The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, May 9, 2002, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Drew Kirkland, Chairman
Gary Noffsinger
Nick Cambron
Dave Appleby
Scott Jagoe
Irvin Rogers
Sister Vivian Bowles
Judy Dixon
Dr. Mark Bothwell
Martin Hayden
Stewart Elliott, Attorney

CHAIRMAN: I would like to call our meeting of the Owensboro Metropolitan Planning Commission to order.

Our invocation and pledge of allegiance will be given by Sister Vivian. Please stand.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business tonight will be to consider our meeting of the April 11th Planning & Zoning Commission.

Are there any additions, corrections or
any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to approve.

CHAIRMAN: Ms. Dixon motion for approval.

DR. BOTHWELL: Second.

CHAIRMAN: Second by Dr. Bothwell. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Mr. Noffsinger.

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PUBLIC FACILITIES PLANS
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 2

500, 510 Frederica Street
Land Disposition
Consider comments regarding a proposal to close 101.35 feet + of a 9.5-foot wide alley.
Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed this application. We find that it is not in conflict in any way with the Comprehensive Plan; however, this alley does serve several adjoining properties for access to West Fifth Street. We would recommend that you forward a letter to the City of Owensboro stating that if this alley is
to be closed it is to be retained as an access
easement for all adjoining property owners.

CHAIRMAN: Are there any questions from
anybody in the audience?

(NO RESPONSE)

CHAIRMAN: Does anybody from the
commission have any questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. CAMBRON: Motion for approval.

CHAIRMAN: Motion for approval by Mr.

Cambron.

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.

ITEM 3

1315, 1317, 1319 Hathaway Street
Land Disposition
Consider comments regarding a proposal to close 106.99
feet + of a 10-foot wide alley.
Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, the
Planning Staff has reviewed this application. We find
no conflict with the Comprehensive Plan. Would
recommend you forward a letter to that affect to the City of Owensboro.

CHAIRMAN: Is there anybody from the audience that has any questions?

(NO RESPONSE)

CHAIRMAN: Anybody from the commission?

(NO RESPONSE)

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

DR. BOTHWELL: Motion to approve.

CHAIRMAN: Motion for approval by Dr. Bothwell.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 4

1771 River Road
Building Construction

Consider comments regarding a proposal to construct a 300,000 square foot warehouse

Referred by: Owensboro Riverport Authority

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff.

We find no conflict with the Comprehensive Plan and

Ohio Valley Reporting
(270) 683-7383
recommend you forward a letter to that affect to the Riverport Authority.

CHAIRMAN: Does anybody have any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Any of the commissioners have any questions?

(NO RESPONSE)

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

SISTER VIVIAN: Motion for approval.

CHAIRMAN: Motion for approval by Sister Vivian.

MR. ROGERS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 5

800 West Fifth Street
Land Disposition
Consider comments regarding a proposal to transfer property to Audubon Area Community Services, Inc.
Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, the Planning Staff has reviewed this application. We find
no conflict with the Comprehensive Plan. Would recommend you forward a letter to that affect to the City of Owensboro.

CHAIRMAN: Does anybody from the audience have any questions?

(NO RESPONSE)

CHAIRMAN: Anybody on the commission?

(NO RESPONSE)

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

MR. CAMBRON: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Cambron.

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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ZONING CHANGES - COUNTY

ITEM 6

200, 300 Blocks Cinderella Drive, 1.264 acres
Consider zoning change: From R-1A Single-Family Residential to R-1C Single-Family Residential
Applicant: James Glenn Causey
MR. ELLIOTT: State your name, please.

MS. WATSON: Becky Watson.

(MS. BECKY WATSON SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the adopted Comprehensive Plan, if evidence is presented showing neighboring residents' acceptance of a change in density in the neighborhood. This recommendation is made subject to the findings of fact that follow:

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

2. The subject property is contiguous to low-density residential uses; and

3. The subject property is served by a sanitary sewer system, where urban low-density residential uses should occur.

MS. WATSON: We would like to enter the Staff Report as Exhibit A in the record.

CHAIRMAN: Is anybody in the audience representing the applicant?

APPLICANT: Yes.

CHAIRMAN: Does anybody in the audience have a question of the applicant?
CHAIRMAN: Does anybody of the commission have a question of the applicant?

Do you have a question or a statement?

MR. STANLEY: I don't represent the applicant.

CHAIRMAN: Do you have a question?

MR. STANLEY: Yes, I do.

CHAIRMAN: Please come forward.

MR. ELLIOTT: Please state your name.

MR. STANLEY: My name is A.C. Stanley.

(MR. A.C. STANLEY SWORN BY ATTORNEY.)


The only way we can get home is to go down Cinderella Drive so we have a vested interest in whatever the developed on Cinderella Drive.

The Riverbend Cove Homeowners Association is very strongly opposed to the reclassification of property on Cinderella drive from Class R-1A to Class R1-C. We do not know what the applicant proposes to build. I wish we did. We could be more responsive if we knew that. I'm wondering at this time if it might be appropriate for the applicant to tell us what he
proposes.

CHAIRMAN: Is that your question, sir?

MR. STANLEY: No. I have other comments, but they really depend on what the applicant is going to do with this property.

CHAIRMAN: I think it would be a good time right now to bring the applicant forward and address that question which may answer some of your future question.

MR. STANLEY: Good.

MR. ELLIOTT: State your name, please.

MR. CAUSEY: I'm Glenn Causey.

(MR. GLENN CAUSEY SWORN BY ATTORNEY.)

MR. CAUSEY: We propose for single-family site-built homes to be built on these lots, approximately 95,000 to $110,000 in in value. Currently approved for five multi-section and it's zoned for that. We have five lots approved for five multi-section homes that can go in there at the current zoning, but we thought it would be more feasible and esthetic to build site-built homes along Cinderella Drive rather than multi-section homes.

CHAIRMAN: Yes, sir.

MR. STANLEY: It's my understanding that the zoning reclassification will allow for trailer
houses to be placed on Cinderella Drive and that it
allows for lots as small as 50 feet wide and for homes
as small as 1200 square feet. Now, I received that
information from the planning office.

If it is rezoned and trailer houses would
be allowed to be placed on Cinderella Drive, then we
certainly oppose that. If single-family residences
are to be built there, why is a zoning
reclassification necessary?

CHAIRMAN: Let me have Mr. Noffsinger make
clarification on that point in question.

Mr. Noffsinger, would you address that
question.

MR. NOFFSINGER: Sir, the property is
currently zoned R1-A single-family residential. That
zone, if sewers are available, allows for lots that
are 75 feet wide and 10,000 square feet in area. That
zone allows for site-built homes to be constructed.
It allows for double-wide manufactured housing to be
placed on the property. If single-wide manufactured
housing is placed on the property, then you have to
get a Conditional Use Permit before the Board of
Adjustment. There's a separate hearing if they were
to put single-wide manufactured housing units on the
property. That would go before another board at
another time. The R1-C zone allows for the same uses that the R1-A zone allows for which is currently zoned. The only difference is, as you stated, the lot has to be at least 50 feet wide as opposed to 75, and at least 5,000 square feet in size as opposed to 10,000 feet.

So the reason the applicant or at least one of the reasons the applicant would want to rezone the property is so they can increase the number of dwelling units that they have in that area. By rezoning the property it allows them to in theory double the number of dwelling units they could have out there. In R1-A let's say they can have five dwelling units out there, but with R1-C they could have ten. That addresses the reason for the rezoning in terms of why they might want to do that. So they can double the density, if you will, but that still doesn't assure us as to what type of home is going to be placed on that property. Whether it's a site-built home or whether it's a manufactured home. The rezoning of the property doesn't change the uses that are allowed. It just changes the amount of that particular use. Increases the density.

MR. STANLEY: May we ask at this time what type of housing the applicant proposes?
CHAIRMAN: Absolutely.

Would you respond?

MR. CAUSEY: With the current zoning of five lots I put manufactured homes there. If we get it rezoned for the nine lots we intend to build site-built homes there.

MR. STANLEY: About six or seven years ago when Bob Knight owned the property that Mr. Causey owns now, it was agreed and I think approved by the Planning Commission that in order for Mr. Knight to operate at that location the people who lived on Cinderella Drive wanted to have the sales lot obscured and Mr. Knight agreed to two things.

One was to build a fence, and that was done, a wooden fence. Also to hide the fence he agreed to plant trees. There is a row of thick willows planted now along Cinderella Drive. Now, if housing is built there, then the agreement that was made six or seven years ago has to be rescinded because the people on Cinderella Drive objected at that time and that objection still stands. So how would that objection be disposed of in order for housing to be built?

CHAIRMAN: Mr. Noffsinger, would you address that situation?
MR. NOFFSINGER: As I recall, and Mr. Adams is here and I think he was here before, I think the property probably went through at least a couple of zoning changes, but as I recall there was an agreement that the subject property would remain zoned residential and not be used for non-residential activities or commercial development because there was a concern that the neighbors had along Cinderella Drive that commercial was going to be coming up to their front yard. There was the stipulation that the property be used for residential activities. That's what they're proposing to do today. They're just changing from a zone that allows a higher density. Did I answer your question?

MR. STANLEY: Partly you did.

MR. NOFFSINGER: I don't want to try to get around or run around your -- I want to make sure I address your question and answer it correctly.

MR. STANLEY: The agreement at the Planning Commission a few years ago was that the trees would be planted and the fence would be built so that the people who faced west on Cinderella Drive would not see the commercial enterprise.

MR. NOFFSINGER: Yes, sir, and I think that restriction remains. Regardless of what they do
on this property, they will be required to keep in place a six foot high solid fence and trees along that boundary between the residential and commercial. That's not going to change. Now, it might shift where the trees are located, for example, because I think the trees are about in the middle of the property. The trees may move back, but you still have that requirement of the trees and the fence for screening.

MR. STANLEY: Well, the trees are not in the middle of the property. They're near the street.

MR. APPLEBY: The requirement was actually that the commercial property be screened from the residential I take it.

MR. NOFFSINGER: Right.

MR. APPLEBY: Why they weren't along the line I don't know, but that's where the screening will be required?

MR. NOFFSINGER: That's right. We'll continue that.

MR. STANLEY: Now, if there is building on Cinderella, then those trees would have to be removed because you couldn't built and leave the trees there. They are very, very close. Like 12 or 18 inches apart. It's very dense and that was the purpose of planting them was to obscure the commercial
enterprise.

How could you build on it now and still maintain that fence that's there, the trees?

MR. NOFFSINGER: I think you have to relocate the trees. I think you move the trees back.

MR. STANLEY: Again, I'd like to know what the applicant proposes to do?

CHAIRMAN: His concern is what are you going to build there.

