The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, December 12, 2002, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

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

CHAIRMAN: Please stand for the pledge of allegiance and invocation given by Ms. Judy Dixon.

(PLEDGE OF ALLEGIANCE AND INVOCATION.)

CHAIRMAN: I'd like to welcome everybody to the December 12th meeting of the Owensboro Metropolitan Planning Commission.

Our first order of business is to consider the minutes of the November 14, 2002 meeting. Are there any corrections or additions?
MR. NOFFSINGER: No.

CHAIRMAN: If there are none, the Chair is ready for a motion.

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Mr. Noffsinger.

ITEM 2

Consider adoption of the 2003 OMPC calendar of filing deadlines and meeting dates.

MR. NOFFSINGER: Mr. Chairman, each commissioner has been given a copy of this calendar and it is ready for your consideration.

CHAIRMAN: Does anybody have any problem with the current calendar?

(NO RESPONSE)

CHAIRMAN: Dr. Bothwell?

DR. BOTHWELL: None. Motion to approve.

CHAIRMAN: Motion for approval by Dr. Bothwell.
MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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PUBLIC FACILITIES PLANS
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 3

545 Castlen Street
Building Construction
Consider comments regarding a proposal to construct a bus/truck wash to serve the City of Owensboro and other agencies' vehicles.
Referred by: City of Owensboro

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

CHAIRMAN: Are there any questions?

(NO RESPONSE)

CHAIRMAN: If there are none, the Chair is ready for a motion.

DR. BOTHWELL: Motion for approval.

CHAIRMAN: Motion for approval by Dr. Bothwell.
MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 4

522 Griffith Avenue
Land Acquisition
Consider comments regarding the acquisition of property located at 522 Griffith Avenue.
Referred by: Daviess County Public Library

MR. NOFFSINGER: Mr. Chairman, this application comes before the Planning Commission for consideration of acquisition of land by the Daviess County Public Library.

The Kentucky Revised Statutes under KRS 100.324 requires that prior to acquisition of land by a public facility that that public facility submit their plans of acquisition to the local Planning Commission and that that Planning Commission evaluate the acquisition based upon the adopted Comprehensive Plan. That is why we are here tonight.

The library board has asked that this commission review the property at 522 Griffith Avenue. Planning Staff has reviewed the adopted Comprehensive Plan and the library is recognized as an important
The adopted Comprehensive Plan did not anticipate the expansion of the Daviess County Public Library. It would be hard pressed to find something in the Comprehensive Plan that actually dealt with the expansion; however, if you take a look at the land development policies that are contained in the Comprehensive Plan and apply those to a public facility, then you might look at the situation like this: The library is recognized as a public service use. Generally when you look at expansions of non-residential uses into residential areas, there is certain criteria that you evaluate. If you evaluate this acquisition based upon those land development policies, then you might find that the acquisition would be in conflict with those policies; however, I think you have to take a look at the economic importance of the library to the community. The ability for that library to either expand or relocate and weigh that against the land development policies that this particular public facility does not have to abide by.

So with that I would say that we should hear from the folks from the library as well as the neighbors I believe are here to voice their concerns.
and perhaps ask questions and evaluate that based upon
what I have talked about in terms of the library as a
cultural facility versus land development policies.

DR. BOTHWELL: Mr. Chairman, I have a
question for Mr. Noffsinger.

Has this land not already been acquired?

MR. NOFFSINGER: Dr. Bothwell, it is my
understanding based on what I have read in the
Messenger-Inquirer and in talking with Mr. Frank
Brancato with the Daviess County Public Library that
the property has already been acquired.

DR. BOTHWELL: Thank you.

CHAIRMAN: Is there anybody here
representing the library?

Would you step forward, please.

MR. NOFFSINGER: Mr. Chairman, if I might
add while Mr. Brancato is getting up. The
requirements of KRS 100 are mandatory that the
Planning Commission review; however, compliance by the
library board is voluntary. Meaning no matter what
this commission tells or describes to the library
board, the library board has the right to do as they
see fit in the best interest of this community.

CHAIRMAN: Thank you.

MR. ELLIOTT: State your name, please.
MR. BRANCATO: My name is Frank Brancato.

(MR. FRANK BRANCATO SWORN BY ATTORNEY.)

MR. BRANCATO: Mr. Chairman, I'd be delighted to make some opening comments and then receive questions from members of the commission or the public if that's your wish.

CHAIRMAN: I think that would be a very good idea.

MR. BRANCATO: Maybe as a means for background for those of you who aren't familiar, the predecessor to the library was the Carnage Library which was located and operated on the corner of Ninth and Frederica.

In 1965 that building was significantly damaged by the weight of the books in the volumes of collection. The library closed for three months due to the structural deficiencies which had developed over time.

In 1966 with the promise of state funding for a new library, the library board purchased a couple of lots on the corner of Griffith Avenue and McCreary Avenue as a new location for the library.

The existing homes on those lots including the C.E. Daugherty residence and a small white house on McCreary was raised. An architect was selected and
the board determined that since the neighborhood had
diverse architectural style, the library couldn't be
designed to match any one of them so a decision was
made to build a modern looking building which still
exists today in that same location.

The city and the county each made
financial commitments to annually fund the library so
that it could repay a 30 year loan. Each year that
funding commitment became an issue between the city
and the county commencing about ten years after the
initial commitment was made.

In 1995 following a litigation brought
about in part because of the financial commitments,
the library was re-established as a separate taxing
district and operates independent of both the city and
the county; although, our function is to service all
residents of the county and area outlying the county.

Since 1967 the library has occupied
approximately a two acre site there on the corner of
McCreary and Griffith. We already land locked
facility. We have neighbors, private residential
neighbors to the east and also adjoin the Owensboro
city school property. We have private residential
neighbors to the south. We have McCreary on the
immediate west. Of course, we have Griffith Avenue on

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The building was constructed with 32,000 feet intended for use which was four times the size of Carnage Library. Several years ago the library expanded into the basement which was not designed to be a library, a public area for the library; although, the designers had foresight to add a basement which actually gave us that opportunity. So currently we occupy 46,500 square feet. There are no areas of the building which provide an opportunity for internal expansion.

Our current book collection is approximately 175,000 volumes. This is 23 percent below what Kentucky has identified as basic standard books in a collection for a community of our size. So we're 23 percent below the basis which is 2.5 books per capita.

The enhanced standard for Kentucky is three books per capita. The comprehensive standard for Kentucky is four books per capita. Kentucky standards are less than those of competing in neighboring states and are not considered to be a definition of excellent services, but in any event we are below the minimum threshold for the Commonwealth of Kentucky.
Approximately three years ago, the board began to evaluate its facility and the potential for expansion at the current location. RBS Design, which is a local architectural firm, undertook a study of the building and the facility in late 2000 and presented its report to the board in March of 2001. The study at that time suggested that 15,500 square feet could be added to the building.

In early 2002 after receiving the RBS study and the board having evaluated other libraries and information from other communities which have undertaken recent construction, the board contracted with Library Planning Associates, a library consulting firm out of the State of Wisconsin, to help develop information to assess our current program and future programs and spatial consideration and relationships. That is which departments best function next to or near to other departments to provide the most efficiency for both space and service.

In addition, Library Planning Associates contacted various community organizations and community leaders and obtained input from the public through a series of surveys that were available for a couple of weeks in the library and also a survey that
was published in the Messenger-Inquirer. That data was collected and then analyzed in relevant and meaningful statistics such as location, age, type of service that people use, frequency of the library and so on. That data was collected and preliminary presented to the board a few months ago. Library Planning Associates is currently in the process of finalizing its report. We have another session, work session with them on December 18th. We hope to have their report by January.

