk system.

6. Submission and approval of a final development plan.

Phase I Conditions:

1. Install Access 1 to serve as the main access to Phase 1 development with the first final plat.

2. On Barron Drive at the intersection of Site Access 1, install an eastbound left-turn lane per KYTC specifications when the 125th lot is final platted.

Phase II Conditions

1. Install a traffic signal at the Carter Road and Barron Drive intersection if the signal has not been installed by others.

2. Install a northbound right-turn lane on Carter Road at Barron Drive per KYTC specifications.

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3. Extend the westbound left-turn lane on Barron Drive at Carter Road from 125 feet to 225 feet or as required by KYTC.

4. Provide sufficient left-turn lane capacity for eastbound traffic on Barron Drive at Site Access 2 per KYTC specifications.

5. Widen Barron Drive from the Carter Road intersection to Site Access 1 (the easternmost site access) to accommodate three 11-foot lanes with a center, two-way left-turn lane.

6. Review with local officials the need for additional traffic control at Tamarack Road and Barron Drive.

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 an Urban Residential Plan Area, where single-family residential uses are appropriate in limited locations;

3. The use of the property for single-family residential development meets the "urban residential development" criteria of the Comprehensive Plan; and,

4. Sanitary sewer services is available for service to the subject property.

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

CHAIRMAN: Obviously we have representation. Are there any questions from the audience?

Yes, ma'am.

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

MS. GRAHAM: Crystal Graham.

(CRYSTAL GRAHAM SWORN BY ATTORNEY.)

MS. GRAHAM: My concern is where Chippewa Drive is. I live on 2944. It's the stub of Chippewa Drive. I've never heard that being presented in his application.

My first and foremost concern is the decline of my value of property. My also other concern is the traffic to coming in to Chippewa. I feel that there is no need to add a street right there when you have access to Scherm Road and Barron Drive. The applicant can go from anywhere if they decide to do a single-family home or whatever it is they put there.

Also I would prefer a single-family home. It compliments both sides of the neighborhood, the Reservation and Thoroughbred Acres. Again, I really do not see a point to put a through road right there whenever you're able to access Scherm Road and Barron
Drive with no problem.

CHAIRMAN: Thank you very much.

MS. GRAHAM: Thank you.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Mr. Chairman, just to make sure that this lady understands.

The zoning change here is R-1C which is single-family residential. The proposal would be to build single-family homes on that property.

MS. GRAHAM: Which is located right there?

MR. NOFFSINGER: Which is, right, located behind you.

Secondly, again, we cannot address property values. That is for an appraiser to do. This board does not have the expertise to do that.

Then the issue of the streets connecting. This would be a street that connects two neighborhoods. It would provide pedestrian, bicycle as well as vehicular traffic. I would think you would see very little vehicular traffic here other than what's on that cul-de-sac, proposed cul-de-sac, and coming out of there perhaps or visiting neighbors. It's not a through street. I think your traffic impact will be very minimal. I think the traffic engineer will support me in saying that that's for

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sustainable neighborhoods and sustainable planning so that these neighborhoods connect and you have that neighborhood type atmosphere and connectivity.

CHAIRMAN: Are there any other questions?

Yes, ma'am.

MR. SILVERT: Could you state your name again for the record and you have been sworn.

MS. BELL: Ashley Bell.

It just had a question. It might be too early to tell, but I was just wondering who the contractor would be where the houses? Like would it be Jagoe or Thompson or is it too soon to know?

CHAIRMAN: We can take care of that.

Mr. Sandidge.

MR. SANDIDGE: Yes, it will be Jagoe or Thompson. We don't know. We don't have any contract about that in place at this time, but it would, obviously it would be, likely be a local builder.

CHAIRMAN: Thank you, Mr. Sandidge.

Are there any further questions?

(NO RESPONSE)

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

MR. PEDLEY: Are all the conditions the same?

MR. NOFFSINGER: All the condition are the

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same. We just need to make sure we read the findings
of fact into the record and previous conditions.

CHAIRMAN: Yes, ma'am.

MS. DECKER: Teresa Decker.

(TERESA DECKER SWORN BY ATTORNEY.)

MS. DECKER: I just have one quick question.

Where are the appeal forms?

MR. NOFFSINGER: On the back table. Right
back here by the glass.

MS. DECKER: Thank you.

CHAIRMAN: Are there any other questions?

(NO RESPONSE)

MR. SILVERT: If they're not there, they're
also available on-line at iompc.org and in the office.

CHAIRMAN: If there are no further questions,
the Chair is ready for a motion.

