

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 MAY 9, 2002

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

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

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

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

21 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: Our first order of business
23 tonight will be to consider our meeting of the April
24 11th Planning & Zoning Commission.

25 Are there any additions, corrections or

1 any questions from the audience?

2 (NO RESPONSE)

3 CHAIRMAN: Chair is ready for a motion.

4 MS. DIXON: Move to approve.

5 CHAIRMAN: Ms. Dixon motion for approval.

6 DR. BOTHWELL: Second.

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

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Mr. Noffsinger.

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13 PUBLIC FACILITIES PLANS
14 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

15 ITEM 2

16 500, 510 Frederica Street
17 Land Disposition
18 Consider comments regarding a proposal to close 101.35
19 feet + of a 9.5-foot wide alley.
20 Referred by: City of Owensboro

21 MR. NOFFSINGER: Mr. Chairman, the
22 Planning Staff has reviewed this application. We find
23 that it is not in conflict in any way with the
24 Comprehensive Plan; however, this alley does serve
25 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

1 to be closed it is to be retained as an access
2 easement for all adjoining property owners.

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

5 (NO RESPONSE)

6 CHAIRMAN: Does anybody from the
7 commission have any questions?

8 (NO RESPONSE)

9 CHAIRMAN: Chair is ready for a motion.

10 MR. CAMBRON: Motion for approval.

11 CHAIRMAN: Motion for approval by Mr.
12 Cambron.

13 MR. HAYDEN: Second.

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Next item.

19 ITEM 3

20 1315, 1317, 1319 Hathaway Street
21 Land Disposition
22 Consider comments regarding a proposal to close 106.99
feet + of a 10-foot wide alley.
Referred by: City of Owensboro

23 MR. NOFFSINGER: Mr. Chairman, the
24 Planning Staff has reviewed this application. We find
25 no conflict with the Comprehensive Plan. Would

1 recommend you forward a letter to that affect to the
2 City of Owensboro.

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

5 (NO RESPONSE)

6 CHAIRMAN: Anybody from the commission?

7 (NO RESPONSE)

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

10 DR. BOTHWELL: Motion to approve.

11 CHAIRMAN: Motion for approval by Dr.
12 Bothwell.

13 MS. DIXON: Second.

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Next item.

19 ITEM 4

20 1771 River Road
21 Building Construction
22 Consider comments regarding a proposal to construct a
300,000 square foot warehouse
23 Referred by: Owensboro Riverport Authority

24 MR. NOFFSINGER: Mr. Chairman, this
25 application has been reviewed by the Planning Staff.
We find no conflict with the Comprehensive Plan and

1 recommend you forward a letter to that affect to the
2 Riverport Authority.

3 CHAIRMAN: Does anybody have any questions
4 from the audience?

5 (NO RESPONSE)

6 CHAIRMAN: Any of the commissioners have
7 any questions?

8 (NO RESPONSE)

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

11 SISTER VIVIAN: Motion for approval.

12 CHAIRMAN: Motion for approval by Sister
13 Vivian.

14 MR. ROGERS: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item, please.

20 ITEM 5

21 800 West Fifth Street
22 Land Disposition

23 Consider comments regarding a proposal to transfer
property to Audubon Area Community Services, Inc.
24 Referred by: City of Owensboro

25 MR. NOFFSINGER: Mr. Chairman, the
Planning Staff has reviewed this application. We find

1 no conflict with the Comprehensive Plan. Would
2 recommend you forward a letter to that affect to the
3 City of Owensboro.

4 CHAIRMAN: Does anybody from the audience
5 have any questions?

6 (NO RESPONSE)

7 CHAIRMAN: Anybody on the commission?

8 (NO RESPONSE)

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

11 MR. CAMBRON: Motion for approval.

12 CHAIRMAN: Motion for approval by Mr.
13 Cambron.

14 MR. HAYDEN: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item, please.

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21 ZONING CHANGES - COUNTY

22 ITEM 6

23 200, 300 Blocks Cinderella Drive, 1.264 acres
24 Consider zoning change: From R-1A Single-Family
25 Residential to R-1C Single-Family Residential
Applicant: James Glenn Causey

1 MR. ELLIOTT: State your name, please.

2 MS. WATSON: Becky Watson.

3 (MS. BECKY WATSON SWORN BY ATTORNEY.)

4 PLANNING STAFF RECOMMENDATIONS

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

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

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

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

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

21 CHAIRMAN: Is anybody in the audience
22 representing the applicant?

23 APPLICANT: Yes.

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

1 (NO RESPONSE)

2 CHAIRMAN: Does anybody of the commission
3 have a question of the applicant?

4 Do you have a question or a statement?

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

7 CHAIRMAN: Do you have a question?

8 MR. STANLEY: Yes, I do.

9 CHAIRMAN: Please come forward.

10 MR. ELLIOTT: Please state your name.

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

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

13 MR. STANLEY: I live at 3600 Riverbend
14 Cove. I am president of the Riverbend Cove Homeowners
15 Association.

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

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

1 proposes.

2 CHAIRMAN: Is that your question, sir?

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

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

10 MR. STANLEY: Good.

11 MR. ELLIOTT: State your name, please.

12 MR. CAUSEY: I'm Glenn Causey.

13 (MR. GLENN CAUSEY SWORN BY ATTORNEY.)

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

23 CHAIRMAN: Yes, sir.

24 MR. STANLEY: It's my understanding that
25 the zoning reclassification will allow for trailer

1 houses to be placed on Cinderella Drive and that it
2 allows for lots as small as 50 feet wide and for homes
3 as small as 1200 square feet. Now, I received that
4 information from the planning office.