In the meantime, we have prepared a letter to go out to various architectural firms to solicit design services to do three different, actually multiple different things, but at least three different areas, three distinct areas.

One is to evaluate the potential for expansion at the current site. That would involve remodeling, expansion and rehabilitation.

Secondly would be to do the same thing at several potential other sites, other facilities in the area.

Third is to evaluate potential building sites for new construction.

The problem the library faced is that at the time 522 became available to us we weren't at a
decision point where we actually knew if we were going
to stay there or not stay there. Stay there or
relocate to another facility or locate to a new
construction. We endeavor to obtain an option to
purchase and that wasn't something we could negotiate.
The library negotiating with other adjacent properties
and those prices precluded coming to cohesion. So the
library acted to obtain 522 Griffith Avenue and have
no plans at this point to change the character of the
property because we are not at a decision point about
how we would use that property if we would stay
there. We have not made a decision to stay there. We
have not made a decision to move. So that's where we
are at this point.

I hope I gave you some background as to
why we are before this board. As I said in my letter
to the board, we would not make any changes in the
character or use of that property without developing a
plan and coming before this board with that plan.

CHAIRMAN: Thank you.

Let's see if we have any questions. Let's
first see if we have any questions from anybody on the
commission.

(NO RESPONSE)

CHAIRMAN: Does anybody from the audience
have any questions they'd like to ask?

  Yes, sir, step forward to the podium, please.

MR. ELLIOTT: State your name, please.

MR. COLLIGNON: My name is George Collignon.

(MR. GEORGE COLLIGNON SWORN BY ATTORNEY.)

MR. COLLIGNON: My wife Pam I live at 530 Griffith Avenue, a property immediately west of the site of the library taxing district proposed employee parking lot.

We are grateful to have been notified by the Planning & Zoning Staff of the meeting as I inquired about the particulars of this site. We appreciate this opportunity to speak against this proposed action of the library board taxing district.

Being an architect I design and plan as a career and in spite of this experience it never occurred to me that when we moved to town a year and a half ago that we were so vulnerable to an entity that does not have to answer to any oversight by this Planning & Zoning Board. A fact that the library taxing district chairman, Mr. Frank Brancato, made very clear at the Dogwood Azalea Neighborhood Alliance meeting of November 26.
With this statement of fact and obvious correct policy that landscaping is not an issue, I wish to show you a photo of the condition of the current staff parking lot located east of the front yard facing Griffith Avenue. I believe that you will see one small tree.

I wish also to show you another photo, that of the house that is intended to be torn down for a staff parking lot as expressed by Mr. Brancato at the Neighborhood Alliance meeting referenced earlier.

Mr. Chairman, do I point these to you?

CHAIRMAN: I think Mr. Appleby will handle the distribution for you if you want to continue with your presentation.

MR. COLLIGNON: Thank you, sir.

One needs little imagination to envision how this parking lot might look. One wonders also if there are 47 employees and if the current staff parking lot is not used to capacity all of the time then this lot may also be used for patron parking, a natural, as it will be close to the front door and facing the lot at the crest of the hill on McCready. It is this potentially serious traffic problem that I wish to call to the attention of this committee.

This is the library. This is the property

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that is in contentions to be developed was told as a staff parking lot. This is the crest of the hill. You go up a hill. You go up about 12 to 15 foot as you're headed north, hit the crest of the hill and then you go down the hill.

For a person to get to the library entrance at the crest of the hill from the proposed parking lot, they may cross the street diagonally below the crest of the hill. Other alternates would be to walk to the west side of the street. There is no sidewalk along the west side of the street. So to get up through here they would have to walk up, cut cross and go here or they would have to go north, cross the street, get on a concrete sidewalk, go across a concrete driveway to get to the front door.

Crossing the street from the parking lot to the entrance diagonally is the most dangerous situation. Serious injury or death may occur. God forbid should a careless driver heading north fail to use caution when coming over the hill headed north.

I read in the Messenger-Inquirer Monday, December 9th, that a woman whose car slammed into a truck parked on the wrong side of the road near the crest of a hill was awarded $27 million by the Warren County Circuit jury. The woman suffered brain damage.
The report said that the truck was parked 158 foot on a crest of a hill which is approximately the same distance from the entrance off of McCreary Avenue where the proposed parking lot would be located. A similar situation is being created here.

This radius is 158 foot. So we're up here. We hit the top of the hill we've got 158 foot or at least in the other case it wasn't enough to stop and someone was injured.

I must also point out, as I earlier mentioned, the entrance to the library is at the crest of the hill and at the entrance there is a driveway directly in front of the main entry. Certainly a convenience.

This slopes down, but the driveway add to the traffic congestion at the crest of the hill. A visitor must walk on the driveway to get to the entrance door. The entry, in my opinion, needs to be moved to the front or back of the building.

I want to point out that other taxing districts that are not subject to planning and zoning regulations have not so endangered their employees or patrons.

For example, consider the entrances to the new police station, to this city hall, to the new fire
station on South Griffith.

Pam and I ask that you please study this lack of planning and ask the library district to readdress this action for the following reasons:

1) Safety concerns for library taxing district's employees and patrons crossing McCreary Avenue. In my opinion, creating this parking lot is constructing a foreseeable hazard and a patently hazardous condition and may be a source of future liability to the library board taxing district and the City of Owensboro.

2) Obvious disregard of the current Planning & Zoning Comprehensive Plan and public property purchase notification of the Planning & Zoning, as was mentioned by a member here awhile ago.

3) Past disregard of Planning & Zoning parking screening requirements based on the present staff parking lot on Griffin Avenue as opposed to what they may or may not provide for screening or landscaping of the proposed lot.

Finally, please take into account the rule of law rather than of a man.

Pam and I object to this action of the library taxing district because it will affect our current lifestyle which is simply to be allowed to

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live in peace and tranquility, quiet enjoyment of our property and to not be affected by an unsupervised non-secured parking lot.

Pam and I have lived in this community all of our lives. We're volunteers, taxpayers, church going, upright citizens who live our lives adhering to the principals of the law, and like most of us depend upon law to bring order and peace to our lives.

Thank you. I'd be glad to answer any questions.

CHAIRMAN: Thank you.

Does anybody on the commission have any questions of Mr. Collignon?

(NO RESPONSE)

CHAIRMAN: Does anybody in the audience?

(NO RESPONSE)

CHAIRMAN: Mr. Brancato, in his presentation I think he raised several questions. Would you want me to reiterate what I think his questions are or would you like to go ahead and just start?

MR. BRANCATO: Well, I think I understood his concerns.

Again, I guess my problem is there are assumptions there that simply haven't been made or
determined by the library board. I guess the only thing I can agree with is if the door would be moved, the main entrance would be moved as part of the remodel, if the decision is to stay there.

Again, I don't know how I can over-emphasizes this. A decision to stay has not been made. A decision to move has not been made.

I did not say at the public meeting that a parking lot would be built. What I said was in response to a question is if we stay there then we would build staff parking at that location. The reason for staff parking is we don't want the public to have to cross the street to go to the library. We agree that the current entrance to - I'm sorry - the current exit for the drive-thru is in a dangerous location because it's just below the crest of the hill, but one remedy for that is to reverse the process. To make that the entrance and the current entrance become the exit so the exit is at the top of the hill and that would give you linear vision of both directions.

The board has looked at all of these things. That's why we're going to make a solicitation for an architect to help us overcome these existing design challenges if the decision is to stay there.
MR. APPLEBY: I have a comment.

CHAIRMAN: Yes, sir, Mr. Appleby.

MR. APPLEBY: These are all concerns that I understand and I understand the neighbors concerns, but this is not a development plan review. As I see it, all we're attached to do is make a determination of whether or not this is or is not in conflict with the Comprehensive Plan; is that not right, Mr. Noffsinger?