MR. PEDLEY: Mr. Chairman, I make a motion for
approval based on Staff Recommendations with all
conditions as previously read into the record with the
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 an
Urban Residential Plan Area, where single-family
residential uses are appropriate in limited locations;

3. The use of the property for single-family residential development meets the "urban residential development" criteria of the Comprehensive Plan; and,

4. Sanitary sewer services is available for service to the subject property.

CHAIRMAN: Is that a motion for approval?

MR. PEDLEY: That's a motion for approval.

CHAIRMAN: Motion for approval by Mr. Pedley.

MR. ROGERS: Second.

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

(BOARD MEMBERS TIM ALLEN, IRVIN ROGERS, FATHER HOSTETTER, DREW KIRKLAND, WARD PEDLEY, KEITH EVANS AND RITA MARTIN RESPONDED AYE.)

CHAIRMAN: All in favor there's seven. All opposed.

(BOARD MEMBER MARTIN HAYDEN RESPONDED NAY.)

CHAIRMAN: Seven to one. The motion carries. Next item, please.

Related Item:

ITEM 12A

Massie-Clarke Development Company, Inc., 81.68 acres Consider approval of preliminary development plan.

Applicant: Massie-Clarke Development, Inc.; James C. Ellis Estate

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MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Statue. It takes into account the preliminary street concepts. There's no design information on here. There's no drainage. It's not required on a preliminary development plan. It just establishes the general street layout as well as where any buffer requirements might be. It also aids the State Transportation Department as well as local officials in determining what off-site roadway improvements need to be made and it's ready for consideration.

CHAIRMAN: Are there any questions?

Yes, sir.

MR. SILVERT: State your name again, and you've been sworn in.

MR. HIGHSMITH: Wayne Highsmith.

One last time. On the previous vote for the commercial I didn't hear the condition for the minimum fence improvement. I wanted to make sure that was on record. That they have agreed to that when this plan is approved.

The second thing is I would ask once again to reconsider that spur at 2500 Middleground Drive because I don't believe it's a good thing to create a continuity between a business and a residential.
would ask that that be considered to be closed to
separate a business and a residential area. Thank
you.

CHAIRMAN: His question.

MR. NOFFSINGER: The condition on the
screening I don't think in terms of a vinyl fence that
Mr. Sandidge alluded to was not included as a
condition on the previous zoning changes is my
recollection. Certainly that could be a stipulation
here on the preliminary development plan if the
applicant is agreeable.

MR. SANDIDGE: Yes, we would do that.

MR. NOFFSINGER: Six foot high vinyl fence.

MR. SANDIDGE: We're talking about where?

MR. NOFFSINGER: It would be along the area as
shown as a 10 foot buffer per OMPF requirements. That
would be where the commercial would adjoin the
residential on Middleground.

MR. SANDIDGE: Correct.

CHAIRMAN: Mr. Highsmith, satisfactory?

MR. HIGHSMITH: Get what we can get.

CHAIRMAN: I will record that as a yes.

If there are no further questions, the Chair
is a ready for a motion.

MS. MOORMAN: I make a motion to approve the
Massie-Clarke Development Company.

MR. SILVERT: Do you have any conditions on that? He previously stated that he would -- if a condition were proposed to the applicant, to add a 6-foot high continuous element.

MS. MOORMAN: Okay. Yes, with the condition that a 6 foot buffer vinyl fence will be along the area that separates Middleground from the business section or the commercial section.

CHAIRMAN: That is a motion for approval?

MS. MOORMAN: Motion for approve.

CHAIRMAN: Thank you. The Chair is ready for a second.

MR. PEDLEY: Second.

CHAIRMAN: A second by Mr. Pedley. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: That motion carries unanimously.

One last comment. I want to thank the neighbors of Thoroughbred Acres. We understand your concerns. I appreciate you being here. I appreciate the manner in which you all conducted your concern. We appreciate that very, very much. It was handled very well. I would say nothing but thank you. I can assure you that we will follow up on exactly what Ohio Valley Reporting

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we've told you we will do and Mr. Schepers.

Mr. Schepers, I want to thank him tremendously
for being here and represented the effort of the city
to correct this problem ahead of time. I certainly
appreciate you being here. It helped us dramatically
in this situation.

With that the Chair is ready for one final
motion.

FATHER LARRY:  Move to adjourn.

CHAIRMAN:  Motion to adjourn by Father Larry.

Is there a second?

MR. ALLEN:  Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN:  We are adjourned.

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)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 150 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 31st day of AUGUST, 2010.

____________________________
LYNETTE KOLLER FUCHS
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES: DECEMBER 19, 2010

COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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