MR. CAUSEY: What are we going to do?

CHAIRMAN: Wait just a minute because I think I understand. What he wants to know is exactly what type of housing are you going to build there. I think you've tried. If your density is smaller, you're going to build nicer homes so you can spread your cost out.

MR. CAUSEY: That's correct. Mr. Estes would like to approach.

MR. APPLEBY: I think he's asking for somebody to address the screening issue.

MR. CAUSEY: The screening issue. What I intend to do is we're going to relocate the fence further back than it is now. I think it's a little bit old. We're going to put the fence back. I want to build a new contiguous element. I plan to build an
eight foot privacy fence across the property line. I think there is already that stipulation for trees before the Planning & Zoning Commission. So that's going to be replanted. It will be back. I won't be along the edge of Cinderella Drive. It will be on the property line like it should have originally been to start with. We're going to build a new privacy fence if that helps any.

CHAIRMAN: Was I correct in summarizing that you plan on, if we go to the tighter density that you're going to built permanent foundation homes on the property?

MR. CAUSEY: People call them real homes instead of manufactured homes. That's what we plan to build, yes. Real homes.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: This is for Mr. Causey or Mr. Estes.

CHAIRMAN: It can only be for Mr. Causey.

Mr. Estes hasn't been sworn in.

MR. NOFFSINGER: Right. I want to ask the question and then whichever one can respond.

You have a related item under 6A. It's preliminary subdivision plat. Typically what the preliminary subdivision plat you file a proposal deed
of dedication. I notice I can't find one of those in
this application. That deed of dedication would give
us an idea of how you intend to develop the property,
what type of housing you intend to place on the
property.

MS. WATSON: There's a list of what they
propose. It's not in the file.

MR. NOFFSINGER: I may be getting into
dangerous territory, Mr. Elliott.

What I'm thinking is that this gentleman
is concerned about the type of homes that are going to
be located on the property. This gentleman is saying
if the rezoning is approved here is what we're going
to do. We should have a deed of dedication that
addresses what they intend to build on the property
and that deed of dedication should be enforceable. So
if we had that and say a zoning change was tied to
that deed of dedication, then might that help us --

MR. APPLEBY: It would only be enforceable
by the lots that are affected by the deed of
dedication if I'm understanding correct.

MR. ELLIOTT: That's right. It would help
if we have that information, but I don't think it
would be the controlling factor on whether it should
be rezoned or not.
MR. NOFFSINGER: I don't have a list of
proposed --

MS. WATSON: They submitted a list. It's
not written up in document form. You want me to go
down and see?

MR. APPLEBY: If that's read into the
record.

MR. CAMBRON: I have a question here, Mr.
Causey. These houses you're going to build, are they
all going to be nature to exceed you say 95,000 and
above?

MR. CAUSEY: That's my plan.

MR. CAMBRON: You have plans what you're
going to build already?

MR. CAUSEY: Yes.

MR. NOFFSINGER: What my concern is is
that, you know, this gentleman is hearing that they're
going to build site-built homes and we're hearing the
same testimony, but don't have anything in the file
showing that. What do we have to ensure that that's
what's going to be built on the property.

DR. BOTHWELL: I have a question. Could
we control either way what's going on there? You just
stated that they could put double-wide manufactured
homes or they could put site-built under either zoning
condition. Even if we had a deed of dedication is it enforceable from Planning & Zoning? Either zoning allows for either. I think that's all we're able to enforce or am I in error?

MR. NOFFSINGER: The question is do we have five homes or ten is the question.

DR. BOTHWELL: Right.

MR. CAMBRON: I don't guess it's as much as what they're going to build is how many. Only way that's going to be, from what I understand of what Mr. Causey says, depending on whether or not it's rezoned. He can only build five right now and don't have to do a thing or you can build 10 — —

MR. CAUSEY: I think there's nine lots there.

MR. CAMBRON: You do understand his concern on the the part that, you know, even though you're standing up here saying this, and I'm not saying that you're not going to do what you're saying, there's no bite to it period.

MR. CAUSEY: Correct. That's the reason that if I was going to do the other I would have already begun construction on it. I posted the bond last year to do that. I thought it would be a lot better for the community and the street and the
neighborhood to do that and let somebody else do what
they do best and let me do what I do best. That's not
to develop subdivisions.

MR. CAMBRON: Mr. Noffsinger, there is not
a whole lot we can do?

MR. NOFFSINGER: That's what our attorney
--

MR. ELLIOTT: Well, deed of dedication
really is to protect those other persons that are
going to buy a lot right next-door. You wouldn't want
to buy a lot and build a lot or buy a house that's
built on it and they not have any restrictions on the
next lot. The deed of dedication is to the benefit of
a developer, but I don't think it's our concern to tie
a deed of dedication with the rezoning because the
ordinance controls what they can build on it, right,
Gary?

MR. NOFFSINGER: That is correct.

Let me add for the record that the
developer, the applicant has submitted a set of
proposed restrictions for the file. Would you like to
submit this into the record and state that this is
your plan of development?

MR. CAUSEY: That's correct.

MR. NOFFSINGER: It specifically states
here -- it doesn't to me -- I'm not concerned if
it's site-built home or manufactured housing because
they're both allowed there, but this gentleman raises
the concern and issue. You're saying there will be no
manufactured housing on the site. It states right
here "All homes will be site-built homes. No

MR. CAUSEY: Right.

MR. NOFFSINGER: I want you to understand
that once this is placed into the record this Board is
making a recommendation to the Daviess County Fiscal
Court that the rezoning be approved subject to the
application and what's been filed here and said
tonight.

MR. CAUSEY: Yes, I understand that.

MR. CAMBRON: You want that read into the
record?

MR. NOFFSINGER: I don't know that we need
to read the entire document, but I have read into the
record Item Number 3. It says, "All homes will be
site-built homes. No manufactured homes."

CHAIRMAN: He's agreed.

MR. NOFFSINGER: With what the applicant
has stated here on record and the testimony, I don't
know how our attorney feels, but I'm comfortable with
MR. STANLEY: May I continue?

CHAIRMAN: Yes, sir.

MR. STANLEY: There are five homes across the street from the property that we're talking about. Putting ten homes on the other side of the street would change the nature of the neighborhood. It would change the nature of the neighborhood drastically. Cinderella Drive is a very narrow street. Two cars can pass on that street, but that's all. There are no sidewalks on either side of the street. There is a curb on the east side where the homes are located now. There is no curb on the west side of the street. Mail boxes extend out to the edge of the pavement. If there was development on the other side, especially a concentrated development, ten lots, ten houses, I'm wondering where the people would park. The size of the lot and the size of the house that is approved by zoning classification R1-C would almost create a situation where people have to park on the street. I just don't believe that you can build two car garage on a 50-foot lot, put two houses in there, and keep cars off the street.

Again, that street is so narrow it would be very, very difficult for any emergency vehicles to
come down that street if cars were parked on the street. It would be difficult for the trash truck, for Browning-Ferris to come down the street. Would be difficult for OMU to get their trucks down the street.

If there are going to be ten homes there, even if there's going to be five homes there, there are going to be some kids and on a 50-foot lot kids don't have a lot of place to play.

Having cars in the street, kids in the street creates a safety problem. It creates not only a safety problem, a safety hazard.

I hope you know how small Cinderella Drive is. It's the size of a double driveway. I have a double garage and a double drive in front of my house and that's the size Cinderella Drive is.

There are eight homeowners in the Riverbend Cove Homeowners Association. Three of those homeowners are here today. The Homeowners Association is very strongly opposed to any reclassification that would allow 50 foot lots to accommodate a house. We have no objection to houses, to homes being built across the street from the homes that are already there. We have no objection to building that would not change the nature of the neighborhood, but we feel that putting ten small houses in a restricted area is
going to create a very undesirable type of congestion that would be totally unfair to the other homeowners who have bought property there and have invested quite a bit of money in river front property.

So we ask that this reclassification not be approved.

CHAIRMAN: Would you address -- I believe in your plan there's something to the effect about the narrowsness of the street. Would you address that?

MR. CAUSEY: I would like to talk a little bit about that and if Don Bryant would come up here I would like him to kind of point out some of those improvements. He did the engineering work on it also.

Widening Cinderella Drive was one of the requirement in the site plan. Curbs, sidewalks, fire hydrants, all of those things were part of the engineering work we had to post bond for to do that. We did plan to widen Cinderella Drive. Walkways are part of the site plan and so are curbs, drainage, you know, septic sewer and all of those, sewer taps.

The square footage ranges from 1100 to 1400 square feet. We have pictures of those if you want to take a look on what we intends to build on that. We have some pictures.

MR. APPLEBY: The lots are 60 feet wide
minimum. That's the smallest.

MR. CAUSEY: There's a couple 65 I believe also. There's nine homes.

CHAIRMAN: Let me stop just a minute. Let me ask Mr. Noffsinger a question if I may.

Mr. Noffsinger, as the zoning stands presently, they would be allowed to build what? They could put trailers?

MR. NOFFSINGER: Yes. That's correct.

CHAIRMAN: As the zoning stands now, they could put trailers in and not widen the street or do any of the other improvements or would they still have to --

MR. NOFFSINGER: No. They are required to widen the roadway to 31 foot improvement. So they are addressing that and providing sidewalks just like Mr. Causey stated. The only difference is the number of dwelling units. The uses are the same.

CHAIRMAN: If they put the trailers in, they would still have to widen.

MR. NOFFSINGER: That's correct.

MR. APPLEBY: Their existing plan calls for that.

MR. NOFFSINGER: That's correct.

MR. STANLEY: I would like to see, I would
really like to see some plans on paper. I'm sure they exist, but I'm also concerned about the agreement that was made six or seven years ago where this Planning Commission agreed to keep this property R1-A in exchange for allowing the commercial property to be rezoned for Bob Knight's business. The agreement was that this property would remain R1-A. How do you address that?

MR. NOFFSINGER: Sir, I think we've already addressed it in terms of the property. During Staff's review we took a look at those conditions. I might ask Ms. Watson to step up and describe what took place in that review. What's being presented to you tonight is the property is going to remain residential and if they're successful in their zoning change, they're going to put up site-built housing. If they're not successful in this zoning change, you're going to have few homes out there, but it's going to be manufactured housing is what I'm hearing. We have entered into the record that they're going to build site-built housing. The congestion, the street congestion has been addressed in the widening of the roadway. Right now across from this property I count seven residences. They're proposing nine on their side.
MR. STANLEY: Directly across from this property there are five.

MR. NOFFSINGER: Well, I count seven lots. There may only be five residences there, but I count that many lots directly across the street. There's seven lots directly across the street from this property and they are proposing nine. The original plans indicated how many lots?