MR. NOFFSINGER: Yes, sir, that is correct. You are considering land acquisition. You're not considering a site plan or a potential use of the property. However, before we leave this item, I do have some comments I want to make regarding access to the property that I feel would be important to get into the record should the library move forward with a site plan for this property in the future.

CHAIRMAN: Continue.

MR. BRANCATO: And I would agree that the existing staff parking does not conform to current planning & zoning regulations, but those regulations were not in affect when that staff parking lot was constructed. What we did commit to the neighbors, I wasn't under oath then so I'll say it again today since I am under oath, we're going to do everything we
can to comply with the regulations irrespective of the fact that we're not required to comply with them. We will present our plan. It will be thorough in detail and come before this board before any action is taken.

CHAIRMAN: Thank you.

Does anybody else have any questions of Mr. Brancato or Mr. Collignon?

MR. COLLIGNON: Sir, I was not here to argue legally with this gentleman. I just want to make a point that I think it's creating a serious hazard which in my opinion will endanger the finances of this city and library taxing district. I yield to others who will speak to this point.

MR. CAMBRON: I have a question for Mr. Brancato.

Give me a time frame on what you are looking at? How far are you looking before you make a decision on what you're going to do?

MR. BRANCATO: Our next board meeting is the 18th where we should have received the final report from LPA. We need that information to solicit architectural services. Our plan is to send out this letter to the architectural firms who have expressed an interest in the project as well as those that we have discovered through research using the AIA and
other data basis who have done library design work. Send that solicitation letter out and require the submissions within 30 days so that we can review it at our January board meeting.

That's an ambitious schedule, but that is our schedule. Assuming that we can make a decision at our January board meeting, then we would hope to have an architect on board by February. Then I would anticipate that the scope of work that this architect is going to perform would be in the two to four to six months which is the evaluations. Maybe some place around that time we would come back before the board.

MR. CAMBRON: Sometime in August?

MR. BRANCATO: Yes. That's an ambitious schedule. We acknowledge that, but that is the time frame we're looking at.

SISTER VIVIAN: Did I understand you to say that you are having your study address the issue of having branches perhaps other places in the city rather than just expanding at the main library site?

MR. BRANCATO: No. Maybe I misstated what, I might have misstated that.

We evaluated the branch concept. Branches are very expensive. We did an analysis in 1995 and we updated that analysis this year. It would take about
38 percent or the equivalent of an increase of 38 percent of our budget to operate a branch that would wind up something around 17,000 square feet as opposed to an addition of the range of 25,000 square feet. Branches wind up being open a lot less hours than main library services and non-functional or you have a complete duplication or significant duplication of your entire status.

For example, it's difficult to have a children's program at one facility and not at another. So you wind up having duplicate children programs, duplicate research programs. Kentucky does not have many branches in its area in districts. Now, cities sometimes will have branches, but cities underwrite the operation of their branches so it's kind of a different function. What we are evaluating is whether the library in total should move to another location.

CHAIRMAN: Thank you.

Does anybody else on the commission have any questions?

(NO RESPONSE)

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

CHAIRMAN: We have one other person that wants to make a comment.
MR. ELLIOTT: State your name, please.

MR. WILLIS: Mark Willis.

(MR. MARK WILLIS SWORN BY ATTORNEY.)

MR. WILLIS: My name is Mark Willis. I live at 1708 McCreary Avenue. That is directly across McCreary Avenue from the library. Basically if I'm standing in my front door I'm looking across McCreary at the front door of the library. That also puts me directly beside the piece of property that the library has acquired and that we're here about tonight.

I understand the concerns just expressed by Commissioner Appleby about where this process stands procedurally. I will try not to go into issues beyond where we are tonight which is the acquisition of the property.

I'm an attorney, but I don't do any planning and zoning work. I don't represent anyone here this evening. I'm just here as a property owner. I'm not going to read extensively out of the Comprehensive Plan. I know that the commission and its staff knows what's in there, but one thing I'd like to do is just point out where the plan and this acquisition of property are in conflict because they are.

Section 100 in your Comprehensive Plan is
Goals and Objectives. You have a section in there on land use in residential areas. Of course, we're talking about a residential area here.

That section says in part that one of the goals in a residential area is providing protection from heavy thru traffic. Also says that other uses that might be in a residential area, like the one we have with the library that wants to expand, must have adequate area for future expansion and also be designed so that its presence doesn't conflict with residential use on issues like noise, parking and traffic.

I'm going to try not to repeat what Mr. Collignon said, but if this proposal and the use of this site as a parking lot, which has been at least verbalized in the past, were to occur, that's going to put seven points of ingress or egress into the immediate and fairly small area that's right in front of the library. You're going to have the intersection of Griffith onto McCreary. You're going to have the entry of a parking lot onto this property. You're going to have the alley that's beside it. The entry of their circle drive in front, the exit of it, I can't see that it makes much difference if switch one to the other. Their existing parking lot and a
private drive.

As Mr. Collignon pointed out, in the midst of this area where you have seven points of ingress/egress, you're going to have people be it patrons of the library or employees, I don't know that that makes much difference, crossing diagonally up a hill toward the library to get there. In the same midst this area, you have the crest of the hill right in front of the library. I don't know that it makes any difference. It's not like I have anything adequate to back me up or something. People don't drive the speed limit on McCreary. Even a person driving the speed limit coming up from Ford is not particularly likely to see someone. If you were to just draw where this parking lot might be and where the entrance of the library is, you can pretty much draw someone going one to the other.

A person coming up from Ford is not going to have a particularly good chance of seeing the person making that trip across the street, particularly when you take into account there's going to be seven places in that area where there might be cars coming in or out. That person is not going to be the only thing they have to be looking out for.

That same section of the plan also says Ohio Valley Reporting (270) 683-7383
that the facilities such as the library that's in this neighborhood in suppose to have adequate room to expand in the future. It's evident that even if this expansion were to occur, you're suppose to still have room to expand in the future. That would not be there without further intruding evidently, at least under the way they're proceeding right now, further intruding into the residential area at some future time taking further property in future expansion needs.

There's a section in Goals and Objectives in your plan that's titled Community Facilities. That applies to the library. Some of the things that it says to do is express the opinion, and I think that everybody sitting here will agree that the library is important to this community. It's important to this neighborhood. We moved to our house in part because it's across the street from the library. We like being close to it. My wife and kids use it. We understand that the library is important and useful. Maybe we enjoy it and consider it more important than most people. Maybe that's in part why we live there.

This provision says in dealing with facilities like the library that the commission is suppose to encourage innovation and research in order
to improve its facility. It's suppose to involve citizens in all stage of the planning process for facilities like this. It's suppose to provide facilities in making most efficient use of the land and the building by integrating community services and facilities whenever that's possible.

We might need to see more about the library's plans before it can really be determined whether that's met. It's not clear by any means at this point that that goal is satisfied.

Section 4.30 is your land development policies. You had one on cultural facilities. That's the library.

It says, all of these services are likely to be enhanced and expanded at either their present city locations or at new locations where demand and opportunities arise.

I think that further look into this might show that the demand and opportunity in this community is for a branch in another part of the library's territory where it might be closer to people who are right now far from the library and who don't get there. If their current facility is too small by as much as they say, then perhaps that could service the branch and something else could be built.
In 4.30 there's land use and traffic compatibility. That reads that the intensity and configuration of land uses should be commensurate with the functional characteristic of adjoining streets and should avoid heavy thru traffic in residential areas.

The proposed acquisition of this does the opposite of avoiding high traffic. The idea is a bigger facility, more people coming in and out.

This area is in the middle of town. We have high schools at two ends. We have the library. Then we have commercial development and residential development on all sides of us. It is a heavy thru traffic area already. It's about popping at the seams and I don't believe that it could sustain a bigger library design to bring in more people.