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

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

12 Mr. Noffsinger, would you address that
13 question.

14 MR. NOFFSINGER: Sir, the property is
15 currently zoned R1-A single-family residential. That
16 zone, if sewers are available, allows for lots that
17 are 75 feet wide and 10,000 square feet in area. That
18 zone allows for site-built homes to be constructed.
19 It allows for double-wide manufactured housing to be
20 placed on the property. If single-wide manufactured
21 housing is placed on the property, then you have to
22 get a Conditional Use Permit before the Board of
23 Adjustment. There's a separate hearing if they were
24 to put single-wide manufactured housing units on the
25 property. That would go before another board at

1 another time. The R1-C zone allows for the same uses
2 that the R1-A zone allows for which is currently
3 zoned. The only difference is, as you stated, the lot
4 has to be at least 50 feet wide as opposed to 75, and
5 at least 5,000 square feet in size as opposed to
6 10,000 feet.

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

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

1 CHAIRMAN: Absolutely.

2 Would you respond?

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

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

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

24 CHAIRMAN: Mr. Noffsinger, would you
25 address that situation?

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

15 MR. STANLEY: Partly you did.

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

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

24 MR. NOFFSINGER: Yes, sir, and I think
25 that restriction remains. Regardless of what they do

1 on this property, they will be required to keep in
2 place a six foot high solid fence and trees along that
3 boundary between the residential and commercial.
4 That's not going to change. Now, it might shift where
5 the trees are located, for example, because I think
6 the trees are about in the middle of the property.
7 The trees may move back, but you still have that
8 requirement of the trees and the fence for screening.

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

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

14 MR. NOFFSINGER: Right.

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

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

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

1 enterprise.

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

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

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

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

10 MR. CAUSEY: What are we going to do?

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

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

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

21 MR. CAUSEY: The screening issue. What I
22 intend to do is we're going to relocate the fence
23 further back than it is now. I think it's a little
24 bit old. We're going to put the fence back. I want
25 to build a new contiguous element. I plan to build an

1 eight foot privacy fence across the property line. I
2 think there is already that stipulation for trees
3 before the Planning & Zoning Commission. So that's
4 going to be replanted. It will be back. I won't be
5 along the edge of Cinderella Drive. It will be on the
6 property line like it should have originally been to
7 start with. We're going to build a new privacy fence
8 if that helps any.

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

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

16 CHAIRMAN: Mr. Noffsinger.

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

19 CHAIRMAN: It can only be for Mr. Causey.
20 Mr. Estes hasn't been sworn in.

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

23 You have a related item under 6A. It's
24 preliminary subdivision plat. Typically what the
25 preliminary subdivision plat you file a proposal deed

1 of dedication. I notice I can't find one of those in
2 this application. That deed of dedication would give
3 us an idea of how you intend to develop the property,
4 what type of housing you intend to place on the
5 property.

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

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

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

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

22 MR. ELLIOTT: That's right. It would help
23 if we have that information, but I don't think it
24 would be the controlling factor on whether it should
25 be rezoned or not.

1 MR. NOFFSINGER: I don't have a list of
2 proposed - -

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

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

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

12 MR. CAUSEY: That's my plan.

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

15 MR. CAUSEY: Yes.

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

22 DR. BOTHWELL: I have a question. Could
23 we control either way what's going on there? You just
24 stated that they could put double-wide manufactured
25 homes or they could put site-built under either zoning

1 condition. Even if we had a deed of dedication is it
2 enforceable from Planning & Zoning? Either zoning
3 allows for either. I think that's all we're able to
4 enforce or am I in error?

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

7 DR. BOTHWELL: Right.

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

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

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

21 MR. CAUSEY: Correct. That's the reason
22 that if I was going to do the other I would have
23 already begun construction on it. I posted the bond
24 last year to do that. I thought it would be a lot
25 better for the community and the street and the

1 neighborhood to do that and let somebody else do what
2 they do best and let me do what I do best. That's not
3 to develop subdivisions.

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

6 MR. NOFFSINGER: That's what our attorney
7 - -

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

18 MR. NOFFSINGER: That is correct.

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

24 MR. CAUSEY: That's correct.

25 MR. NOFFSINGER: It specifically states

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

8 MR. CAUSEY: Right.

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

15 MR. CAUSEY: Yes, I understand that.

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

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

22 CHAIRMAN: He's agreed.

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

1 it.

2 MR. STANLEY: May I continue?

3 CHAIRMAN: Yes, sir.

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

24 Again, that street is so narrow it would
25 be very, very difficult for any emergency vehicles to

1 come down that street if cars were parked on the
2 street. It would be difficult for the trash truck,
3 for Browning-Ferris to come down the street. Would be
4 difficult for OMU to get their trucks down the street.

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

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

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

16 There are eight homeowners in the
17 Riverbend Cove Homeowners Association. Three of those
18 homeowners are here today. The Homeowners Association
19 is very strongly opposed to any reclassification that
20 would allow 50 foot lots to accommodate a house. We
21 have no objection to houses, to homes being built
22 across the street from the homes that are already
23 there. We have no objection to building that would
24 not change the nature of the neighborhood, but we feel
25 that putting ten small houses in a restricted area is

1 going to create a very undesirable type of congestion
2 that would be totally unfair to the other homeowners
3 who have bought property there and have invested quite
4 a bit of money in river front property.

5 So we ask that this reclassification not
6 be approved.

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

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

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

21 The square footage ranges from 1100 to
22 1400 square feet. We have pictures of those if you
23 want to take a look on what we intend to build on
24 that. We have some pictures.

25 MR. APPLEBY: The lots are 60 feet wide

1 minimum. That's the smallest.

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

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

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

9 MR. NOFFSINGER: Yes. That's correct.

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

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

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

21 MR. NOFFSINGER: That's correct.

22 MR. APPLEBY: Their existing plan calls
23 for that.

24 MR. NOFFSINGER: That's correct.

25 MR. STANLEY: I would like to see, I would

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

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

1 MR. STANLEY: Directly across from this
2 property there are five.

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

9 MR. CAUSEY: Five lots.

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

14 MR. STANLEY: We have no objection to
15 that.

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

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

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

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

25 CHAIRMAN: Let's do that. Let's ask Mr.

1 Bryant to address the engineering possibilities.

2 MR. ELLIOTT: State your name, please.

3 MR. BRYANT: Don Bryant.

4 (MR. DON BRYANT SWORN BY ATTORNEY.)