MR. CAUSEY: Five lots.

MR. NOFFSINGER: Five lots. So it's an increase of four lots over what they have already approved. They could go in today and build four or five site-built homes without a zoning change.

MR. STANLEY: We have no objection to that.

MR. NOFFSINGER: Or they could put four or five manufactured homes on it and there's nothing this Commission or you could do.

MR. STANLEY: And if the zoning approves that, we have no objection to it.

CHAIRMAN: Did you want to ask Mr. Bryant to come forward?

MR. CAUSEY: If we need any more clarification on improvements or anything.

CHAIRMAN: Let's do that. Let's ask Mr.
Bryant to address the engineering possibilities.

MR. ELLIOTT: State your name, please.

MR. BRYANT: Don Bryant.

(MR. DON BRYANT SWORN BY ATTORNEY.)

MR. BRYANT: This plan was originally approved to include street widening, the installation of sidewalk along the entire length all the way out to Highway 60. The lot out front at the corner has previously been as an existing home on it and it's not part of this reapplication.

We're proposing nine lots. Minimum lot size proposed is 60 foot. The depth is the same with drainage improvements and so forth as were previously approved.

I think there's just a little bit of misunderstanding as to what's proposed and what can go in there. The original plan was to install double-wide manufactured units. Mr. Causey was approached by Image Builders to purchase the property. To build site-built homes which they have proposed to do and they're willing to build site-built homes which would maybe seem to be more compatible with the existing homes in the area. One thing that has not been mentioned here tonight is that Randy Hayden and Jim Estes with Image Builders have spent a lot of time

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canvassing the neighborhood of the existing
subdivision on the opposite side of Cinderella. That
was one of the requirement when we first met with
staff in order to actually get favorable consideration
by the staff. That this would need to be coordinated
with the neighborhood. They have done that. They've
explained to the folks along the other side of the
street, you know, what they propose to do. I
understand that they have been well received and have
no objection. I think this is actually more in
keeping with the nature of the existing neighborhood
than the original proposal.

The street is going to be widen to 31
feet. That's a standard width that we require in new
subdivisions with lots of this size and with the
sidewalk. The homes will be built with garages and
on-site driveways for vehicles. There will be
sufficient width. Thirty-one foot width is designed
to allow on-street parking with curb.

So all of these issues have been
addressed. With that I can answer any questions.

CHAIRMAN: Thank you, Mr. Bryant.

Do you have any questions of Mr. Bryant?

MR. STANLEY: The statement was made that
this proposal would not change the nature of the
neighborhood. Our contention is that it will drastically change the nature of the neighborhood and it will affect the value of those homeowners who are already there. Now, if the neighborhood was canvassed and people were asked whether or not they oppose this, I was not contacted. Were you contacted? Were you contacted? I don't believe those contacts have been made because there is opposition to it.

CHAIRMAN: Does anybody else in the audience have any comments or questions?

Yes, ma'am. Step forward, please.

MR. ELLIOTT: State your name, please.

MRS. COLlier: Norma Collier.

(MRS. NORMA COLlier SWORN BY ATTORNEY.)

MRS. COLlier: I live on the end of Cinderella Drive, on the same side of the street where the proposed change is. I just want to state that I am not a part of the Homeowners Association, but I certainly very much object to the change in classification for all of the reasons that Mr. Stanley has stated.

CHAIRMAN: So you would like for it to stay as it is with five lots?

MRS. COLlier: Right.

CHAIRMAN: And double-wide trailers on the Ohio Valley Reporting (270) 683-7383
MRS. COLLIER: I think the term double-wide trailers are being used as a scar tactic, you know. First of all, who are they going to sell the double-wide trailers to or are they going to rent them? You know, we have a couple of condos that are for sale that are river front property and are a lot nicer than -- how deep are those lots going to be? I've heard 50 feet mentioned, 50 feet wide, but how deep are they going to be?

CHAIRMAN: I'm just saying what the commission is faced with if we do not pass this proposal with the stipulation of site-built homes, then the classification that they have allows these other things that they could do with the lack of density. This is what we're faced with and decision that we have to make.

MRS. COLLIER: Well, has there been any property owner that has gotten up here tonight and said, yes, I'm in favor of the change?

CHAIRMAN: I think the people that own the property is going to be the developer. They're proposing the change.

MRS. COLLIER: The neighborhood.

CHAIRMAN: We sit on both sides of the Ohio Valley Reporting (270) 683-7383
fence. The thing that we're faced with if down the road if this is not passed and the current status remains what it is, then those are the possibilities that the builder has, is his latitude and we have no control over it at all. I mean he can build or put – - you know, these options are his.

MRS. COLLIER: With the five sites. We understand that.

CHAIRMAN: Okay. Does anybody else have any questions?

MR. HAZEL: Yes.

MR. ELLIOTT: State your name, please.

MR. HAZEL: Art Hazel.

(MR. ART HAZEL SWORN BY ATTORNEY.)

MR. HAZEL: I'm a resident of Riverbend Cover and I think the problem is we're extremely gun-shy from the changes that have occurred in the back of our homes about a year ago with the detention center. We're not really sure what we're looking at. We'd like to have more time to digest it and to understand so we can make an informed decision. As it appears now, we feel like that if you're going to double the amount of dwelling, then you're going to lower or degrade the property values in that area. I think the problem is we just don't really understand
what is going to happen to our property with the development of this property.

CHAIRMAN: I can definitely appreciate that. We're all homeowners and we're here, you know, the decision we have to make is they are proposing this and you would like to remain the same. Not wanting the unknown. If we go to the higher density, then we are putting stipulations that they're agreed to that they must do with the property. If the property remains as it is, then based on that particular zoning, they have a much wider latitude of what they can do with the properties without any specific stipulations that we have whether it be permanent or manufactured homes. They could do either. Whatever they do we have to accept as you would. That's what we're faced with. Not saying that we have a bias toward manufactured homes or on-site built homes, but some people do. I think, you know, with the stipulations that this board is going to put on them, we're sort of guaranteeing you that they're going to have this type of home. He's given you a price range that they're going to have to put on the homes to make it competitive and attractive. So that's what we're faced with. I mean we're not trying to take an easy way out. We've got a real tough

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decision we have to make, but I think we're taking the extra step to put certain specific things that he must build on those lots, on the smaller. He wants to go to the smaller lots and and agree to that because of the density that he can spread his cost over. I don't know if I helped solve your questions. I understand where you're coming from.

MR. HAZEL: We feel like we really suffered tremendously when they put the detention center in that area. We're trying to stop any further degradation to our value. I think that's the basis of our argument. You don't understand exactly what we're going to end up with.

MR. JAGOE: Can I just ask a question relating to value?

CHAIRMAN: Mr. Jagoe.

MR. JAGOE: Do you feel like if the property stays vacant that your value would be more than if the property was developed and there were other families living there? Which would you feel better with? With the detention center coming in next to you and ten people that want to come in and live there, that don't have the opportunity now or nine, however sites there are.

MR. HAZEL: I don't have an opinion right
now.

MR. JAGOE: Because I'm hearing you say value. You're worried about the value of your property.

MR. HAZEL: Not only the monetary value, but the esthetic value of our neighborhood. You know, we all have beautiful river front property that we're very proud of. We don't want the neighborhood to become an area where people just -- we feel like that we've already lost some of our value in that respect with our privacy and the traffic.

MR. CAUSEY: I have some pictures here to show you the type of housing that are going to be on these lots if they were approved for the zoning change.

CHAIRMAN: Mr. Noffsinger, if I understand this correctly though, if this Board does not approve this application, that does not hinder them from going forward with other types of development on the five lots.

MR. NOFFSINGER: That is correct, yes.

CHAIRMAN: Have you all seen these?

MR. STANLEY: No.

CHAIRMAN: Are there any further questions or comments from anybody in the audience?
CHAIRMAN: Let's give them a minute to look at these photos.

MR. STANLEY: As I pass these on and looking at the pictures, I can say positively that this would not enhance the value of our neighborhood. It would reduce the value of our neighborhood.

CHAIRMAN: Would you like to make a statement?

MR. ELLIOTT: State your name, please.

MR. ESTES: Jim Estes.

(MR. JIM ESTES SWORN BY ATTORNEY.)

MR. ESTES: Just so the commission will know, approximately three months, which was the most recent sale in the Cinderella Drive area was for $76,000. What we're proposing to put up is a minimum of 95,000. We do feel that it will be a complete enhancement to the neighborhood. I don't know if you guys keep up with what's going on with the sales, but that was the most recent sale on Cinderella Drive within the past 90 days.

CHAIRMAN: What was the address of that sale; do you know?

MR. ESTES: I don't remember. I can get it for you though.
MR. STANLEY: Question.

CHAIRMAN: Yes, sir.

MR. STANLEY: What was the sale figure, the last sale on Cinderella Drive?

CHAIRMAN: Address the question to me and then I will address it.

MR. STANLEY: All right. I didn't hear the value of the last sale of the property on Cinderella Drive.

CHAIRMAN: Let me call Mr. Estes back to address that.

Mr. Estes.

MR. ESTES: It was 76,000. The reason I know that is one of the assistants in our real estate office bought it.

CHAIRMAN: Thank you.

MR. STANLEY: The Master Commissioner auctioned a house on Cinderella Drive within the last 90 days and it sold for 80,000, and then it resold for 89,000. I don't think his figures are correct.

CHAIRMAN: Unfortunately that's something at this time that we cannot address.

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

MR. CAMBRON: Mr. Chairman, I'd like to
make a motion for approval based upon the Staff's Recommendation and Findings of Fact 1 through 3, and I think it will be an enhancement to Cinderella Drive. I really do. Especially with having the road improved and the housing seems to be adequate for that area.

MR. APPLEBY: Second.

CHAIRMAN: We've got a motion for approval by Mr. Cambron. We have a second by Mr. Appleby. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

Related Item
ITEM 6A
Cinderella Drive, 1.264 acres
Consider approval of revised major subdivision preliminary plat.
Applicant: James Glenn Causey

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff, the Engineering Staff. It's found to be in order and ready for your consideration.

CHAIRMAN: Obviously there is somebody here representing the applicant.

Does anybody have any questions of the applicant?

(NO RESPONSE)
CHAIRMAN: Anybody from the commission have any questions of the applicant?

(NO RESPONSE)

MR. APPLEBY: Is Chair ready for a motion?

CHAIRMAN: Chair is ready for a motion, Mr. Appleby.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

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.

Related Item

ITEM 7

4100 Block Medley Road, 8.297 acres
Consider zoning change: From A-U Urban Agriculture to R-1C Single-Family Residential
Applicant: Robert J. Wimsatt

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the adopted Comprehensive Plan.