On the land use plan Section 4.40, it talks about approving logical expansions. As your planning director alluded to, there's a section in here that looks at each type of use of property depending on where it is.

The library is a professional service use located in an urban residential area. Logical expansions of that type of facility means that it can expand contiguous land, but your plan says if that's across the street, the expansion shall be at least one
1 acre in size. It's not. It also says the expansion
2 of this use should not overburden capacity of roadways
3 in affected area. It will.
4       As I said, the library is our neighbor.
5 We want it to remain our neighbor. I'm not here to
6 say that the library has been unreasonable in how its
7 proceeded. We realize that it's a hard challenge
8 about the expansion. We just like to make sure the
9 expansion is justified, that alternative for expansion
10 at the existing site that don't infringe into existing
11 residential areas. That a branch is considered.
12       I appreciate the commission's time.
13 CHAIRMAN: Are there any more questions or
14 comments?
15 MR. NOFFSINGER: I do have some things
16 that I would like to get into the record.
17       I'd just like to say that it is
18 encouraging to see that someone has read the
19 Comprehensive Plan other than this commission.
20 Mr. Willis, you did a very fine job of
21 pointing out certain issues and sections of the
22 Comprehensive Plan.
23 To address the use of the property, which
24 again we're only considering the acquisition, but to
25 address the use of the property as a parking lot, I do
want to get into the record that although the Daviess County Public Library enjoins some exemptions from zoning, they would not enjoin an exemption from the access management manual. Griffith Avenue is a major collector. There's not sufficient frontage along Griffith Avenue for a driveway to be installed. So that means the access to this property, if it's used as a parking lot, would have to come off of McCreary.

Now, evaluation of the sight distance, stopping sight distance along McCreary shows that an entrance could be installed on McCreary that's located 50 feet from the intersecting right-of-way line of McCreary and Griffith Avenue. It would begin at that point and then extend up to a point that's 75 feet from that intersection.

Now, that would meet minimum stopping sight distance for vehicle movement. It doesn't meet the desirable standard, but we're trying to achieve the minimum. It's close to meeting the desirable standard. That is based upon a survey by the city engineering department.

I do want to get that into the record that should this be a parking lot that the library needs to consider where that access point will be located.

Again, Mr. Willis, your comments well
taken in terms of the land development policies and
that is what I spoke to. You know, my question and
concern goes beyond what this particular lot is being
proposed for. My concern is what happens if the
library no longer exist at this location and then what
type of use would go in at that location. It could
present some challenges not only for the neighborhood
and for the community but this board as well in terms
of we have a rather large building there that has very
minimal parking. It would be a real challenge to
address a future, a new use of this property should
the library decide to locate elsewhere. That's all I
have.

CHAIRMAN: Thank you, Mr. Noffsinger.

Yes, ma'am, did you have a brief comments
you'd like to make?

MRS. WILLIS: Yes. It will be brief.

My name is Kristie Willis and I'm here
representing the Dogwood Azalea Neighborhood Alliance.
I also live at 1708 McCrea Avenue, directly across
from the existing library where I am at home with two
children and a third on the way.

MR. ELLIOTT: Mrs. Willis, let me swear
you in.

(MRS. KRISTIE WILLIS SWORN BY ATTORNEY.)
MRS. WILLIS: I just wanted to point out what I'm hearing neighbors saying. We had a meeting where 45 neighborhood alliance people or people from the neighborhood and our alliance came as well as Frank Brancato and Debbie Mesplay to discuss this possible expansion. Forty-five people came because they had concerns. I've also gotten numerous telephone calls of concerns.

I have numerous concerns. The biggest thing is just to point out that, like my husband said, that we already have a lot of great cultural resources in our neighborhood including the library and we're not going to say we don't enjoy having them here. We do enjoy having them there. We also enjoy our property. We have a community in an area of town where people have sunk hundreds of thousands of dollars of their own money to have the neighborhood look as it did even before the library got there.

What we don't want to see is a 20 year short-term plan of the library where they are land locked unless they continue to tear down homes that in 20 years they move elsewhere. We don't want our property defaced.

I have pictures of what our neighborhood in that corner looked like 40 years ago. Other than
the library you'll see that it looks pretty much the
same. We'd like to keep it that way.

I also want to address the snowballing
issue we're concerned about. We are concerned if the
library continues to grow and expand as Frederica
Street continues to grow and expand, we don't want
that whole area growing and expanding as commercial
development. We're an urban residential neighborhood
and we want to keep it that way.

We're happy for the library to grow. We
just want them to look at other options. We like
having a library in our neighborhood, but there's
property such as the Longfellow Center. Lots of
people have mentioned the branch option. We just want
them to explore these other issues more than we've
seen thus far having attended some of the library
board meetings.

Also to point out this public alley.
There is already a lot of problems there as far as
traffic, vandalism to our neighborhood because of not
only the car traffic but the foot traffic in our area
with two high schools. From 3:00 on this becomes a
congestion nightmare honestly. We just don't want to
increase the vandalism in the area where you have more
blacktop, more area. Come 9:00 the library goes
home. We're still there as a neighborhood. We have to live with people congregating in the library parking lot as it is now. We don't want to have even more area for people to congregate.

Like I said, we consider the library a neighbor. We want them to grow, but not by defacing our neighborhood and then leaving or being in the same boat 20 years from now. Thank you.

CHAIRMAN: Thank you.

Yes, sir. Would you like to make a few comments?

MR. ELLIOTT: State your name, please.

MR. DARLING: My name is Bob Darling.

(MR. BOB DARLING SWORN BY ATTORNEY.)

MR. DARLING: I am Chairman of the Old Owensboro Neighborhood Alliance. Several members of the board here tonight have witnessed the concerns the neighborhood alliance has had in the past month alone on issues. We've always felt the Zoning & Planning has always been very receptive to talk to us. Whether they agree with us or not, at least they have been very receptive and we do appreciate that.

Some issue I would like to bring up tonight for the public record are issues that I don't believe the library can deny.
First one I'd like to get into is the $100,000 over cost of the amount of property they purchased. This property was sold on 802 for $125,000. The library just recently purchased the property for $225,000.

DR. BOTHWELL: Mr. Chairman, I don't think this is our realm.

CHAIRMAN: It has no place at this meeting. I mean really the cost we don't determine cost or the amount of money that's being spent.

MR. DARLING: Maybe I can move on real fast.

The neighborhoods are very concerned when businesses start moving in the neighborhoods. If this property is blacktopped, that will be a signal to the Zoning Planning Board to move on to have other businesses possibly say that they wish to move here.

I was just trying to say that I think one thing that could be determined definitely is this will be taken off the tax rolls. This will be removed from the tax rolls. In 2002 the tax amount on this for the city was $946.56. For the county was $358.80. Using their rates for this year, for the next year for the $225,000 amount the city would have received $2,065 and the county would have received $783 which makes a
total of $2,848 that will be removed from the tax
rolls just while they make their decision.

CHAIRMAN: Mr. Darling, once again this
board has no jurisdiction over that.

MR. DARLING: I understand, but I'm just
saying they don't know what they're going to do with
it but it is costing us money while this process is
going on.

CHAIRMAN: Thank you.

Does anybody else have any comments or
suggestions?

Yes, ma'am.

MR. ELLIOTT: State your name, please.

MS. BURDETT: Charlotte Burdett.

(MS. CHARLOTTE BURDETT SWORN BY ATTORNEY.)