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

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

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

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

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

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

22 CHAIRMAN: Thank you, Mr. Bryant.

23 Do you have any questions of Mr. Bryant?

24 MR. STANLEY: The statement was made that
25 this proposal would not change the nature of the

1 neighborhood. Our contention is that it will
2 drastically change the nature of the neighborhood and
3 it will affect the value of those homeowners who are
4 already there. Now, if the neighborhood was canvassed
5 and people were asked whether or not they oppose this,
6 I was not contacted. Were you contacted? Were you
7 contacted? I don't believe those contacts have been
8 made because there is opposition to it.

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

11 Yes, ma'am. Step forward, please.

12 MR. ELLIOTT: State your name, please.

13 MRS. COLLIER: Norma Collier.

14 (MRS. NORMA COLLIER SWORN BY ATTORNEY.)

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

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

24 MRS. COLLIER: Right.

25 CHAIRMAN: And double-wide trailers on the

1 lots?

2 MRS. COLLIER: I think the term
3 double-wide trailers are being used as a scar tactic,
4 you know. First of all, who are they going to sell
5 the double-wide trailers to or are they going to rent
6 them? You know, we have a couple of condos that are
7 for sale that are river front property and are a lot
8 nicer than - - how deep are those lots going to be?
9 I've heard 50 feet mentioned, 50 feet wide, but how
10 deep are they going to be?

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

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

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

24 MRS. COLLIER: The neighborhood.

25 CHAIRMAN: We sit on both sides of the

1 fence. The thing that we're faced with if down the
2 road if this is not passed and the current status
3 remains what it is, then those are the possibilities
4 that the builder has, is his latitude and we have no
5 control over it at all. I mean he can build or put -
6 - you know, these options are his.

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

9 CHAIRMAN: Okay. Does anybody else have
10 any questions?

11 MR. HAZEL: Yes.

12 MR. ELLIOTT: State your name, please.

13 MR. HAZEL: Art Hazel.

14 (MR. ART HAZEL SWORN BY ATTORNEY.)

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

1 what is going to happen to our property with the
2 development of this property.

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

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

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

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

16 CHAIRMAN: Mr. Jagoe.

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

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

1 now.

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

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

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

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

21 MR. NOFFSINGER: That is correct, yes.

22 CHAIRMAN: Have you all seen these?

23 MR. STANLEY: No.

24 CHAIRMAN: Are there any further questions
25 or comments from anybody in the audience?

1 (NO RESPONSE)

2 CHAIRMAN: Let's give them a minute to
3 look at these photos.

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

8 CHAIRMAN: Would you like to make a
9 statement?

10 MR. ELLIOTT: State your name, please.

11 MR. ESTES: Jim Estes.

12 (MR. JIM ESTES SWORN BY ATTORNEY.)

13 MR. ESTES: Just so the commission will
14 know, approximately three months, which was the most
15 recent sale in the Cinderella Drive area was for
16 \$76,000. What we're proposing to put up is a minimum
17 of 95,000. We do feel that it will be a complete
18 enhancement to the neighborhood. I don't know if you
19 guys keep up with what's going on with the sales, but
20 that was the most recent sale on Cinderella Drive
21 within the past 90 days.

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

24 MR. ESTES: I don't remember. I can get
25 it for you though.

1 MR. STANLEY: Question.

2 CHAIRMAN: Yes, sir.

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

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

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

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

12 Mr. Estes.

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

16 CHAIRMAN: Thank you.

17 MR. STANLEY: The Master Commissioner
18 auctioned a house on Cinderella Drive within the last
19 90 days and it sold for 80,000, and then it resold for
20 89,000. I don't think his figures are correct.

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

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

25 MR. CAMBRON: Mr. Chairman, I'd like to

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

6 MR. APPLEBY: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, please.

13 Related Item
14 ITEM 6A

15 Cinderella Drive, 1.264 acres
16 Consider approval of revised major subdivision
17 preliminary plat.
18 Applicant: James Glenn Causey

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

23 CHAIRMAN: Obviously there is somebody
24 here representing the applicant.

25 Does anybody have any questions of the
26 applicant?

27 (NO RESPONSE)

1 CHAIRMAN: Anybody from the commission
2 have any questions of the applicant?

3 (NO RESPONSE)

4 MR. APPLEBY: Is Chair ready for a motion?

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

7 MR. APPLEBY: Motion for approval.

8 CHAIRMAN: Motion for approval by Mr.
9 Appleby.

10 MR. HAYDEN: Second.

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

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 Next item, please.

16 Related Item
17 ITEM 7

18 4100 Block Medley Road, 8.297 acres
19 Consider zoning change: From A-U Urban Agriculture to
20 R-1C Single-Family Residential
21 Applicant: Robert J. Wimsatt

22 PLANNING STAFF RECOMMENDATIONS

23 Staff recommends approval because the proposal is
24 in compliance with the adopted Comprehensive Plan.
25 This recommendation is made subject to the findings of
fact that follow:

1. The subject property is located within an

1 Urban Residential Plan Area, where urban low-density
2 residential uses are appropriate in limited locations;

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

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

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

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

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

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

16 (NO RESPONSE)

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

19 (NO RESPONSES)

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

22 MS. DIXON: Second.

23 CHAIRMAN: Mr. Cambron motion for
24 approval. Ms. Dixon has a second. All in favor raise
25 your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 Next item, please.

4 Related Item
ITEM 7A

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

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

12 CHAIRMAN: Does anybody have any
13 questions?

14 (NO RESPONSES)

15 CHAIRMAN: Anybody from the commission
16 have any questions?

17 (NO RESPONSE)

18 CHAIRMAN: Chair is ready for a motion.

19 MS. DIXON: Move for approval.

20 CHAIRMAN: Motion for approval by Ms.
21 Dixon.

22 DR. BOTHWELL: Second.

23 MR. CHAIRMAN: Second by Mr. Bothwell.

24 All in favor raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

2 Next item, please.

3 ITEM 7B

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

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

11 CHAIRMAN: Does anybody have any questions
12 of the applicant?

13 (NO RESPONSE)

14 CHAIRMAN: Anybody from the commission?

15 (NO RESPONSE)

16 MR. CAMBRON: Motion for approval.

17 CHAIRMAN: Motion for approval by Mr.
18 Cambron.

19 MR. HAYDEN: Second.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.

24 Next item, please.

25

1 ITEM 8

2 11301 US 431, 2.612 acres
3 Consider zoning change: From A-U Urban Agriculture to
4 B-4 General Business
5 Applicant: Wade & Barbara Adkins

6 PLANNING STAFF RECOMMENDATIONS

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

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

11 Condition:

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

15 Findings of Fact:

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

19 2. There is an area of B-4 General Business
20 zoning within the vicinity of the subject property;
21 and,

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

25 4. The subject property is not located in close
26 proximity to existing dwellings.