This recommendation is made subject to the findings of fact that follow:

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

2. Sanitary sewers are proposed to be expanded to the site;

3. The subject property immediately adjoins areas of urban low-density residential zoning; and,

4. The proposed development of the subject property should not significantly lower the level-of-service of Medley Road.

MS. WATSON: We would like to enter this as Exhibit B into the record, please.

CHAIRMAN: I see that there's someone here representing the applicant.

Does anybody in the audience have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody on the Commission have any questions of the applicant?

(NO RESPONSES)

MR. CAMBRON: Mr. Chairman, motion for approval Findings of Fact 1 through 4.

MS. DIXON: Second.

CHAIRMAN: Mr. Cambron motion for approval. Ms. Dixon has a second. All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

Related Item
ITEM 7A

Doe Ridge, Section 4, 2.139 acres
Consider approval of major subdivision preliminary plat.
Applicant: Robert J. Wimsatt

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order and ready for your consideration.

CHAIRMAN: Does anybody have any questions?

(NO RESPONSES)

CHAIRMAN: Anybody from the commission have any questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move for approval.

CHAIRMAN: Motion for approval by Ms. Dixon.

DR. BOTHWELL: Second.

MR. CHAIRMAN: Second by Mr. Bothwell.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 7B

Harbor Trace, Section I, 6.158 acres
Consider approval of major subdivision preliminary plat.
Applicant: Robert J. Wimsatt

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order and ready for your consideration.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Anybody from the commission?

(NO RESPONSE)

MR. CAMBRON: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Cambron.

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 8

11301 US 431, 2.612 acres
Consider zoning change: From A-U Urban Agriculture to B-4 General Business
Applicant: Wade & Barbara Adkins

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the adopted Comprehensive Plan.

This recommendation is made subject to the condition and findings of fact that follow:

Condition:

1. Access shall be limited to a single point to be reviewed and permitted by the Kentucky Department of Highways and the County Engineer.

Findings of Fact:

1. The subject property is located within a Rural Community Plan Area, where general business uses are appropriate in limited locations;

2. There is an area of B-4 General Business zoning within the vicinity of the subject property;

and,

3. The subject property is located on a principal arterial roadway and is "major-street-oriented"; and,

4. The subject property is not located in close proximity to existing dwellings.
MS. WATSON: We'd like to enter the Staff Report as Exhibit C.

CHAIRMAN: Yes, ma'am. Let's have you sworn in, please.

MR. ELLIOTT: State your name, please.

MS. HENDERSON: My name is Shirley Henderson. I live at 11125 Highway 431.

(MS. SHIRLEY HENDERSON SWORN BY ATTORNEY.)

CHAIRMAN: Yes, ma'am.

MS. HENDERSON: I live right next-door to this area that you're talking about making a business. There's a problem. We do not know what kind of business is going to be built there. We've been hearing that it's going to be a Dairy Queen. If that's what's going to be put there or something where there's going to be traffic going in and out, it's a very dangerous site first off. Highway 431 has only a couple of areas where there is passing in about a five or six mile zone, and that happens to be one of the areas. So cars go by there not at 55 miles an hour, but at 65, 70 and 75 miles an hour. If they're going to put a Dairy Queen in there, people coming on the road are going to find that as traffic comes down over a little hill there they're going to be right in the way and there's going to be some really nasty
accidents.

The second thing is it's a very low lying area. It swamps up in the spring time when we have all the rain as we've had just recently, and that's real problem.

Third thing is that it is close to some very nice houses. Mine and the one next belongs to Crabtree. Our property value is going to diminish if this is made into a Dairy Queen or something similar. Across the street there is commercial property, but hopeful this commission will see that it is a dangerous thing to do because if traffic is coming from the north and go into the businesses on the north side of the road, it's not as dangerous as coming from where this would be. It's on the east side. Traffic would be coming over the hill going north. That would be very dangerous. I'm concerned.

CHAIRMAN: Let us bring the applicant forward and maybe they can address some of those questions and clear up some of your concerns. Do we have somebody representing the applicant?

MRS. ADKINS: Yes.

MR. ELLIOTT: State your name, please?

MRS. ADKINS: Barbara Adkins.
(MRS. BARBARA ADKINS SWORN BY ATTORNEY.)

MRS. ADKINS: We are wanting to build like a little Dairy Freeze. As far as the danger, that's why we're down on that end. I have talked with the state engineer and he has given me the place where I put the road tile in. We do intend to clear all the woods to make better access. That is a concern for us, but we feel that we're taking all precautions, but we would really like to have that rezoned for a business. We feel like it's a good area.

CHAIRMAN: She had concerns about what type of business you were going to put there, the traffic situation, and the sight ability. I believe you've addressed those concerns. Let me see if she's got other questions that she might have.

Yes, ma'am.

MRS. HENDERSON: I wonder, are you going to put fill in that area so that you build the land up?

CHAIRMAN: She will be required to bring it up and there will be drainage and other requirements that will be placed upon her.

MRS. HENDERSON: My biggest concern is the traffic. That's really a concern. Coming down over that hill people are going so fast and they're
1 thinking they can pass there. If you're going to put
2 a business there such as you're talking about, a Dairy
3 Queen, that kind of thing?
4
5 CHAIRMAN: I don't think she was referring
6 actually to a franchise.
7
8 MRS. ADKINS: Not a franchise. It's a
9 family-oriented type restaurant. Hamburgers, french
10 fries, milk shakes.
11
12 MR. CHAIRMAN: Let me ask Mr. Noffsinger
13 to address the approach and the visibility of the
14 situation because I'm sure he's very aware of that
15 situation.
16
17 MR. NOFFSINGER: Mr. Chairman, I'd like to
18 refer to Ms. Watson in our office that reviewed this
19 application.
20
21 CHAIRMAN: Ms. Watson.
22
23 MS. WATSON: There is an existing rocked
24 area with a culvert put in that's north on the
25 property. That was one of the reasons that we have as
26 a condition on the rezoning, that this access be
27 limited to one access point and it be reviewed by the
28 Department of Highways and the County Engineer or
29 sight distance. So it will be a safe location.
30
31 CHAIRMAN: Would you also address the
32 drainage and the situation that also I believe the
engineer would address?

MS. WATSON: We have not reviewed a
drainage plan for the property. That would be
reviewed at the site plan. Staff when they came in to
get a building permit, they would be required to
submit a site plan that the county engineer would
review. One of the things that he does review is the
drainage on the property.

MRS. HENDERSON: May I say something to
that, please?

MR. CHAIRMAN: Yes, ma'am.

MRS. HENDERSON: The drainage would be on
my property. I have because of -- that culvert that
you've been talking become is right between the
property that is in question and my property. The
drain actually flows over onto a small spill pond
that's on my property. Right at the moment the bank
is eroding pretty severely. I have another large pond
there. It's about a two acre pond. Before very long
the front of my property is going to be just one huge
tract of water. This is a real problem. My property
is like a swamp right now and if you're going to drain
more water onto it, we're going to have some more
serious drainage problems there.

CHAIRMAN: This commission cannot address

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directly drainage problems. That goes, as Ms. Watson stated, would this be the county engineer, Ms. Watson?

MR. NOFFSINGER: Yes, sir, and we will note that and Ms. Watson in our office will have a discussion with the county engineer regarding your concerns.

MRS. HENDERSON: Thank you.

CHAIRMAN: We're aware of that with every application we get because we don't want her to raise your property and drain all the water.

MRS. HENDERSON: That's what's going to happen. Going to drain all the water on to me. Thank you very much.

CHAIRMAN: That's an issue with the county engineer. I think he does a very good job of seeing that that does not happen to other property owners, but I think if you want to address that issue with him directly he would be --

MRS. HENDERSON: How would I do that?

CHAIRMAN: He's listed as county engineer. He reviews these plans before they're -- that's his job, to make sure that the drainage is there.

MRS. HENDERSON: I certainly don't want to interfere with the progress. That's not my point. Property values, that's a problem. It's not the big
one. The big one is I'm mostly concerned about the
traffic hazard and the drainage.

CHAIRMAN: Those are utmost concerns of
this commission for every application that we see.

MRS. HENDERSON: Thank you.

CHAIRMAN: Thank you for your comments.

MR. ELLIOTT: State your name, please.

MR. HENDERSON: Howard Henderson.

(MR. HOWARD HENDERSON SWORN BY ATTORNEY.)

MR. HENDERSON: My wife is the public
speaker. I'm not opposed to the applicant's plan, but
I do have some concerns. I don't hear well at all so
some of my concerns may have already been covered. I
heard about the drainage and the pond. I don't want
to pollute our pond.

The other concern I have is that stand,
the beautiful stand of trees on which they're going to
carve 2.6 acres, which I assume is not the entire
property. I'm wondering if they're going to defoliate
the rest of all those beautiful trees?

CHAIRMAN: Let us bring the applicant to
the podium and have her address that.

MRS. ADKINS: We do intend to log it, yes,
but as far as we're going to keep the younger trees.
We're not going to just totally go in and just wipe it
all out. When I was discussing it with Planning &
Zoning, I will be doing all the landscaping they
require and there will be grass put back in and there
will be trees. Because the other two we're not doing
anything with it. We don't intend to do anything with
the other two acres.

MR. HENDERSON: I didn't hear a word of
that. Is she telling me that they're going to take
down all the trees?

CHAIRMAN: Not to insult you, but I will
speak very loudly.

MR. HENDERSON: Yes, thank you very much.

CHAIRMAN: One, she said that she was
going to log part of the property. She was going to
leave the younger trees there and there was still
going to be a part of the foliage that was going to
left.

MR. APPLEBY: If I'm understanding you're
going to leave about two acres that's not going to be
logged?

MRS. ADKINS: Well, no. We're going to go
ahead and take the mature trees off, but like I said
we'll leave the smaller stuff and let it come on up.
Like I said it's very thick. It is very wooded. As
she expressed, with it being wooded I would like it
opened up a little bit better so you can see the road better. So when you're pulling off and on to it, you have better access.

CHAIRMAN: They are going to take off the two acres of mature trees. They're going to leave the younger trees. What esthetic damage is done, they are going to reseed and put the grass back. They will log that area and leave the younger trees, but the mature trees will be harvested.

MR. HENDERSON: Thank you very much.

MR. NOFFSINGER: Mr. Henderson, I have a question. Is your home the brick home that sits off the road with the beautiful lake?

MR. HENDERSON: Yes, with the pond in front across from the ammonia plant. There are a lot worst things they could put on that property.

MR. NOFFSINGER: Thank you.

CHAIRMAN: Thank you.

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

DR. BOTHWELL: Motion to approve based on Findings of Fact 1 through 4 and Condition 1.