MS. BURDETT: I do not live in the
neighborhood, but I am concerned. I had suggested the
other day at the meeting that we had that other
communities such as Bowling Green had the same problem
with their public library and he they had opened up a
branch in the old train station which is very
affective. I think we are, like they mentioned,
missing out on the east end because I know as a
retired teacher and have a little one of my own we
have -- there is a big need for an AR Center for
their books that they're reading. If it was on the
east end, because a lot of parents that work and
coming home to get dinner. They have children and if
they run to town it's about a half an hour by the time
they wait around and look up all their AR books, which
is a requirement in schools. They have AR points that
involve AR groups. By the time they get those in an
hour and then run back home, it's time for bed and
they're really rushing in the evening to get all of
that done. I feel like that this is something that we
need to look at is a branch for that end of town for
the parents and also --

CHAIRMAN: Excuse me. Our board does not
make that decision. That's the decision of the
library board. I appreciate your thoughts and
comments, but, you know, really that's nothing that
this board can deal with. We have no jurisdiction
over that at all.

MS. BURDETT: Not at all where they can
locate or anything?

CHAIRMAN: No, ma'am. They present a plan
to us and then we look at their plan, but actually
this board, as Mr. Noffsinger I think very well
covered at the beginning of it, because of the library
status, this board cannot even disapprove what they're
going to do. We're reviewing it. Where they go, what
they do, that's strictly the library board issue. We
have no jurisdiction over that.

MS. BURDETT: Thank you.

CHAIRMAN: Yes, ma'am.

MR. CAMBRON: Chair ready for a motion?

CHAIRMAN: The Chair is ready for a
motion.

MR. APPLEBY: I have one comment.

We are not dealing with the zoning or land
use issue at this point. We're still looking at
whether or not the acquisition of the property is or
is not in conflict with the Comprehensive Plan. It
may very well be that when they bring forth the
development plan or an overall site plan that we'll
find that's in conflict, but I don't know that the
acquisition of property is in conflict with the
Comprehensive Plan. That's my opinion.

CHAIRMAN: Is that in the form of a motion
or just an opinion, Mr. Appleby?

MR. APPLEBY: Well, I would make a motion
that we find this is not in conflict with the
Comprehensive Plan, the acquisition of the property.

CHAIRMAN: You're making a motion for
approval?
MR. APPLEBY: Yes.

MR. CAMBRON: I would second that.

CHAIRMAN: We've got a motion for approval by Mr. Appleby. We've got a second by Mr. Cambron.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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ZONING CHANGES - CITY

ITEM 5

3230 Buckland Square, 7.942 acres
Consider zoning change: From B-3 Highway Business Center to R-3MF Multi-Family Residential
Applicant: O'Bryan Heirs, c/o Bill Wright

MR. ELLIOTT: State your name, please.

MS. STONE: Becky Stone.

(MS. BECKY STONE SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. This recommendation is made subject to the condition and findings of fact that follow:

Condition:

1. Approval of a final development plan.

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Findings of Fact:

1. The subject property is located in a Business Plan Area, where urban mid-density residential uses are appropriate in limited locations;
2. Sanitary sewers are available to the site;
3. The subject property adjoins existing R-3MF Multi-Family Residential zones;
4. The applicant's proposal is a logical zoning expansion of existing R-3MF Multi-Family Residential zoning and use on contiguous land that will not overburden the capacity of roadways and other necessary urban services that are available in the affected area;
5. The proposed zoning change will not reduce the acreage of B-3 zoning required by the zoning ordinance for the Heritage Park development.

MS. STONE: We would like to enter the Staff Report as Exhibit A.

CHAIRMAN: Is there anybody here representing the applicant?

MR. ELLIOTT: State your name, please.

MR. SULLIVAN: Mike Sullivan.

(MR. MIKE SULLIVAN SWORN BY ATTORNEY.)

MR. SULLIVAN: Mike Sullivan. I'm the attorney for the O'Bryan Heirs. I'm here to answer
any questions you may have and I'm afraid after the
presentation given by my partner, Mark Willis, I may
not ever be back here. I'm here to answer any
questions.

CHAIRMAN: Anybody have any questions or
comments from the audience?

(NO RESPONSE)

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

(NO RESPONSE)

CHAIRMAN: I believe the Chair is ready
for a motion.

DR. BOTHWELL: Mr. Chairman, I make a
motion to approve based on Findings of Fact 1 through
5 and Condition 1.

MR. JAGOE: Second.

CHAIRMAN: Motion for approval by Dr.
Bothwell. Mr. Jagoe has a second. All in favor raise
your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 6

1729 Frederica Street, 0.33 acres
Consider zoning change: From P-1 Professional/Service
to B-4 General Business
Applicant: 1735 Rentals
Ohio Valley Reporting
(270) 683-7383
PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. This recommendation is made subject to the condition and findings of fact that follow:

Condition:

1. A 60-foot roadway buffer from the centerline of Frederica Street shall be required upon a change in the existing use.

Findings of Fact:

1. The subject property is located in a Professional/Service Plan Area, where general business uses are appropriate in very-limited locations;
   2. The current use of the subject property is a principally permitted use in a B-4 General Business zone;
   3. The subject property adjoins B-4 General Business zones and uses to the north and to the south; and,
   4. The applicant's proposal is a logical expansion of the existing contiguous B-4 General Business zone that will not significantly increase the extent of the zone in the vicinity and will not overburden the capacity of roadways and other...
necessary urban services that are available in the
affected area.

MS. STONE: We would like to enter the
Staff Report as Exhibit B.

CHAIRMAN: Is there anybody here
representing the applicant?

MR. EBELHAR: Yes.

MR. ELLIOTT: State your name, please.

MR. EBELHAR: Jeffrey T. Ebelhar.

(MR. JEFFREY EBELHAR SWORN BY ATTORNEY.)

MR. EBELHAR: Mr. Chairman and Members of
the Commission, I'm just here I answer any questions
that you may have. I am one of the owners or partners
in 1735 Rentals that owns this property.

CHAIRMAN: Thank you.

Is there anybody from the audience that
has any questions?

(NO RESPONSE)

CHAIRMAN: Anybody from the commission?

(NO RESPONSE)

CHAIRMAN: Thank you.

MR. CAMBRON: Is Chair ready for a motion
CHAIRMAN: Chair is ready for a motion,

Mr. Cambron.

MR. CAMBRON: Motion for approval based on

Ohio Valley Reporting
(270) 683-7383
Condition 1 and Findings of Fact 1 through 4.

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 7

100 Block of Weikel Drive, 4.27 acres
Consider zoning change: From R-2MF, R-3MF Multi-Family Residential to B-4 General Business
Applicant: Goetz Development Company

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. This recommendation is made subject to the conditions and findings of fact that follow:

Conditions:

1. No driveway access point shall be allowed to the subject property from J.R. Miller Boulevard.

2. A minimum 60-foot high solid element with one tree per 40-feet of linear boundary in an average 10-foot wide landscape easement shall be provided.

Ohio Valley Reporting
(270) 683-7383
between the subject property and residential property
to the north and west.

Findings of Fact:

1. The subject property is located within an
Urban Residential Plan Area, where general business
uses are appropriate in very-limited locations;

2. The subject property is contiguous to
existing B-4 General Business zones that generally
abut the same street;

3. The subject property contains 4.37 acres of
land, which exceeds the minimum criteria of one and
one-half acres in size for expansion across an
intervening street;

4. The subject property is buffered from the
adjoining R-1B Single-Family residential property by
Harsh Ditch; and,

5. The applicant's proposal is a logical
expansion of existing B-4 General Business zone that
will not significantly increase the extent of the zone
in the vicinity and will not overburden the capacity
of roadways and other necessary urban services that
are available in the affected area.

MS. STONE: We would like the Staff Report
entered as Exhibit C.

CHAIRMAN: Thank you.

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Is anybody here representing the applicant?

MR. ELLIOTT: State your name, please.

MR. KAMUF: Charles Kamuf.