1 MS. WATSON: We'd like to enter the Staff
2 Report as Exhibit C.

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

5 MR. ELLIOTT: State your name, please.

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

8 (MS. SHIRLEY HENDERSON SWORN BY ATTORNEY.)

9 CHAIRMAN: Yes, ma'am.

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

1 accidents.

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

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

18 CHAIRMAN: Let us bring the applicant
19 forward and maybe they can address some of those
20 questions and clear up some of your concerns.

21 Do we have somebody representing the
22 applicant?

23 MRS. ADKINS: Yes.

24 MR. ELLIOTT: State your name, please?

25 MRS. ADKINS: Barbara Adkins.

1 (MRS. BARBARA ADKINS SWORN BY ATTORNEY.)

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

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

16 Yes, ma'am.

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

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

23 MRS. HENDERSON: My biggest concern is the
24 traffic. That's really a concern. Coming down over
25 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 CHAIRMAN: I don't think she was referring
5 actually to a franchise.

6 MRS. ADKINS: Not a franchise. It's a
7 family-oriented type restaurant. Hamburgers, french
8 fries, milk shakes.

9 MR. CHAIRMAN: Let me ask Mr. Noffsinger
10 to address the approach and the visibility of the
11 situation because I'm sure he's very aware of that
12 situation.

13 MR. NOFFSINGER: Mr. Chairman, I'd like to
14 refer to Ms. Watson in our office that reviewed this
15 application.

16 CHAIRMAN: Ms. Watson.

17 MS. WATSON: There is an existing rocked
18 area with a culvert put in that's north on the
19 property. That was one of the reasons that we have as
20 a condition on the rezoning, that this access be
21 limited to one access point and it be reviewed by the
22 Department of Highways and the County Engineer or
23 sight distance. So it will be a safe location.

24 CHAIRMAN: Would you also address the
25 drainage and the situation that also I believe the

1 engineer would address?

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

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

11 MR. CHAIRMAN: Yes, ma'am.

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

25 CHAIRMAN: This commission cannot address

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

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

7 MRS. HENDERSON: Thank you.

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

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

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

19 MRS. HENDERSON: How would I do that?

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

23 MRS. HENDERSON: I certainly don't want to
24 interfere with the progress. That's not my point.
25 Property values, that's a problem. It's not the big

1 one. The big one is I'm mostly concerned about the
2 traffic hazard and the drainage.

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

5 MRS. HENDERSON: Thank you.

6 CHAIRMAN: Thank you for your comments.

7 MR. ELLIOTT: State your name, please.

8 MR. HENDERSON: Howard Henderson.

9 (MR. HOWARD HENDERSON SWORN BY ATTORNEY.)

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

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

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

23 MRS. ADKINS: We do intend to log it, yes,
24 but as far as we're going to keep the younger trees.
25 We're not going to just totally go in and just wipe it

1 all out. When I was discussing it with Planning &
2 Zoning, I will be doing all the landscaping they
3 require and there will be grass put back in and there
4 will be trees. Because the other two we're not doing
5 anything with it. We don't intend to do anything with
6 the other two acres.

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

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

12 MR. HENDERSON: Yes, thank you very much.

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

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

21 MRS. ADKINS: Well, no. We're going to go
22 ahead and take the mature trees off, but like I said
23 we'll leave the smaller stuff and let it come on up.
24 Like I said it's very thick. It is very wooded. As
25 she expressed, with it being wooded I would like it

1 opened up a little bit better so you can see the road
2 better. So when you're pulling off and on to it, you
3 have better access.

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

10 MR. HENDERSON: Thank you very much.

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

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

17 MR. NOFFSINGER: Thank you.

18 CHAIRMAN: Thank you.

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

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

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

25 MR. CAMBRON: Second.

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

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Next item, please.

6 -----

7 DEVELOPMENT PLANS

8 ITEM 9

9 3415 Buckland Square, 5.9 acres
10 Consider approval of final development plan.
11 Applicant: Cliff Hagan Boys & Girls Clubs, Inc.,
O'Bryan Heirs

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

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

18 MR. CHERRY: Yes.

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

21 MR. ELLIOTT: State your name, please.

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

25 (MR. STEVE CHERRY SWORN BY ATTORNEY.)

1 CHAIRMAN: Does anybody have any questions
2 of the applicant?

3 (NO RESPONSE)

4 CHAIRMAN: Anybody from the Commission
5 have any questions?

6 (NO RESPONSE)

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

9 MR. APPLEBY: Motion for approval.

10 CHAIRMAN: Motion for approval by Mr.
11 Appleby.

12 MR. ROGERS: Second.

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

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Thank you.

18 ITEM 10

19 3601 Frederica Street, 0.807 acres
20 Consider approval of final development plan.
21 Applicant: Massie-Clarke Development Co., Inc.

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

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

MR. NOFFSINGER: Mr. Chairman, this

1 application has been reviewed by the Planning Staff
2 and Engineering Staff. The application is in order
3 with the exception that a roadway buffer variance from
4 Frederica Street will be necessary. The applicant has
5 made an application to the Board of Adjustment for the
6 necessary variance. This is the landscaping variance,
7 if you will, out front for the location of the
8 materials. They're going to do all the landscaping
9 that's required. It's just there's a question of
10 where they place the landscape materials. That
11 application will be considered by the Board of
12 Adjustment at their June meeting and we're
13 recommending approval at this time of this plan
14 subject to the Board of Adjustment granting that
15 variance.