CHAIRMAN: We have a motion for approval by Dr. Bothwell.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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DEVELOPMENT PLANS

ITEM 9

3415 Buckland Square, 5.9 acres
Consider approval of final development plan.
Applicant: Cliff Hagan Boys & Girls Clubs, Inc., O'Bryan Heirs

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order and ready for your consideration.

MR. CHAIRMAN: Is there anybody here representing the applicant?

MR. CHERRY: Yes.

CHAIRMAN: Do you have a statement that you'd like to make?

MR. ELLIOTT: State your name, please.

MR. CHERRY: My name is Steve Cherry. I'm with the architects that's been working with the Boys & Girls Club.

(MR. STEVE CHERRY SWORN BY ATTORNEY.)

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CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Anybody from the Commission have any questions?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. ROGERS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Thank you.

ITEM 10

3601 Frederica Street, 0.807 acres
Consider approval of final development plan.
Applicant: Massie-Clarke Development Co., Inc.

MR. APPLEBY: Mr. Chairman, I need to disqualify myself on this item.

CHAIRMAN: Let the record note Mr. Appleby is disqualifying himself.

MR. NOFFSINGER: Mr. Chairman, this
application has been reviewed by the Planning Staff and Engineering Staff. The application is in order with the exception that a roadway buffer variance from Frederica Street will be necessary. The applicant has made an application to the Board of Adjustment for the necessary variance. This is the landscaping variance, if you will, out front for the location of the materials. They're going to do all the landscaping that's required. It's just there's a question of where they place the landscape materials. That application will be considered by the Board of Adjustment at their June meeting and we're recommending approval at this time of this plan subject to the Board of Adjustment granting that variance.

MR. CHAIRMAN: Is there anybody here representing the applicant?

MR. RINEY: Yes.

CHAIRMAN: Do we have any questions from anybody in the audience or the commission of the applicant?

(NO RESPONSE)

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

MR. CAMBRON: Motion for approval.
CHAIRMAN: Motion for approval by Mr. Cambron.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT WITH THE DISQUALIFICATION OF MR. APPLEBY RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 11

4612, 4700, 4800, 4950 KY 56, 94.575 acres (POSTPONED)

Consider approval of final development plan

Applicant: Bellevue Baptist Church

MR. NOFFSINGER: Mr. Chairman, on Item 11 we have a letter in the file from the applicant requesting postponement of this item until the June Planning Commission meeting.

CHAIRMAN: Do we have a - -

MR. APPLEBY: Motion for postponement.

CHAIRMAN: Motion for postponement by Mr. Appleby.

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.
Next item, please.

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MINOR SUBDIVISIONS

ITEM 12

5931 KY 56, 1235 Lyddane Bridge Road, 3.932, 3.044 acres
Consider approval of minor subdivision plat.
Applicant: Joan G. Ramey

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff and the County Engineering Staff. It comes before this board to be considered as an exception.

There's a lot that you're looking at about seven acres of land here. The proposal is to split this seven acres into two tracts. The property is separated by a large ditch. There's a drainage easement across or for the ditch. The two properties actually physically in the field are separate because one is on -- there's a lot on each side of the ditch.

The first lot meets or lot number 2 meets all the minimum requirements of the subdivision regulations and zoning ordinance; however, lot number 1, although it meets the minimum lot size, it does not meet the minimum frontage on the public right-of-way. It is a 50-foot wide strip of land for access back to it.
Given the situation that this property is physically split by a natural barrier of this ditch, we would recommend that the Planning Commission give this division a favorable approval.

CHAIRMAN: Are there any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission have a question?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move for approval.

CHAIRMAN: Motion for approval by Ms. Dixon.

DR. BOTHWELL: Second.

MR. CHAIRMAN: Second by Dr. Bothwell.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 13

2120, 2126 Old Cabin Road, 1.094 acres
Consider approval of minor subdivision plat.
Applicant: Loyd E. Hinton, Harold L. & Margaret H. Hall, Jennifer L. Bender (Garris) & William M. Garris

MR. NOFFSINGER: Mr. Chairman, this plat
has been reviewed by the Planning Staff and
Engineering Staff. It creates a lot behind another
lot which will be access via an easement. It also
creates or actually does away with a piece of property
that would not have frontage on public right-of-way
and consolidates it in with a lot that does have road
frontage. Given the fact that they are reducing the
non-conformance there, we would recommend that
Planning Commission approve this plat.

CHAIRMAN: Are there any questions of the
applicant?

(NO RESPONSE)

MR. NOFFSINGER: Mr. Chairman, if I may I
would like to state that there is a notation on this
lot. It's a non-buildable lot. So no building
activity can occur on this lot that does not have
frontage.

CHAIRMAN: So noted.

Are there any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Any questions from the
commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. APPLEBY: Motion for approval.
CHAIRMAN: Motion for approval by Mr. Appleby.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 14

100, 130 Salem Drive, 4.275+ acres
Consider approval of minor subdivision plat.
Applicant: Kenneth Crandall

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. The plat is not in order and the applicant is requesting I believe an 80-foot wide entrance onto Salem Drive. The access management manual and zoning ordinance stipulate a maximum 40-foot wide entrance.

The applicant is here tonight to make a presentation as to why they feel this plat should be approved with the extra-ordinary wide access and Planning Staff after their presentation will be prepared to present their side of the case.

MR. ELLIOTT: State your name, please.

MR. HESTER: Scott Hester.

(MR. SCOTT HESTER SWORN BY ATTORNEY.)
MR. HESTER: I'm Scott Hest. I work for Mr. Crandall in his business of Carpets Unlimited. Give you a brief history so you kind of understand what's taking place. Mr. Crandell bought this property in late 1996 or early 1997. Formerly it was a Save-A-Lot grocery and some other things. There is a double bay back-end loading dock at one end of the building at that time. There were twin 45-foot driveway openings which accessed that and allowed semi trucks to back into the premises, back in to get in and out.

In August of 1999 the business was going pretty well. We needed additional warehouse space. We applied for a permit to add an additional 10,000 square onto the building. At that time as a condition of obtaining that building permit, we were required to close half of that driveway. We agreed to do that at that time thinking that it was workable, but we had concerns and we had some rather evident concerns. We were told there was nothing that could be done about that any way in the world. That was what I was told at the time was. They didn't care if we were putting in a 20 pump truck stop in there, a 40-foot driveway was all we could ever have. So we installed curb, closed off half of that driveway an proceeded and
built the additional 100 by 100 square foot warehouse section.

From that point our experience was that it was virtually impossible, at least by the average freight truck driver, to get into that driveway and stay within that 40 or 45-foot opening.

The street is 30-feet wide. It's too narrow to start with. You're taking a semi truck with a 55-foot trailer in some cases and 15 to 20-foot tractor and trying to take it off of a 30-foot street into a 40-foot opening. It just doesn't work.

As a part of that original permit for the first addition, we agreed to put in the shrubbery and add sidewalks and grass between the sidewalk and the street. We haven't completed all of that. We started on the part that we know we could do. We haven't completed that because all it's going to do is create a giant mud hole. The shrubbery is going to be run over by the trucks.

The volume of material that comes in and out of our business is such that it's just not practical to get it there any other way. Up and down Salem Drive you can pass through there frequently and you will see semi trailers parked in the street being unloaded because people can't get semis off the
street. We have a lot of straight trucks. We have a lot of short trailers that have no problem at all getting in and out of our property there, but a 50 to 55 foot semi trailer just cannot do it with the space.

One comment that was made to me, we brought this back up, I did, several times recently and we were asked to prepare a drawing of what it is that would work for us and submit and that's why we're here.

In addition we're wanting to add. We've got a permit to add an additional 10,000 square feet of warehouse on the operation which will help us in some ways in giving us more paved area to deal with these trucks if we can get them off the street. The problem is getting them on and off the street with that size driveway.

Comment was made to me, well, that's absolutely not permissible and the zoning classification and, you know, there's Lowe's over there and they don't have a 80-foot driveway and Wal-Mart doesn't have an 80-foot driveway. No, they don't. They have a three lane street running directly into their property head on.

Now, if someone wants to put in a three lane street across from the driveway, I don't need the
40 feet. I could live with that. Lowe's has a three lane street running behind their building and it is a street. Then from that they have a 55 foot opening off of a 42 foot street which allows them to turn in. In fact, they've got two 55 foot openings with across the street that gives additional space for traffic there.

What we're trying to do is make this work. Right now the only way a truck and semi you can back into that space, but you cannot pull in. What's happening right now, and these are freight companies. Not our employees. We have no control. What they're doing right now is pulling down the street, backing in and then in the process putting the front end of the tractor off in the grass on the other side of the street and they still can't get in the driveway without running over that curb.

What we want to do is make it wide enough that they can get in and out of the place without creating a significant traffic error and not have to shut the business down because we can't get material in and out.

That's pretty much it in a nutshell.

CHAIRMAN: Thank you.

Is Ms. Watson going to present the side to Ohio Valley Reporting
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the commission?

MS. WATSON: I'm going to give sort of a history from previous standpoint and then I think Jim has some information to add as well.

There have been several plats approved on the property. The first one dates back to December of '96. A minor subdivision was approved. It created three lots, 130, 120 and 100 Salem Drive. This is 130 that we're dealing with tonight.

On that plat that double 45-foot access, half of that was required to be closed and two other access points were located on the other lot. In fact, that was going to be a shared access between 130 Salem Drive and 120 Salem Drive and an easement was provided for that shared access. That was in December of 1996. I know he said they bought the property in late '96 or early '97 so I don't know if this was done prior to their purchase of the property or not, but that long ago the access was restricted to one access on this property and not both double accesses were allowed.

In 1999 there was a plat consolidating 120 and 130 back into one lot. On that plat there is a provision for a 40-foot access on this lot. Again, two other accesses are located, points are located on 100 Salem Drive.
In 1999 there was an additional plat that consolidated more property to this lot and the same access requirements were approved on that plat as on the previous plat. A 40 foot existing entrance on this lot, two access points approved on the remainder of the property with accesses being, additional accesses being closed.

As Gary Noffsinger stated, that the maximum access in a B-4 zone is 40 feet. The applicant mentioned the Lowe's access, which I believe is zoned industrial and industrial access could be 50-feet. The 40-feet is of the property line. There is an allowance for a radius from the property line to the street. So actually at the street it could be a bit wider than 40-feet that's required.

I think Jim has some information for you regarding this particular application.

MR. ELLIOTT: State your name, please.

MR. MISCHEL: Jim Mischel.

(MR. JIM MISCHEL SWORN BY ATTORNEY.)

MR. MISCHEL: I'd just like to pace out maybe what we have in the ordinance as far as the driveway width so you can see what we're talking about. I'd like to go on and put one in the record.