(MR. CHARLES KAMUF SWORN BY ATTORNEY.)

MR. KAMUF: I represent Goetz Development. We agree to the conditions and agree to place the landscaping easement within the 10-foot public utility easement that is existing on the property. I think the other issues pertaining to Kipling Drive will be presented at the preliminary plat which I think is Item 14.

We're here to answer any questions. We're in line with the Staff Report and agree with the conditions on what I just said.

CHAIRMAN: Thank you, Mr. Kamuf. Does anybody in the audience have any questions of Mr. Kamuf?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have any questions?

Mr. Noffsinger.

MR. NOFFSINGER: Just point of clarification.

Landscaping should go in the landscape.
easement and not in the public utility easement as you stated.

MR. KAMUF: Please?

MR. NOFFSINGER: You stated that the landscaping would go on the public utilities easement. It should go on the landscape easement.

MR. KAMUF: In other words, there is a public utility easement to the rear of that.

MR. NOFFSINGER: There could be a conflict with the public utility easement to the rear. We stated in the condition that it would go in the landscape easement provided.

MR. KAMUF: That would be one in the same, I think.

MR. APPLEBY: It is in most cases.

MS. STONE: We don't have a development plan submitted yet. Just a preliminary plat so we would need to make sure there wasn't a conflict with the utilities located in that utility easement. You may have to put landscape easement outside of the utility easement.

MR. KAMUF: According to our engineer, it will work with that easement. That shouldn't be a problem. We're agreeing to place it within the public utility easement. If there's a conflict, we'll have
to look at it.

MR. NOFFSINGER: Thank you.

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

MS. DIXON: Motion to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. GILLES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 8

906 West Second Street, 0.122 acres
Consider zoning change: From B-4 General Business to R-4DT Inner-City Residential
Applicant: Brad Hutchins, Ed Varble

PLANNING STAFF RECOMMENDATIONS

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

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

Findings of Fact:

1. The subject property is located in a Business Plan Area, where urban low-density residential uses
are appropriate in very-limited locations;

2. The subject property is currently in use as a single-family residence and a zoning change to R-4DT will bring the use into conformance with the Zoning Ordinance and be consistent with housing densities in the immediate vicinity; and,

3. The applicant's proposal is a logical extension of adjoining R-4DT zone and uses.

MS. STONE: We would like to enter the Staff Report as Exhibit D.

CHAIRMAN: Is anybody here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody from the audience have any questions?

(NO RESPONSE)

CHAIRMAN: Anybody from the commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. APPLEBY: Motion for approval with Staff Recommendations and Findings of Fact 1 through 3.

CHAIRMAN: Thank you.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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ZONING CHANGE - COUNTY

ITEM 9

7841 KY 2830, 5.24 acres (WITHDRAWN)
Consider zoning change: From A-R Rural Agriculture to I-1 Light Industrial
Applicant: Rick Gipson, Sharon Gipson, Lauren Worthington

MR. NOFFSINGER: Mr. Chairman, Item Number 9 has been withdrawn.

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DEVELOPMENT PLAN

ITEM 10

9227, 9239 KY 54, 0.853 acres
Consider approval of amended final development plan.
Applicant: Vessels Enterprises, Inc.

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff. The plan is not in order in terms of its compliance with the zoning ordinance.

The Planning Staff in review of the application finds that there is existing on this particular piece of property a convenient store as well as two pump islands. The applicant is proposing

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to construct a car wash facility. Back a few years ago when the pump stations were installed, the development plan was approved by this commission and the applicant was allowed to continue the facilities on the property as they are. Right now there is parking, which would be required parking for this particular use, that's located almost entirely within the right-of-way of Kentucky 54 and Crisp Road. During review of the plan, the Planning Staff requested that the parking within the front on Crisp Road be removed and the applicant at this time would be allowed to continue the use of the parking that's located within the right-of-way of Kentucky 54.

We ask the applicant provide some on-site parking in another location to accommodate the parking that would be lost.

The applicant is here tonight to I guess share his reasons why he would not want to do that. This recommendation comes in terms of being consistent with other developments that are similar in nature that the Planning Staff has recommended improvements and this commission has required those improvements.

DR. BOTHWELL: Mr. Noffsinger, when was the original, when you're referring to the original zoning proposal and approval, when was that made?
MR. NOFFSINGER: The site has existed with the non-conformity parking for many years. I'm not sure exactly how long it existed. Back I'm going to guess five years ago, somewhere in that neighborhood, there was an expansion of the property. The applicant bought some adjoining property to the east and added that to his site and came in with the development plan to install a new pump island and to use a building that was located on the property for storage. Since there was no major development occurring, the planning commission granted approval of that development plan and the zoning change and we did not require any improvements regarding parking at that time. The applicant came in this time to construct a new building on the site. That's when we ask that the property at least be brought somewhat into compliance with the ordinance. Not full compliance, but at least some improvements be made.

DR. BOTHWELL: Thank you, Mr. Noffsinger.

CHAIRMAN: Is there somebody here representing the applicant?

MR. ELLIOTT: State your name, please.

MR. RINEY: Jim Riney.

(MR. JIM RINEY SWORN BY ATTORNEY.)

MR. RINEY: I'm Jim Riney. I'm
representing the project. We provided the technical
information. As you see, the owner, Mark Vessels, is
here. He will speak a little later, but he asked me
to give you a couple of bits of information.

One of them was exactly what Dr. Bothwell
just asked. If memory serves me correctly, the
development plans that we had prepared for this
property in the past. I think originally was prepared
somewhere around 1995. That development plan showed
in essence about the same parking layout and so forth
as we're discussing tonight. That plan was amended,
if memory serves me correctly, about 1996. So it has
been presented to this board and approved at least on
two different occasions.

Mr. Vessels has had the property for
somewhere in the league of 10 to 12 years, I believe.
He has operated the business, as Mr. Noffsinger said,
as a convenient store. He's here to speak on some of
his concerns, but one of the issues I understand is
concern to him is the safety of his employees,
particularly during the nighttime hours of the
convenient store. The parking that is the issue right
now is along what is some county road right-of-way,
but if you look at it it gives the appearance that
it's just a driveway coming off of Ward Road back in
the back of this property.

With that I'll go ahead and ask Mr. Vessel to come forward and give you some of his information on the parking situation.

MR. ELLIOTT: State your name, please.

MR. VESSEL: Mark Vessel.

(MR. MARK VESSEL SWORN BY ATTORNEY.)

MR. VESSELS: I've owned the store in Whitesville for 11 years now. The car wash that I'm wanting to build is on the far east side of the property. The parking that they're wanting to take is on the far west of the property right beside my building. It's a short stretch of Crisp Road. It is Crisp Road, but it's like 240-feet of road and it's between my store and Bellomy's Insurance Agency. So basically anybody that uses that little stretch of road is either going to do business with myself at the store or they're going to do business with Bellomy's. Other than that, there's really not any traffic there. As far as a safety thing, there's never been a wreck on that little short stretch of road in the 11 years that I've been there. I've talked to the Bellomy's and they say in their 20 plus years they've never seen an accident on that short stretch of road.

I do have some pictures here taken from 54 Ohio Valley Reporting
(270) 683-7383
showing that it is a short stretch of road. There's just a few parking places over to the side that my employees use and maybe four or five cars at the most would be parked there.

One of my biggest concerns is, I mean to me a store clerk is a fairly dangerous job. It's pretty common where people get hurt cross the country where they're shot or whatever because of the late hours basically. A lot of places will have one person, one girl or one lady or one man working in a convenient store and then closing the store. I won't do that. My conscious won't let me do that. I've got to have two girls there. I know something can still happen, but I want two people there so they can leave together. To me it would be much more safe.