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

18 MR. RINEY: Yes.

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

22 (NO RESPONSE)

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

25 MR. CAMBRON: Motion for approval.

1 CHAIRMAN: Motion for approval by Mr.
2 Cambron.

3 MS. DIXON: Second.

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

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

8 CHAIRMAN: Motion carries unanimously.

9 Next item, please.

10 ITEM 11

11 4612, 4700, 4800, 4950 KY 56, 94.575 acres (POSTPONED)
12 Consider approval of final development plan
13 Applicant: Bellevue Baptist Church

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

18 CHAIRMAN: Do we have a - -

19 MR. APPLEBY: Motion for postponement.

20 CHAIRMAN: Motion for postponement by Mr.
21 Appleby.

22 MR. JAGOE: Second.

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

26 CHAIRMAN: Motion carries unanimously.

1 Next item, please.

2 -----

3 MINOR SUBDIVISIONS

4 ITEM 12

5 5931 KY 56, 1235 Lyddane Bridge Road, 3.932, 3.044
6 acres

7 Consider approval of minor subdivision plat.

8 Applicant: Joan G. Ramey

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

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

20 The first lot meets or lot number 2 meets
21 all the minimum requirements of the subdivision
22 regulations and zoning ordinance; however, lot number
23 1, although it meets the minimum lot size, it does not
24 meet the minimum frontage on the public right-of-way.
25 It is a 50-foot wide strip of land for access back to
it.

1 Given the situation that this property is
2 physically split by a natural barrier of this ditch,
3 we would recommend that the Planning Commission give
4 this division a favorable approval.

5 CHAIRMAN: Are there any questions of the
6 applicant?

7 (NO RESPONSE)

8 CHAIRMAN: Does anybody from the
9 commission have a question?

10 (NO RESPONSE)

11 CHAIRMAN: Chair is ready for a motion.

12 MS. DIXON: Move for approval.

13 CHAIRMAN: Motion for approval by Ms.
14 Dixon.

15 DR. BOTHWELL: Second.

16 MR. CHAIRMAN: Second by Dr. Bothwell.

17 All in favor raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Next item, please.

21 ITEM 13

22 2120, 2126 Old Cabin Road, 1.094 acres
23 Consider approval of minor subdivision plat.
24 Applicant: Loyd E. Hinton, Harold L. & Margaret H.
25 Hall, Jennifer L. Bender (Garris) & William M. Garris

25 MR. NOFFSINGER: Mr. Chairman, this plat

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

10 CHAIRMAN: Are there any questions of the
11 applicant?

12 (NO RESPONSE)

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

18 CHAIRMAN: So noted.

19 Are there any questions of the applicant?

20 (NO RESPONSE)

21 CHAIRMAN: Any questions from the
22 commission?

23 (NO RESPONSE)

24 CHAIRMAN: Chair is ready for a motion.

25 MR. APPLEBY: Motion for approval.

1 CHAIRMAN: Motion for approval by Mr.
2 Appleby.

3 MR. CAMBRON: Second.

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, please.

9 ITEM 14

10 100, 130 Salem Drive, 4.275+ acres
11 Consider approval of minor subdivision plat.
12 Applicant: Kenneth Crandall

13 MR. NOFFSINGER: Mr. Chairman, this
14 application has been reviewed by the Planning Staff.
15 The plat is not in order and the applicant is
16 requesting I believe an 80-foot wide entrance onto
17 Salem Drive. The access management manual and zoning
18 ordinance stipulate a maximum 40-foot wide entrance.
19 The applicant is here tonight to make a presentation
20 as to why they feel this plat should be approved with
21 the extra-ordinary wide access and Planning Staff
22 after their presentation will be prepared to present
23 their side of the case.

24 MR. ELLIOTT: State your name, please.

25 MR. HESTER: Scott Hester.

(MR. SCOTT HESTER SWORN BY ATTORNEY.)

1 MR. HESTER: I'm Scott Hest. I work for
2 Mr. Crandall in his business of Carpets Unlimited.

3 Give you a brief history so you kind of
4 understand what's taking place. Mr. Crandell bought
5 this property in late 1996 or early 1997. Formerly it
6 was a Save-A-Lot grocery and some other things. There
7 is a double bay back-end loading dock at one end of
8 the building at that time. There were twin 45-foot
9 driveway openings which accessed that and allowed semi
10 trucks to back into the premises, back in to get in
11 and out.

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

1 built the additional 100 by 100 square foot warehouse
2 section.

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

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

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

20 The volume of material that comes in and
21 out of our business is such that it's just not
22 practical to get it there any other way. Up and down
23 Salem Drive you can pass through there frequently and
24 you will see semi trailers parked in the street being
25 unloaded because people can't get semis off the

1 street. We have a lot of straight trucks. We have a
2 lot of short trailers that have no problem at all
3 getting in and out of our property there, but a 50 to
4 55 foot semi trailer just cannot do it with the space.

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

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

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

24 Now, if someone wants to put in a three
25 lane street across from the driveway, I don't need the

1 40 feet. I could live with that. Lowe's has a three
2 lane street running behind their building and it is a
3 street. Then from that they have a 55 foot opening
4 off of a 42 foot street which allows them to turn in.
5 In fact, they've got two 55 foot openings with across
6 the street that gives additional space for traffic
7 there.

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

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

23 That's pretty much it in a nutshell.

24 CHAIRMAN: Thank you.

25 Is Ms. Watson going to present the side to

1 the commission?

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

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

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

21 In 1999 there was a plat consolidating 120
22 and 130 back into one lot. On that plat there is a
23 provision for a 40-foot access on this lot. Again,
24 two other accesses are located, points are located on
25 100 Salem Drive.

1 In 1999 there was an additional plat that
2 consolidated more property to this lot and the same
3 access requirements were approved on that plat as on
4 the previous plat. A 40 foot existing entrance on
5 this lot, two access points approved on the remainder
6 of the property with accesses being, additional
7 accesses being closed.