As you can see in the Ordinance 13 under
"13.23 Maximum Driveway Widths. The width of each driveway along any street, as measured at the property line, shall not exceed the maximum dimensions in the following exhibit."

Under the exhibit at 13.231 Maximum Driveway Widths, Commercial, single lot, the maximum width is 40-feet.

Like Becky said, that can have a radius on it where it will be larger at the public right-of-way, but it's 40 feet at the property line.

Essentially I think we've already talked about most streets, a lot of streets aren't 30 foot streets. A lot of these semis have to have -- this drive opening of 40 feet of the property line is larger than what the street is itself. We feel like that would be adequate to get these trucks in.

What Mr. Hester said, I've got something here. He's made a pretty good point about the storage. Originally this building, if you look at it has I guess what you call excessive storage. They've added a 10,000 square foot warehouse on last year and they're going to add another 10,000 square feet for a total of 20,000 square feet. That's major storage for that store. Maybe this is the time, in the past it was minor storage. It's major storage now. One
solution may be they pose to move that property line
to the east. He owns the property to the east of it. Maybe if that property line was extended a little bit more, since we are talking about major storage, to provide for maybe these trucks to get in.

I might pass this around. The yellow line shows where the proposed property line to be. I just drew in a blue line to maybe where that property line is moved to that blue line would provide more space for the trucks to get in and access this warehouse since we are going -- within a year or two we're talking 20,000 square feet.

We still have the ordinance to deal with in the past. We would adhere to this whether it's a site plan or development plan as far as these driveway width. I don't know if anybody has any questions.

DR. BOTHWELL: If you moved -- he's apparently got two parcels of property here as I'm looking at it and it was originally plated out. You've got 40 foot entrance on one and you've got 40 foot on the other. If you move those drives where they're both abutting the property line so each piece, each parcel only truly has 40 feet, but putting those together. Is that possible?

MR. MISCHEL: Well, right now if you look
at the plat there's a spacing standard on those two lots. I believe they meet the spacing standards.

MS. WATSON: Salem Drive has a spacing standard of 250 feet between access points.

DR. BOTHWELL: That's my questions.

MR. MISCHEL: That line, that's just an arbitrary line that I drew in.

CHAIRMAN: Has Mr. Hester seen this proposal of yours, Mr. Mischel?

MR. MISCHEL: No. We might have talked about it a couple of weeks ago or something. I just in passing said that might be a solution. That line I just drew in.

MR. HESTER: Mr. Chairman, I have not seen that, but I don't see where -- if it's what I'm understanding from the conversation I had with Mr. Mischel two or three weeks ago, it still only provides a 30-foot driveway access off of a 30-foot street. It doesn't change the dimensions of either the street, driveway or truck and where the truck needs to unload at really isn't a problem. The problem is getting to the front on the street to the parking lot.

CHAIRMAN: Aren't most of your trucks that you are using now, wouldn't they be a 53 foot van?

MR. HESTER: Something in that
neighborhood. It's not that many of them, but if I put landscaping up to the edge of the driveway and the sidewalk as required, it only takes one a week to keep that in a big mud hole and tear the sidewalk up. We're trying to maintain some esthetics there as required to do and we want to do that. A larger concern is the traffic problem.

Salem Drive, I don't know how long it's been since there's been a traffic count on it, but it's becoming an extremely busy street. Our options are, one, to leave the driveway like it is and drive back and forth over the sidewalk and shrubbery and in a mud hole, or two, widen the driveway where the trucks can get in and out. Three, unload the trucks out in the street like a lot of folks do up and down that road; or four, go out of business and move some place else; or five, somebody give me a better idea.

CHAIRMAN: I can appreciate the geometry of a -- not only do you have a 53 foot trailer, but you also add an additional 20 foot with the tractor. So you've got a 70 foot entity trying to negotiate a 90 degree turn on a 30 foot wide.

MR. HESTER: If you'd like to further appreciate the geometry, I've got a little demonstration I can give you.
CHAIRMAN: I think that would be excellent. Let's see that. Do it right there.

MR. HESTER: This is Salem Drive in a 40-foot entrance drawn to scale. This is a regular size tractor with a 55-foot trailer drawn to scale, the same scale.

If you look at what that boils down to, it's going to be difficult any way you approach that to get that tractor and trailer off of that street into that hole.

CHAIRMAN: The tractor, the trailer does pivot.

MR. HESTER: It does some, yes, but forgetting the tractor. Just getting the trailer. The other thing I will show you is as was referred to me is this is Lowe's parking entrance. Now, I understand that they are an industrial classification. I didn't know that they were, but I understand there is some difference there. They're coming off of J.R. Miller Boulevard, which is 42 feet wide, coming onto the street that's behind our building, which I don't know what the name of it is, but it is a street that is three lanes wide, 42 feet and turning into a 55-foot opening entrance. I can live with that, you know, with no problem.

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CHAIRMAN: How wide is that opening there?

MR. HESTER: The street is 55. I measured it.

MR. NOFFSINGER: Excuse me. Is that at the property line or is that at the curb?

MR. HESTER: That's at the curb.

MR. NOFFSINGER: Thank you.

MR. HESTER: Actually it's at the narrowest point.

CHAIRMAN: Well, Lowe's is not at issue here.

MR. HESTER: I realize that. It was referred to me by saying, you know, if they can do it, you can do it. Well, no, I'm dealing with a whole different set of circumstances. I've got a lot less street to work with in the first place and the geometry just does not work. That's to scale. At best it's a hazard. At worse it's a disaster looking for a place to happen and an eye sore at best.

CHAIRMAN: I applaud your efforts to try to widen your driveway to get the trucks in because I can deal with the difficulty that you're having and the variance of the skills the drivers try to attack the opening. This opening is not for egress and degrees from the business. It's just strictly for
loading and unloading purposes; is that correct?

MR. HESTER: Well, it serves both purposes, but as far as access for customers and that sort of thing it's not a problem at all. My problem is getting those big trucks off of the street where we can continue to do business.

MR. APPLEBY: Mr. Chairman, I can sympathize with them with the big trucks, but I have a problem with us coming up with a standard that doesn't even exist within the ordinance even in an industrial zone at 85 feet. I don't have a problem with fudging on the entrance to some extent, but the largest entrance provided for in any classification is 50 feet in our own ordinance. To my knowledge this board has never, my dealings with them has never deviated from the standard.

CHAIRMAN: If I'm looking at this handout that we just received, does it say 40 to 60 large planned development with median.

MR. APPLEBY: That's with a median.

CHAIRMAN: So 50 foot is -

MR. APPLEBY: You know, industrial, single lot 50 feet is the largest entrance provided for in any zone.

CHAIRMAN: Mr. Hester, is 50 foot livable
or doable because doubling the thing opens us up to situations that are -- I understand that now when this ordinance was probably drawn up probably a 40 foot trailer may have about it, but we've gone to 40, 45, 48, 53s now which make a lot different geometry.

MR. HESTER: I've had 48 foot trailers for a long time, but regardless. Anything helps.

I guess our real point is, you know, I agree that there ought to be rules and there ought to be limitations and there ought to be, you know, I shouldn't be able to pave the entire 300 feet in front of the building and drive off any place the mood strikes. I think that things have to be looked at in terms of what actually works. Now, if something needs to be changed in terms of regulations to make it work, you now, when it doesn't now. Again, take a drive up and down Salem some time. You see semis out there every day parked in the street, back door up, flashers on, and they're unloading.

CHAIRMAN: You do not have to drive up Salem Drive to find that happening in Owensboro.

MR. HESTER: I understand that, but Salem Drive is getting to be a very congested street. It's a major thoroughfare between there and the community college and out that way. You know, if the street
were 15 foot wider, I would have a lot less problem.

A lot less problems. If it was a 42 foot street, the
gallery changes completely.

My point is that I've got regulations that
are not workable. I can't put that truck and trailer
other than to say, okay, you can't deliver me a full
size truck.

CHAIRMAN: Well, both of us know you're
not going to do that. Let's see if Mr. Noffsinger has
the ideal solution for this situation.

MR. NOFFSINGER: Mr. Chairman, we would
hope that we would design our buildings and our
parking areas in conformance with the regulations and
not adjust the regulations to suit our site plans, but
nevertheless we have an existing building and we're
talking about proposing to expand it. This site has
had many compromises and compromises and access since
its beginning. Here tonight we're talking about
another compromise. To allow an access point that's
wider than what the regulations allow.

For example, we have a second access point
on this particular piece of property that doesn't meet
the spacing standards. That was negotiated in as part
of reducing the access width of this particular
driveway. So now we're getting back to widening this
access point and we're retaining this proposed access point.

My question is: If this commission approved a 50 foot wide access point here, would you be willing to close and not use that proposed entrance you're showing that does not meet the spacing standard?

MR. HESTER: First let me say that in my opinion that 50 feet won't solve the problem. Fifty feet allowing me to put some gravel or concrete between the sidewalk and the curb and sidewalk and the paving for six or eight or so feet there to avoid having a mud hole when they do run over it would solve some problem.

Let me discussion it with him for a second.

MR. CAMBRON: Let me make a comment too. One of my neighbors down on West Second Street he has an entrance and I will venture to say there's more semis in and out of that property than any place in town for a general business and his landscaping is intact and it has been for two years now. It's all in the matter of how you do the landscaping. He has a built-up concrete curbing along the side there that comes in to protect it. So there is a way to protect
that landscaping. I don't believe his entrance is
much wider than 55 feet at best. This is a major
business that does nothing but semi repair tractor-
trailer.

The problem is that a lot of times I watch
them. They don't take up the whole street because I
watch them day in and day out. They may take up a
lane and a quarter, maybe a lane and a half, but not
all the lanes. That's for sure.

CHAIRMAN: Are those tractors and
trailers, Mr. Cambron?

MR. CAMBRON: Yes.

MR. HESTER: What location were you
speaking of?

MR. CAMBRON: A business right across from
my business on West Second Street there. Yes, the
road is wider no question about it, but as I was
making a comment about their landscaping. Their
landscaping is intact and has been intact for two
years. It's due to their design of how they handle
their landscaping with concrete, high curb and they've
retained it that way.

MR. HESTER: By the same token, you can go
out to Salem Drive and look at one of our competitors,
Discount Flooring, that has a 40 foot driveway, who
has the retaining wall blocks up about 3 feet high, or 3 feet off of the edge of the driveway, and to my knowledge I can't guess how many times they reput them in because the trailers taking them out. They are in disarray in a pile right now. The same trucks are coming to me. They keep knocking them down.

CHAIRMAN: Mr. Noffsinger, do you see this as a problem, a tactical problem there we have or how should we address this? Obviously there are regulations, but these tractors are getting longer and longer, you know, and that creates a toucher swing pattern for the drivers.