My biggest concern is that instead of these girls having to walk just straight to the side of the building, they would have to walk behind the building. There's a ditch back with trees where someone could hide. The way the building is constructed, there's a potential for somebody to hide back there and wait for them to go to their cars. That really concerns me much more than a possibility of a wreck or something along the short stretch of Crisp Road. I think that's about all I have.
CHAIRMAN: Does anybody on the commission have any questions of the applicant?
(NO RESPONSE)
CHAIRMAN: Does anybody in the audience have a question of the applicant?
(NO RESPONSE)
MR. ROGERS: Mr. Chairman, I have a comment.
Crisp Road here, when new 54 came through that's the reason Crisp Road was left for access to old 54. There's probably ten residents that live on old 54 there. They access 54 going east coming out Ward Road going east or going to Whitesville. If they need to go west to Owensboro, 500 foot down the road from Crisp Road 54 Y's into, old 54 Y's into new 54. So there's very little traffic on Crisp Road unless the neighbors want to come through that alley to go to the grocery or whatnot.
CHAIRMAN: Do you have any other comments, Mr. Rogers?
MR. ROGERS: No.
MR. CAMBRON: Is Chair ready for a motion?
CHAIRMAN: Let me finish passing these. I think Mr. Rogers is very familiar with the area.
If you want to go ahead while we're
passing these photos, you want to go ahead and make your motion.

MR. CAMBRON: My motion would be to allow Mr. Vessels to go ahead and proceed with his project. I've been out there several times. I don't see enough traffic to warrant that. I think that's my motion. to allow him to do that.

CHAIRMAN: You make a motion for approval?

MR. CAMBRON: Motion for approval.

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

MR. ROGERS: Second.

CHAIRMAN: We have a second by Mr. Rogers.

All in favor raise your your right hand.

(ALLE BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 11

4600, 4604 Towne Square Court, 0.766 acres Consider approval of final development plan. Applicant: RNA Farms, Inc.

MR. NOFFSINGER: Mr. Chairman, this plan is in order. It's been reviewed by the Planning and Engineering Staff and ready for consideration.

CHAIRMAN: Is anybody here representing the applicant?
(NO RESPONSE)

CHAIRMAN: Does anybody in the audience have any questions?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have any questions?

(NO RESPONSE)

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

DR. BOTHWELL: Motion for approval, Mr. Chairman.

CHAIRMAN: Motion for approval by Dr. Bothwell.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 12

3329 Wathens Crossings, 1.500 acres
Consider approval of final development plan.
Applicant: Daviess County Farm Bureau Federation

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff. Found to be in order and it too is ready for
your approval.

CHAIRMAN: Anybody here representing the applicant?

MR. RINEY: Yes.

CHAIRMAN: Do you have any comments you would like to make?

MR. RINEY: No.

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

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. HAYDEN: I make a motion for approval.

CHAIRMAN: Motion for approval by Mr. Hayden.

MR. GILLES: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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MAJOR SUBDIVISIONS

Ohio Valley Reporting
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ITEM 13
Covington Ridge, Section 2, 8.766 acres
Consider approval of major subdivision preliminary
plat.
Applicant: Robert J. Wimsatt

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

CHAIRMAN: Anybody here representing the
applicant?

MR. WIMSATT: Yes.

CHAIRMAN: Do you have any comments you
would like to make?

MR. WIMSATT: No.

CHAIRMAN: Are there any questions of the
applicant?

(No response)

CHAIRMAN: Any questions by the
commission?

(No response)

CHAIRMAN: Chair is ready for a motion.
MS. DIXON: Move for approval.
CHAIRMAN: Motion for approval by Ms.
Dixon.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 13A - Related Item

Covington Ridge, Section 2, 13.757 acres
Consider approval of major subdivision final plat for development purposes.
Surety not applicable
Applicant: Robert J. Wimsatt

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by Planning Staff, Engineering Staff. Found to be in order and ready for consideration.

CHAIRMAN: I know the applicant is here. Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Anybody from the commission?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Motion for approval.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.
favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 14

Dutch Banks, 9.962 acres
Consider approval of major subdivision revised
preliminary plat.
Applicant: Goetz Development

MR. NOFFSINGER: Mr. Chairman, this plan
has been reviewed by the Planning Staff and
Engineering Staff. Found to be in order and ready for
consideration.

CHAIRMAN: Do we have anybody representing
the applicant?

MR. KAMUF: Mr. Chairman, Charles Kamuf
again.

When we initially filed for this rezoning
we talked with the neighbor, Mr. Chapman over there,
and it was his request at that time that we not extend
Kipling Drive into Weikel Drive. You understand?

Weikel Drive goes from Jefferson Street all the way to
J.R. Miller Boulevard. It was his request and the
request the of neighbors. That was one of the main
reasons.

We also, there was a request, and I'll
read this into the record, by Commissioner VanWinkle.

This is dated November 4th and I'll file it in the record, November 4, 2002.

"Dear Charlie, In response to our conversation concerning the Poet" - and this is known as the Poet Subdivision - "the Poet neighborhood with you and our city engineer and with additional feedback from citizens in that area, I would recommend that the completion of Weikel Drive to J.R. Miller Boulevard. I would also recommend that Kipling Drive stay as it is and not be extended to J.R. Miller Boulevard. If you have any questions concerning this situation, do not hesitate to give me a call."

If you look at this, and I can pass this around. This is a blow up of the area. What it shows, this is a self-contained area. You understand. This was a different farm than the farm that was developed into the Poet Subdivision. What we have here is this is a dead end street, as you can see the sign. At the dead end here, as you can see there is a rise and there's kind of a crest there. So what takes place is that when you get up, it's very difficult to extend the street. That's number one. This is the screening that we talked about which is in the public utility easement. That's a roll of trees. At the
bottom of that there's a ditch. So when the neighbors asked me not to extend it, that's another reason that we did it.

As you can see, also along there there are two streets that you can extend. One is Kipling and the other street that goes in that particular area is Whittier Drive. I might point this out to you, if I can. I can give you a copy of what this looks like.

So what we propose is if you see on the corner, the black area, and that's the corner lot. If Kipling Drive is extended, that means that there will be setback from Kipling Drive which will disallow any large type of commercial activity on that particular lot. So it separates that lot from the remaining property.

What our proposal would be, as far as a compromise, is not to extend Kipling, but if you see the red area, the marking there, that would be an extension of Whittier Drive if we have to put in a street there. Our proposal basically was not to extend either Kipling or Whittier. That's pretty well where we are.

I think I've stated what our position was. Some of the neighbors contacted me when we were doing a little extension over there of Weikel Drive and they
asked me when I made my proposal not to show a connection between Kipling and Weikel Drive. That's why we're here on this issue.

CHAIRMAN: Do you have a question?

MR. CHAPMAN: Yes. My name is Frank Chapman.

(MR. FRANK CHAPMAN SWORN BY ATTORNEY.)

MR. CHAPMAN: I live at 4122 Kipling Drive which is northwest corner of Kipling and Wilder. I'm adamantly against opening Kipling Drive up to a commercial area and dumping it in the back side of this residential area on the small streets. If any of you are familiar with that area, if you've got cars parked on both sides of the street, two cars can't pass. One has to pull over and let the other by. I think you're creating a hazard. Kipling Drive at the other end, at the north end of Kipling is a dead end. It goes nowhere. I think it's a congested area now due to the way you have to pass out there. It's a hazard. I really feel that street needs to remain closed. Charlie agrees to open up Whittier, then I would go along with that. I don't think Kipling needs to be opened up.

CHAIRMAN: Thank you, Mr. Chapman.

Are there any other questions or comments

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from anybody in the audience?