8 As Gary Noffsinger stated, that the
9 maximum access in a B-4 zone is 40 feet. The
10 applicant mentioned the Lowe's access, which I believe
11 is zoned industrial and industrial access could be
12 50-feet. The 40-feet is of the property line. There
13 is an allowance for a radius from the property line to
14 the street. So actually at the street it could be a
15 bit wider than 40-feet that's required.

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

18 MR. ELLIOTT: State your name, please.

19 MR. MISCHEL: Jim Mischel.

20 (MR. JIM MISCHEL SWORN BY ATTORNEY.)

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

25 As you can see in the Ordinance 13 under

1 "13.23 Maximum Driveway Widths. The width of each
2 driveway along any street, as measured at the property
3 line, shall not exceed the maximum dimensions in the
4 following exhibit."

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

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

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

17 What Mr. Hester said, I've got something
18 here. He's made a pretty good point about the
19 storage. Originally this building, if you look at it
20 has I guess what you call excessive storage. They've
21 added a 10,000 square foot warehouse on last year and
22 they're going to add another 10,000 square feet for a
23 total of 20,000 square feet. That's major storage for
24 that store. Maybe this is the time, in the past it
25 was minor storage. It's major storage now. One

1 solution may be they pose to move that property line
2 to the east. He owns the property to the east of it.
3 Maybe if that property line was extended a little bit
4 more, since we are talking about major storage, to
5 provide for maybe these trucks to get in.

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

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

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

25 MR. MISCHER: Well, right now if you look

1 at the plat there's a spacing standard on those two
2 lots. I believe they meet the spacing standards.

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

5 DR. BOTHWELL: That's my questions.

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

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

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

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

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

25 MR. HESTER: Something in that

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

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

18 CHAIRMAN: I can appreciate the geometry
19 of a - - not only do you have a 53 foot trailer, but
20 you also add an additional 20 foot with the tractor.
21 So you've got a 70 foot entity trying to negotiate a
22 90 degree turn on a 30 foot wide.

23 MR. HESTER: If you'd like to further
24 appreciate the geometry, I've got a little
25 demonstration I can give you.

1 CHAIRMAN: I think that would be
2 excellent. Let's see that. Do it right there.

3 MR. HESTER: This is Salem Drive in a
4 40-foot entrance drawn to scale. This is a regular
5 size tractor with a 55-foot trailer drawn to scale,
6 the same scale.

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

11 CHAIRMAN: The tractor, the trailer does
12 pivot.

13 MR. HESTER: It does some, yes, but
14 forgetting the tractor. Just getting the trailer.
15 The other thing I will show you is as was referred to
16 me is this is Lowe's parking entrance. Now, I
17 understand that they are an industrial classification.
18 I didn't know that they were, but I understand there
19 is some difference there. They're coming off of J.R.
20 Miller Boulevard, which is 42 feet wide, coming onto
21 the street that's behind our building, which I don't
22 know what the name of it is, but it is a street that
23 is three lanes wide, 42 feet and turning into a
24 55-foot opening entrance. I can live with that, you
25 know, with no problem.

1 CHAIRMAN: How wide is that opening there?

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

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

6 MR. HESTER: That's at the curb.

7 MR. NOFFSINGER: Thank you.

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

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

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

20 CHAIRMAN: I applaud your efforts to try
21 to widen your driveway to get the trucks in because I
22 can deal with the difficulty that you're having and
23 the variance of the skills the drivers try to attack
24 the opening. This opening is not for egress and
25 degrees from the business. It's just strictly for

1 loading and unloading purposes; is that correct?

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

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

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

20 MR. APPLEBY: That's with a median.

21 CHAIRMAN: So 50 foot is -

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

25 CHAIRMAN: Mr. Hester, is 50 foot livable

1 or doable because doubling the thing opens us up to
2 situations that are - - I understand that now when
3 this ordinance was probably drawn up probably a 40
4 foot trailer may have about it, but we've gone to 40,
5 45, 48, 53s now which make a lot different geometry.

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

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

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

22 MR. HESTER: I understand that, but Salem
23 Drive is getting to be a very congested street. It's
24 a major thoroughfare between there and the community
25 college and out that way. You know, if the street

1 were 15 foot wider, I would have a lot less problem.
2 A lot less problems. If it was a 42 foot street, the
3 geometry changes completely.

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

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

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

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

1 access point and we're retaining this proposed access
2 point.

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

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

15 Let me discussion it with him for a
16 second.

17 MR. CAMBRON: Let me make a comment too.
18 One of my neighbors down on West Second Street he has
19 an entrance and I will venture to say there's more
20 semis in and out of that property than any place in
21 town for a general business and his landscaping is
22 intact and it has been for two years now. It's all in
23 the matter of how you do the landscaping. He has a
24 built-up concrete curbing along the side there that
25 comes in to protect it. So there is a way to protect

1 that landscaping. I don't believe his entrance is
2 much wider than 55 feet at best. This is a major
3 business that does nothing but semi repair tractor-
4 trailer.

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

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

12 MR. CAMBRON: Yes.

13 MR. HESTER: What location were you
14 speaking of?

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

23 MR. HESTER: By the same token, you can go
24 out to Salem Drive and look at one of our competitors,
25 Discount Flooring, that has a 40 foot driveway, who

1 has the retaining wall blocks up about 3 feet high, 2
2 or 3 feet off of the edge of the driveway, and to my
3 knowledge I can't guess how many times they reput them
4 in because the trailers taking them out. They are in
5 disarray in a pile right now. The same trucks are
6 coming to me. They keep knocking them down.