MR. NOFFSINGER: This problem is not unique to this particular piece of property. It's how you handle the problem, how you deal with the problem. Again, I think we have to design the properties and our buildings to accommodate our necessary maneuvering on site. You can't put a tractor-trailer on a piece of property in Owensboro. This property may not be suited for tractor-trailer deliveries if you cannot negotiate that access or we need to find a way that may be in terms of the design that we can accommodate tractor-trailer traffic. Maybe it means using some of this adjoining two acres of property to figure out a way to get vehicles in and out. Maybe you align the
driveway in such where they pull right in at an angle
instead of having to make a 90 degree turn. Maybe the
driveway angled. I don't know. This wouldn't be
unique to this property. I think if you do for one,
you do for all. What I'm tying to do and what I
stated in terms of widening this to 50 and closing
this proposed access point or not opening it, whatever
the case might be, is to give this commission
something to hang their hat on in defense of why they
did what they did and as a |compromise to your
situation.

MR. HESTER: I would agree with your point
that this is not a unique problem to this piece of
property. It is a problem to every piece of property
up and down that street. At some point this piece of
property and this building was permitted with a double
semi trailer unloading dock and side by side
entrances. Mr. Crandell acquired the property with
all of that in place. None of that was a problem
until the business expands and we need more room.
That doesn't change -- another 100 feet of driveway
on the premises at the end of the building that we're
proposing won't help get the trucks off the street.
It won't change the geometry on a 75 foot truck off a
30 foot street into a 40 foot driveway. It doesn't
CHAIRMAN: How long is it from your warehouse door of the entrance to your property line? Not to the curb, but to your property line.

MR. HESTER: I'm not sure I understand what dimension you're asking about.

MR. APPLEBY: It looks about 60 feet roughly.

MR. MISCHEL: I think I scaled it this afternoon. It was 65 feet. I think what I was trying to convey earlier is that the loading dock that is there now with the original building, the original building, the size of it I don't think it had major storage. The tractor-trailers were probably smaller at that time. Now we've gone to what I would call minor storage to major is 20,000 square feet plus. the tractor-trailer has gotten bigger. I think at the time originally when the tractor-trailer got in he backed up on the property into that chute.

To answer your question I think it's 65 feet.

DR. BOTHWELL: Mr. Chairman, Mr. Noffsinger made a proposal to the applicant about closing one entrance. I haven't heard that answer yet.
CHAIRMAN: Very good question.

MR. HESTER: I guess my answer is, again, my response to that was that 50 feet isn't much of a help in that at 50 feet trailers are still going to be running over the landscaping and sidewalk and the grass.

Now, with that said, whether we run over five feet of landscaping and sidewalk or whether we run over ten feet -- I say we. Not us. My people don't do it. It's the individual freight trucks that deliver. Whether they run over 10 feet, I don't know that that matters. I would like to have the other entrance because it's going to allow a lot of that traffic not to go through that 50 foot entrance. If I'm going to try to get those trailers in and out of a 50 foot entrance, it would be nice to have a 40 foot down at the other end for the light traffic. Again, it would be less of an obstruction to traffic on the street.

MR. NOFFSINGER: But this doesn't occur very often you said, correct?

MR. HESTER: What?

MR. NOFFSINGER: The semis, it doesn't occur very often.
that I've got a 53 footer or a 55 footer or whatever
that is. It occurs three or four times a week at
least. It isn't something that happens continuously,
but it only has to happens once.

CHAIRMAN: I think Mr. Cambron has a
comment.

MR. CAMBRON: I have a thought here for
what it's worth. Here's a possibility. You know,
close the entrance that you have now, the 45 foot on
the west side of your property. Follow me?

MR. HESTER: Well, there isn't --

MR. CAMBRON: Let me go on forward. It's
on the proposal.

MR. HESTER: I'm not sure what entrance
you're speaking of.

MR. CAMBRON: Forty-five foot on the west
side. Am I correct there, Mr. Appleby?

I'm sorry. Close the 40 foot entrance on
the west side.

MR. HESTER: On the east side.

MR. JAGOE: No. He's saying the 45, the
existing one.

MR. CAMBRON: Let me make this simple.
Close the entrances. Go to the very far end and make
a 60 foot entrance and be done with it.
MR. HESTER: One for the entire?

MR. CAMBRON: One for everything, yes.

MR. HESTER: That won't work.

MR. CAMBRON: I give up.

MR. HESTER: I can tell you why it won't work. Because having that opening there is necessary in order for trucks to be able to get to that loading dock.

MR. CAMBRON: Move your loading dock back some. I don't guess the loading dock, I mean it can be a tapered loading dock, can it not?

MR. HESTER: It is. It would require --

DR. BOTHWELL: Mr. Chairman, may I ask again.

Are you saying to closing the one entrance, the east entrance and be allowed to expand the west entrance to 50 feet. Are you saying yes or no?

MR. ELLIOTT: State your name, please.

MR. CRANDELL: Ken Crandell.

(MR. KEN CRANDELL SWORN BY ATTORNEY.)

MR. CRANDELL: We really do want to apply with everything that the city wants us to do. We have sizable investments in this town and expanding more. We've got other projects that's coming across your
table so we don't need to be enemies by any means. We need to be able to work together.

We've had people, you know, try to get around these trucks. Maybe park out in the street. We have one in the hole. He says maybe three times a week. It's a lot more than that. He's upstairs. I mean we have trucks all day long, but they're getting larger and larger all the time. Our ceramic tile is probably one of our largest growths that we have now and these trucks are coming in. We're talking full truck loads. This is one reason why we're wanting to expand our warehouse, to increase our inventory of ceramic tile and hardwood.

When these trucks are on the street and they can't get in that hole, I mean they're stopped on the size of the street with their flashers going and they're trying to back up there. Cars are trying to pass them. I mean they're not — when they swing around they're having to back up and go straight out onto another piece of property that we don't own. We own the buildings across the street that used to be Hayden's Construction, but we don't own all that grassy fields directly across from our docks. We're going to have a problem with that landowner there with us tearing up his land. It's not us as Scott said.

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It's these truckers coming in. These guys they don't care. They're paid so much by the mile just to bring these trucks in and unload their load.

Anything you give us is going to be appreciated, but without getting enough to get the trucks in there it still is a hazard. We're trying to make it as easy as possible to get these trucks in, get them in as fast as possible, get them off the street as fast as possible so we can get them out of there. The 40 foot drive that you're wanting us to give up to get 10 more feet, it's admirable. I know you can't just change everything for everybody just because they're wanting to expand. We are wanting to expand. We're wanting to create more jobs. Like I said 60 would be better. I guess we could live without that 40 foot. It would be nice to have it to be able to take trucks out this way, trucks out this way. Like I said, we appreciate any consideration. We want to work together.

MR. APPLEBY: Gary, if that access point, that second 40 foot access was moved to the property line and made a shared access point, would it meet with these spacing requirement then?

MR. NOFFSINGER: If you remove the proposed entrance to 100 Salem Drive. You're only
looking at 215 feet between the proposed entrance to
100 Salem Drive and one on 130. So if you move it
toward the property line you're further reducing it
215 feet.

MR. CRANDELL: You're saying go ahead and
build to the right of that. There's a power line --
okay, I see what you're talking about. At least we
still have an entrance in that way.

MR. NOFFSINGER: If you would propose that
entrance to be located on the property line between
100 and 130, relocated your proposed entrance on 130,
relocate it to the property line with 100 Salem Drive,
that would be moving it east, and then not openings or
closing the proposed entrance that you show to the
east. That would mean the only access to 100 Salem
Drive would be a shared access point at the property
line.

MR. CRANDELL: You're talking about moving
the proposed 40 foot over to the east side and that
would be shared with lot 100?

MR. NOFFSINGER: Yes, but you would be
closing or not using the entrance to 100 Salem Drive
that you have shown. You're closing one access point.

MR. CRANDELL: No, we couldn't do that.

MR. NOFFSINGER: Could you close the
eastern most drive on 130 Salem Drive and relocate the
drive to 100 Salem Drive so as to provide an access
easement over to where it would serve both properties?

MR. CRANDELL: It would serve --

MR. NOFFSINGER: You're still closing one,
but you're shifting the eastern most access point to
the west to get it closer to your business so that
both properties could use it. I hear you're wanting
to get trucks in and out and traffic in and out. Then
you would have that second access point to do that.
It may be best because I'm looking at this plan, and
you have a proposed warehouse on the plan. That's a
lot of building on that lot and for the amount of
traffic you have and tractor-trailers, you know, we're
going to have to look at that loading dock and expand
it to non-conforming use. Meaning if you have trucks
that are utilizing the right-of-way for deliveries or
maneuvering on public right-of-way, backing into your
property and using that loading dock, there's a
question as to whether or not we could approve the
expansion of the project.

MR. CRANDELL: That's what we're trying to
get away from.

MR. NOFFSINGER: That's not going to help
you. Widening the driveway is not going to help you.
MR. CRANDELL: Really our choices are here to leave the driveway at 45 feet and trucks are going to run over the sidewalk. I don't like that, but that's what it is.

MR. NOFFSINGER: Are the trucks backing into that hole?

MR. HESTER: On rare occasions, yes. On most occasions, especially now with the additional pavement coming to the east, they would be able to pull off and then back in. If you were going to be using the loading dock because of the warehouse addition, then it will be unloaded down there. The shorter trucks, the 40 foot trailers and trucks and straight trucks there's no problem at all with them and they can use either driveway and they can use the 40 foot driveway that we're proposing and leaving the other one opening so the bigger trucks can get in and out of there without congestion there. You look at that there are only two entrances on this plat for this piece of property. The 100 Salem property is completely different even though Mr. Crandell owns it. It's completely different and we have no intention of expanding on to that. There are developments in discussion about that by other properties. It would be really impossible to include
part of 100 Salem in terms of entrances with 130 because it's different, totally different thing.

MR. CRANDELL: If we can't get it done with the warehouse that we're going to have here now, we need to get out of the business. We've got some people that are looking to land lease the 100 Salem Drive right now to develop that property.

MR. HESTER: It would completely sabotage that development to move or dispose of that entrance, 50 feet from J.R. Miller.

MR. CRANDELL: Thank you for your consideration though.

MR. JAGOE: Was there ever an answer on sliding the center entrance? Sliding the center entrance to be shared on the property line between 130 and 100?

MR. HESTER: The center entrance?

MR. JAGOE: Yes. Centering it right on the property.

MR. APPLEBY: That would improve the spacing from what it is right now.

MR. HESTER: That would be the only entrance then?

MR. JAGOE: No.