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

13 MR. NOFFSINGER: This problem is not
14 unique to this particular piece of property. It's how
15 you handle the problem, how you deal with the problem.
16 Again, I think we have to design the properties and
17 our buildings to accommodate our necessary maneuvering
18 on site. You can't put a tractor-trailer on a piece
19 of property in Owensboro. This property may not be
20 suited for tractor-trailer deliveries if you cannot
21 negotiate that access or we need to find a way that
22 may be in terms of the design that we can accommodate
23 tractor-trailer traffic. Maybe it means using some of
24 this adjoining two acres of property to figure out a
25 way to get vehicles in and out. Maybe you align the

1 driveway in such where they pull right in at an angle
2 instead of having to make a 90 degree turn. Maybe the
3 driveway angled. I don't know. This wouldn't be
4 unique to this property. I think if you do for one,
5 you do for all. What I'm trying to do and what I
6 stated in terms of widening this to 50 and closing
7 this proposed access point or not opening it, whatever
8 the case might be, is to give this commission
9 something to hang their hat on in defense of why they
10 did what they did and as a]compromise to your
11 situation.

12 MR. HESTER: I would agree with your point
13 that this is not a unique problem to this piece of
14 property. It is a problem to every piece of property
15 up and down that street. At some point this piece of
16 property and this building was permitted with a double
17 semi trailer unloading dock and side by side
18 entrances. Mr. Crandell acquired the property with
19 all of that in place. None of that was a problem
20 until the business expands and we need more room.
21 That doesn't change - - another 100 feet of driveway
22 on the premises at the end of the building that we're
23 proposing won't help get the trucks off the street.
24 It won't change the geometry on a 75 foot truck off a
25 30 foot street into a 40 foot driveway. It doesn't

1 change that.

2 CHAIRMAN: How long is it from your
3 warehouse door of the entrance to your property line?
4 Not to the curb, but to your property line.

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

7 MR. APPLEBY: It looks about 60 feet
8 roughly.

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

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

22 DR. BOTHWELL: Mr. Chairman, Mr.
23 Noffsinger made a proposal to the applicant about
24 closing one entrance. I haven't heard that answer
25 yet.

1 CHAIRMAN: Very good question.

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

7 Now, with that said, whether we run over
8 five feet of landscaping and sidewalk or whether we
9 run over ten feet - - I say we. Not us. My people
10 don't do it. It's the individual freight trucks that
11 deliver. Whether they run over 10 feet, I don't know
12 that that matters. I would like to have the other
13 entrance because it's going to allow a lot of that
14 traffic not to go through that 50 foot entrance. If
15 I'm going to try to get those trailers in and out of a
16 50 foot entrance, it would be nice to have a 40 foot
17 down at the other end for the light traffic. Again,
18 it would be less of an obstruction to traffic on the
19 street.

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

22 MR. HESTER: What?

23 MR. NOFFSINGER: The semis, it doesn't
24 occur very often.

25 MR. HESTER: It doesn't occur very often

1 that I've got a 53 footer or a 55 footer or whatever
2 that is. It occurs three or four times a week at
3 least. It isn't something that happens continuously,
4 but it only has to happens once.

5 CHAIRMAN: I think Mr. Cambron has a
6 comment.

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

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

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

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

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

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

20 MR. HESTER: On the east side.

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

23 MR. CAMBRON: Let me make this simple.
24 Close the entrances. Go to the very far end and make
25 a 60 foot entrance and be done with it.

1 MR. HESTER: One for the entire?

2 MR. CAMBRON: One for everything, yes.

3 MR. HESTER: That won't work.

4 MR. CAMBRON: I give up.

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

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

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

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

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

19 MR. ELLIOTT: State your name, please.

20 MR. CRANDELL: Ken Crandell.

21 (MR. KEN CRANDELL SWORN BY ATTORNEY.)

22 MR. CRANDELL: We really do want to apply
23 with everything that the city wants us to do. We have
24 sizable investments in this town and expanding more.
25 We've got other projects that's coming across your

1 table so we don't need to be enemies by any means. We
2 need to be able to work together.

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

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

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

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

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

24 MR. NOFFSINGER: If you remove the
25 proposed entrance to 100 Salem Drive. You're only

1 looking at 215 feet between the proposed entrance to
2 100 Salem Drive and one on 130. So if you move it
3 toward the property line you're further reducing it
4 215 feet.

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

9 MR. NOFFSINGER: If you would propose that
10 entrance to be located on the property line between
11 100 and 130, relocated your proposed entrance on 130,
12 relocate it to the property line with 100 Salem Drive,
13 that would be moving it east, and then not openings or
14 closing the proposed entrance that you show to the
15 east. That would mean the only access to 100 Salem
16 Drive would be a shared access point at the property
17 line.

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

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

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

25 MR. NOFFSINGER: Could you close the

1 eastern most drive on 130 Salem Drive and relocate the
2 drive to 100 Salem Drive so as to provide an access
3 easement over to where it would serve both properties?

4 MR. CRANDELL: It would serve - -

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

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

24 MR. NOFFSINGER: That's not going to help
25 you. Widening the driveway is not going to help you.

1 MR. CRANDELL: Really our choices are here
2 to leave the driveway at 45 feet and trucks are going
3 to run over the sidewalk. I don't like that, but
4 that's what it is.

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

7 MR. HESTER: On rare occasions, yes. On
8 most occasions, especially now with the additional
9 pavement coming to the east, they would be able to
10 pull off and then back in. If you were going to be
11 using the loading dock because of the warehouse
12 addition, then it will be unloaded down there. The
13 shorter trucks, the 40 foot trailers and trucks and
14 straight trucks there's no problem at all with them
15 and they can use either driveway and they can use the
16 40 foot driveway that we're proposing and leaving the
17 other one opening so the bigger trucks can get in and
18 out of there without congestion there. You look at
19 that there are only two entrances on this plat for
20 this piece of property. The 100 Salem property is
21 completely different even though Mr. Crandell owns
22 it. It's completely different and we have no
23 intention of expanding on to that. There are
24 developments in discussion about that by other
25 properties. It would be really impossible to include

1 part of 100 Salem in terms of entrances with 130
2 because it's different, totally different thing.

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

8 MR. HESTER: It would completely sabotage
9 that development to move or dispose of that entrance,
10 50 feet from J.R. Miller.

11 MR. CRANDELL: Thank you for your
12 consideration though.

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

17 MR. HESTER: The center entrance?

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

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

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

24 MR. JAGOE: No.

25 MR. CRANDELL: We still have the other one

1 down at the other end?

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

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

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

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

17 MR. HESTER: 206 feet.

18 MR. JAGOE: Then we have 215. What's this
19 40 foot width on 100?

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

22 MR. JAGOE: But it says 215 feet.

23 MR. NOFFSINGER: That's a total of the
24 property dimension. I don't think that's the
25 distance.

1 MR. JAGOE: Isn't that the center line to
2 a proposed entrance center line which is - - you have
3 to 250 off of J.R. Miller. Is that what it is?

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

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

11 MR. APPLEBY: It's close to - -

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

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

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

23 MR. JAGOE: So that 40 foot there is not
24 representing where that entrance would be; is that
25 correct?

1 MR. APPLEBY: Mr. Chairman, I would
2 propose to allow 50 foot access point with 40 here and
3 leave the other access points alone. I can't see
4 deviating any further from the ordinance. At least
5 there is a provision for a 50 foot access point in the
6 ordinance.

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

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

11 MR. CAMBRON: I'll second it.

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

14 (NO RESPONSE)

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: The motion carries unanimously.

19 We'll go to a 50 foot access.

20 Next item, please.

21 ITEM 15

22 9035, 9045, 9055, 9101 Todd Bridge Road, 1.11, 1.11,
23 1.10, 1.09 acres
24 Consider approval of minor subdivision plat.
Applicant: Sarah Wells

25 MR. NOFFSINGER: Mr. Chairman, this plat

1 has reviewed by the Planning Staff. It's not in
2 order. It exceeds the depth to width ratio. Creates
3 four lots where we have two now. With that it's ready
4 for your consideration.

5 CHAIRMAN: Is there anybody here
6 representing the applicant?

7 (NO RESPONSE)

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

10 DR. BOTHWELL: Yes.

11 CHAIRMAN: Dr. Bothwell.

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

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

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

25 MR. NOFFSINGER: Yes, sir.

1 MR. CAMBRON: Is Chair ready for a motion?

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

4 MR. CAMBRON: Motion for denial.

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

7 MS. DIXON: Second.

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

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

13 CHAIRMAN: Opposed.

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

16 CHAIRMAN: Six to three. The motion is
17 denied.

18 Next item.

19 -----

20 SURETY RELEASE

21 ITEM 16

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

25 SISTER VIVIAN: I need to disqualify

1 myself.

2 CHAIRMAN: Sister Vivian is disqualifying
3 herself. So noted.

4 MR. APPLEBY: Motion for approval.

5 CHAIRMAN: Motion for approval by Mr.
6 Appleby.

7 MR. JAGOE: Second.

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

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

13 CHAIRMAN: Motion carries unanimously.

14 Next item, please.

15 -----

16 SURETY TRANSFERS

17 ITEM 17

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

22 ITEM 18

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

27 ITEM 19

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

1 Transfer of surety (Performance Bond) for water mains
and fire hydrants to the City of Owensboro
2 Surety posted by: Robert J. Wimsatt

3 ITEM 20

4 Mount Moriah, Unit #1, \$3,161.20
Transfer of surety (Irrevocable Letter of Credit) for
5 1" bitum conc. surface to the City of Owensboro
Surety posted by: Mount Moriah Holdings

6 ITEM 21

7 Mount Moriah, Unit #1, \$9,902.90
Transfer of surety (Irrevocable Letter of Credit) for
8 6" DGA and 2" bitum conc. base to the City of
Owensboro
9 Surety posted by: Mount Moriah Holdings

10 ITEM 22

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

14 ITEM 23

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

17

18 MR. NOFFSINGER: Mr. Chairman, Surety

19 Transfers Items 17 through 23 are in order and may be
20 transferred in toto.

21 CHAIRMAN: Chair is ready for a motion.

22 MR. HAYDEN: Motion to approve in toto.

23 CHAIRMAN: Motion for approval by Mr.

24 Hayden.

25 MR. APPLEBY: Second.

1 CHAIRMAN: Second by Mr. Appleby. All in
2 favor raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 -----

6 NEW BUSINESS

7 ITEM 24

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

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

20 CHAIRMAN: Chair is ready for a motion.

21 MS. DIXON: I move to terminate the
22 contract.

23 MR. APPLEBY: Second.

24 CHAIRMAN: Motion for termination by Ms.
25 Dixon. Second by Mr. Appleby. All in favor raise

1 your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item.

5 ITEM 25

6 10345 KY 54

Building Construction

7 Consider comments regarding a proposal to construct a
8 Senior Citizens Center building.

9 Referred by: City of Whitesville, Whitesville Senior
Citizens Center

10 MR. NOFFSINGER: Mr. Chairman, Planning

11 Staff has reviewed this application. We find no

12 conflict with the Comprehensive Plan. It is for a

13 Senior Citizens to be built on the property where the

14 City of Whitesville park is. We recommend you forward

15 a letter of no conflict with the plan to the

16 Whitesville City Commission.

17 MR. ROGERS: Motion for approval.

18 CHAIRMAN: Motion for approval by Mr.

19 Rogers.

20 MR. HAYDEN: Second.

21 CHAIRMAN: Second by Mr. Hayden. All in

22 favor raise your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item.

1 ITEM 26

2 Consider increasing cell tower application fee from
3 \$2,000 to \$2,500

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

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

21 CHAIRMAN: Chair is ready for a motion.

22 DR. BOTHWELL: Motion for approval.

23 CHAIRMAN: Motion for approval by Dr.

24 Bothwell.

25 MR. CAMBRON: Second.

 CHAIRMAN: Second by Mr. Cambron. All in

1 favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item.

5 ITEM 27

6 Consider appointment of a cell tower committee.

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

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

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

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

22 DR. BOTHWELL: Motion for approval.

23 CHAIRMAN: Motion for approval by Dr.
24 Bothwell.

25 SISTER VIVIAN: Second.

1 CHAIRMAN: Second by Sister Vivian. All
2 in favor raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

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

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

10 MS. DIXON: Move to adjourn.

11 CHAIRMAN: Motion for adjournment by Ms.
12 Dixon.

13 DR. BOTHWELL: Second.

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Meeting is adjourned.

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