MR. CRANDELL: We still have the other one
down at the other end?

MR. JAGOE: Is there any problem with sharing access point between 100 and 130 and just putting onto the 40 foot and putting it on the center of that property?

MR. HESTER: Other than the fact that it doesn't conform. As long as it doesn't affect the center entrance on 130 or the center entrance on 100, I don't see that's an issue.

MR. NOFFSINGER: Mr. Jagoe, you're reducing the spacing there because you're pulling it closer to the proposed entrance on 100. So you only have 215 feet right now that we had already compromised. Now we would have maybe 175 feet.

MR. JAGOE: How many spaces is there between the 45 foot existing and the 40 foot proposed?

MR. HESTER: 206 feet.

MR. JAGOE: Then we have 215. What's this 40 foot width on 100?

MR. APPLEBY: That's the proposed access of lot 100 that was of discussion.

MR. JAGOE: But it says 215 feet.

MR. NOFFSINGER: That's a total of the property dimension. I don't think that's the distance.
MR. JAGOE: Isn't that the center line to
a proposed entrance center line which is -- you have
to 250 off of J.R. Miller. Is that what it is?

MR. APPLEBY: Yes. Here it is right
there, 250 from J.R. Miller. This is 215 now and this
one is just 206 you said, Gary?

MR. NOFFSINGER: No, sir, I don't think
it's 206. I think that's dimension of the property,
another property pin. I don't think it's given a
dimension there.

MR. APPLEBY: It's close to --

MR. HESTER: That pin is between what used
to be the two driveways. That's 206 feet from the
property line on the east end to that pin between what
was the two driveways. I'm a little confused as
well, Mr. Jagoe, regarding the other entrance down
here towards J.R. Miller on lot 100.

MR. JAGOE: Actually the center line would
go 250, center line and J.R. Miller. That's how that
would work, correct?

MR. NOFFSINGER: Yes, sir, center line of
J.R. Miller.

MR. JAGOE: So that 40 foot there is not
representing where that entrance would be; is that
correct?
MR. APPLEBY: Mr. Chairman, I would propose to allow 50 foot access point with 40 here and leave the other access points alone. I can't see deviating any further from the ordinance. At least there is a provision for a 50 foot access point in the ordinance.

MR. HESTER: I'll live with that, guys. More is better than nothing.

CHAIRMAN: At this point we have a motion on the floor by Mr. Appleby.

MR. CAMBRON: I'll second it.

CHAIRMAN: We have a second by Mr. Cambron. Is there any further discussion?

(NO RESPONSE)

CHAIRMAN: All in favor of Mr. Appleby's proposal or motion.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The motion carries unanimously. We'll go to a 50 foot access.

Next item, please.

ITEM 15

9035, 9045, 9055, 9101 Todd Bridge Road, 1.11, 1.11, 1.10, 1.09 acres

Consider approval of minor subdivision plat.

Applicant: Sarah Wells

MR. NOFFSINGER: Mr. Chairman, this plat
has reviewed by the Planning Staff. It's not in order. It exceeds the depth to width ratio. Creates four lots where we have two now. With that it's ready for your consideration.

CHAIRMAN: Is there anybody here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Is there any questions by anybody on the commission?

DR. BOTHWELL: Yes.

CHAIRMAN: Dr. Bothwell.

DR. BOTHWELL: Mr. Noffsinger, when you say ten feet, you're talking about the depth of the lot, correct?

MR. NOFFSINGER: Yes. The depth of the lot would be ten feet short. This property can be subdivided from two lots up to three lots, but when you take the fourth lot then it exceeds that depth to width ratio which we're already exceeding. We're required to go two and a half to one. We're allowing three to one as per the Comprehensive Plan. This is in a remote area of Daviess County.

DR. BOTHWELL: Say you're three to one and there's still ten feet short of the three to one?

MR. NOFFSINGER: Yes, sir.
MR. CAMBRON: Is Chair ready for a motion?

CHAIRMAN: Chair is ready for a motion, Mr. Cambron.

MR. CAMBRON: Motion for denial.

CHAIRMAN: We've got a motion for denial by Mr. Cambron.

MS. DIXON: Second.

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

(MR. ROGERS, SISTER VIVIAN, MR. CAMBRON, MS. DIXON, MR. KIRKLAND AND DR. BOTHWELL RESPONDED AYE.)

CHAIRMAN: Opposed.

(MR. JAGOE, MR. APPLEBY AND MR. HAYDEN RESPONDED NAY.)

CHAIRMAN: Six to three. The motion is denied.

Next item.

SURETY RELEASE

ITEM 16

Brescia Student Apartments II, $4,680.00 Consider release of surety (Performance Bond) for landscaping. Surety posted by: Brescia University

SISTER VIVIAN: I need to disqualify
myself.

CHAIRMAN: Sister Vivian is disqualifying herself. So noted.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT WITH THE EXCEPTION OF SISTER VIVIAN DISQUALIFICATION RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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SURETY TRANSFERS

ITEM 17

Arbor Gate, Unit #1, $2,989.00
Transfer of surety (Certificate of Deposit) for 1" bitum conc. surface to the City of Owensboro
Surety posted by: Wells & Wells Builders, Inc.

ITEM 18

Doe Ridge, Unit #2, Section 3, $22,056.30
Transfer of surety (Performance Bond) for public improvements to the City of Owensboro
Surety posted by: Robert J. Wimsatt

ITEM 19

Doe Ridge, Unit #2, Section 3, $4,555.00

Ohio Valley Reporting
(270) 683-7383
Transfer of surety (Performance Bond) for water mains and fire hydrants to the City of Owensboro
Surety posted by: Robert J. Wimsatt

ITEM 20
Mount Moriah, Unit #1, $3,161.20
Transfer of surety (Irrevocable Letter of Credit) for 1" bitum conc. surface to the City of Owensboro
Surety posted by: Mount Moriah Holdings

ITEM 21
Mount Moriah, Unit #1, $9,902.90
Transfer of surety (Irrevocable Letter of Credit) for 6" DGA and 2" bitum conc. base to the City of Owensboro
Surety posted by: Mount Moriah Holdings

ITEM 22
Mount Moriah, Unit #1, $8,898
Transfer of surety (Irrevocable Letter of Credit) for sidewalks to the City of Owensboro
Surety posted by: Mount Moriah Holdings

ITEM 23
Mount Moriah, Unit #1, $15,931
Transfer of surety (Irrevocable Letter of Credit) for streets to the City of Owensboro
Surety posted by: Mount Moriah Holdings

MR. NOFFSINGER: Mr. Chairman, Surety
Transfers Items 17 through 23 are in order and may be transferred in toto.

CHAIRMAN: Chair is ready for a motion.

MR. HAYDEN: Motion to approve in toto.

CHAIRMAN: Motion for approval by Mr. Hayden.

MR. APPLEBY: Second.

Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: Second by Mr. Appleby. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

NEW BUSINESS

ITEM 24

Consider termination of contract with Nationwide Retirement Solutions, Inc. for deferred compensation program.

MR. NOFFSINGER: Mr. Chairman, this deferred comp plan was one of our original plans that we had set up for our employees to defer compensation for retirement. Since we entered into that program, we were offered a program through the Kentucky Retirement System Deferred Comp Program. All of our employees have either transferred their money into this new state program or had withdrawn their funds. We no longer have any funds in this account and would recommend that we terminate that contract.

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: I move to terminate the contract.

MR. APPLEBY: Second.

CHAIRMAN: Motion for termination by Ms. Dixon. Second by Mr. Appleby. All in favor raise
your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 25

10345 KY 54
Building Construction
Consider comments regarding a proposal to construct a Senior Citizens Center building.
Referred by: City of Whitesville, Whitesville Senior Citizens Center

MR. NOFFSINGER: Mr. Chairman, Planning
Staff has reviewed this application. We find no conflict with the Comprehensive Plan. It is for a Senior Citizens to be built on the property where the City of Whitesville park is. We recommend you forward a letter of no conflict with the plan to the Whitesville City Commission.

MR. ROGERS: Motion for approval.
CHAIRMAN: 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.

Next item.
ITEM 26

Consider increasing cell tower application fee from $2,000 to $2,500

MR. NOFFSINGER: Mr. Chairman, the Kentucky General Assembly pass and the governor signed a bill allowing this commission and other planning commissions across the State of Kentucky the final action on cell tour applications. They also established a maximum fee that could be charged on the application of $2,500. They also declared this as an emergency stating the regulations went into affect at the time of governor signed the bill and they gave us until June 15th to consider our fees and to authorize an increase in those fees if deem necessary.

The Planning Staff is recommending that you raise this fee to cover the cost of reviewing the application as well as the potential liability issues that will be involved in review of cell tours and to make sure that we can do this commission and the community an adequate job of reviewing these tours.

CHAIRMAN: Chair is ready for a motion.

DR. BOTHWELL: Motion for approval.

CHAIRMAN: Motion for approval by Dr. Bothwell.

MR. CAMBRON: Second.

CHAIRMAN: Second by Mr. Cambron. All in
fear raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 27

Consider appointment of a cell tower committee.

MR. NOFFSINGER: Since we now have emergency regulations in place that require us to review cell tower applications, we're recommending that a committee be formed to review how we proceed in this community regarding cell towers.

CHAIRMAN: Mr. Noffsinger, I have the names of people that I would like to recommend for this committee.

Mr. Dave Appleby, and I would like to ask Mr. Appleby to serve as our chairman. Mr. Scott Jagoe, Mr. Bruce Kunze, Mr. David Fowler, Mr. Gary Noffsinger, Ms. Becky Watson, Mr. Larry Brown, Mr. Irvin Rogers.

MR. NOFFSINGER: Sounds good. I believe Mr. Larry Brown is a representative of the industry.

DR. BOTHWELL: Motion for approval.

CHAIRMAN: Motion for approval by Dr. Bothwell.

SISTER VIVIAN: Second.
CHAIRMAN: Second by Sister Vivian. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

I would like those named people from our commission I would like to thank you for serving on this commission.

If not further business, the Chair is ready for a motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Motion for adjournment by Ms. Dixon.

DR. BOTHWELL: Second.

CHAIRMAN: Second by Dr. Bothwell. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Meeting is adjourned.

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

I, LYNNETTE KOLLER, Notary Public in and for
the State of Kentucky at Large, do hereby certify that
the foregoing Owensboro Metropolitan Planning & Zoning
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 101 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this
the 26th day of May, 2002.

LYNNETTE KOLLER, NOTARY PUBLIC
OHIO VALLEY REPORTING SERVICE
202 WEST THIRD STREET, SUITE 2
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES:
DECEMBER 19, 2002

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

Ohio Valley Reporting
(270) 683-7383