(NO RESPONSE)

CHAIRMAN: Mr. Noffsinger, I'd like to ask a question. At the present time this commission would not actually be able to go ahead and do what Mr. Kamuf is proposing. Would we be able to do that? I mean we are already in -- the plan was to continue with --

MR. NOFFSINGER: Let me say that the plan before you tonight includes an extension of Kipling Drive. This has been in the plan since about 1985 which was originally a part of the plan is to develop this property. Those plans also included a connection of Whittier.

Back a few years ago when the plan was amended, it was argued that Whittaker should not be extended. It's a short local street. Wouldn't serve the area in as much as where Kipling would and cost of the construction and the drainage issues it would be best to extent only Kipling.

Now, Kipling does serve a larger area of the Poet section and would be important to the Poet neighborhood because if we did not have this connection of Kipling over to Weikel, then what will happen is that all the traffic within the Poet section would funnel down to Jefferson Street. I can tell you
if I were a resident on Jefferson Street, I would
certainly be concerned about the increased traffic
that's being funneled onto my street and then over to
Weikel and then J.R. Miller.

So what you have with the extension of
Kipling Drive is that you have the traffic within the
Poet Subdivision equally split between Jefferson and
Kipling, if they're going out to J.R. Miller.

It's very important to have neighborhoods
connect. In fact, it would be a requirement that
Weikel be connected to Kipling in order to satisfy the
access policies along J.R. Miller. When J.R. Miller
was created it said all new streets must connect the
adjoining neighborhoods so that you can have free flow
of traffic. So to consider an extension of Weikel
with not connecting Kipling would be in violation of
the policies that have already been adopted for J.R.
Miller. Really, I think would be bad in terms of
traffic moving for the Poet section. As well it
wouldn't be good for business development in terms of
those folks that live in the Poet neighborhood
visiting this particular development.

DR. BOTHWELL: Mr. Noffsinger, what we
have before us, Item 14, if we vote to approve this
particular item, does that mean Kipling will be
extended?

MR. NOFFSINGER: Yes, sir.

DR. BOTHWELL: Okay. Thank you.

CHAIRMAN: Mr. Chapman, you have another question?

MR. CHAPMAN: I've got a statement I'd like to make.

What you're doing is you're creating a short cut for people from J.R. to Frederica Street is what you're doing. It's really going to be used. Traffic is really going to increase because people are wanting a quick way across there. Those streets cannot handle that kind of traffic. I think you need to really consider that. If that was in the planning stages in 1968 or whenever, then those streets should have been made a whole lot wider than what they are. When you come down Kipling you've got two streets to access Frederica Street off of. You come down to Tamarack, that's the last street before it dead ends into where Schuck used to have their old warehouse. Then there's Tennyson. So there's two streets there that's going to flow back towards Frederica Street. They're not going to take that way. They're not going to come down. They're going to come down and come down Wilder and come through there. I think you're
creating a traffic hazard, safety hazard. I think you need to really re-address that situation.

CHAIRMAN: Ms. Stone.

MS. STONE: The Staff would just like to add also that this is a transportation plan that's been in affect since 1985, since the preliminary plat for this subdivision was approved. At that time Weikel Drive with designed with a 37-foot pavement from the Kipling extension to J.R. Miller. You know, it has been previously approved and the transportation plan should be implemented as approved.

CHAIRMAN: Are there any other comments from the audience?

(NO RESPONSE)

CHAIRMAN: Any more questions from the commission?

(NO RESPONSE)

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

MR. APPLEBY: I make a motion for approval.

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

DR. BOTHWELL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 15

Heritage Park, Unit #4, 10.532 acres
Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) posted: $46,906.40
Applicant: Jagoe Homes & Construction Co., Inc.

MR. JAGOE: Mr. Chairman, I need to
disqualify myself from Item 15.

CHAIRMAN: Mr. Jagoe is excusing himself
from this item.

MR. NOFFSINGER: Mr. Chairman, this plat
is in order and ready for your consideration.

CHAIRMAN: Any comments or questions?

(NO RESPONSE)

MR. CAMBRON: Motion for approval, Mr.
Chairman.

CHAIRMAN: Motion for approval by Mr.
Cambron.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT WITH THE
DISQUALIFICATION OF MR. JAGOE RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously with Mr. Jagoe not voting.

ITEM 16
Thorobred Crossing, Unit #2, 3.304+ acres
Consider approval of major subdivision final plat.
Surety (Letter of Credit) posted: $39,796.65
Applicant: Thompson Homes, Inc.

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

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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SURETY RELEASES

ITEM 17
Sterling Park, Unit #1, $16,511.25

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Consider partial release of surety (Certified Check) for public improvements.
Surety retained (Certified Check) $33,384.60
Surety posted by: Jerry Butler

ITEM 18

Sterling Park, Unit #1, $10,026.50
Consider partial release of surety (Certified Check) for water mains.
Surety retained (Certified Check) $5,000.00 for fire hydrants.
Surety posted by: Jerry Butler

ITEM 19

Waterford Village, Unit #2, $20,289.00
Consider partial release of surety (Certificate of Deposit) for public improvements.
Surety retained (Certificate of Deposit) $58,701.22
Surety posted by: Waterford Developers, LLC, c/o Greg Thompson

MR. NOFFSINGER: Mr. Chairman, Surety Releases Items 17, 18 and 19 are in order and may be released in toto.

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.
Next item.

SURETY TRANSFERS

ITEM 20

Brookhill Estates, Unit 11, (Amended), $1,000.00
Transfer of surety (Certificate of Deposit) for sidewalks to the City of Owensboro
Surety posted by: Ward Pedley

ITEM 21

The Landings of Heartland, Phase 2, $7,362.00
Transfer of surety (Certificate of Deposit) for sidewalks to the City of Owensboro
Surety posted by: Jagoe Development Corporation

ITEM 22

The Landings of Heartland, Phase 2, $2,749.60
Transfer of surety (Certificate of Deposit) for streets to the City of Owensboro
Surety posted by: Jagoe Development Corporation

MR. NOFFSINGER: Under Surety Transfers Items 20, 21 and 22 are in order and may be transferred in toto.

MR. JAGOE: I need to disqualify myself on 21 and 22.

CHAIRMAN: Mr. Jagoe is disqualifying himself from Item 21 and 22.

MR. CAMBRON: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Cambron.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE TO ITEM 20.)

(ALL BOARD MEMBERS PRESENT WITH THE DISQUALIFICATION OF MR. JAGOE RESPONDED AYE TO ITEMS 21 AND 22.)

CHAIRMAN: Motion carries unanimously with Mr. Jagoe not voting on 21 and 22.

Under the heading of New Business, the Owensboro Metropolitan Zoning Commission will appoint an Owensboro Metropolitan Zoning Ordinance Review Committee. The Zoning Ordinance, the implication and adoption of a Comprehensive Plan of Daviess County. This board will review the Comprehensive Plan with the Zoning Ordinance and will present up-to-date of the Zoning Ordinance to the Owensboro Metropolitan Planning Commission for consideration and adoption.

The Owensboro Metropolitan Planning Commission will then forward the updated Zoning Ordinance to the logical legislative bodies for consideration and adaption.

The following people have been appointed:

Mr. Dave Appleby will serve as chairman.

Mr. Martin Hayden, Ms. Judy Dixon, Mr. Gary
Noffsinger, Mr. Bruce Kunze, Mr. Mike Riney, Mr. Al Mattingly, Ms. Mimi Davis, Mr. Roger Bellomy, Ms. Kate Higdon. There will be a chamber representative that will be appointed in the future. Mr. Greg Hamilton, Mr. Mike Volk, Ward Pedley, Mr. Audie Pantle. These people will be serving on the Zoning Ordinance Committee. We appreciate their volunteering to serve on this committee and will be anxiously awaiting a report.

With that the Chairman is ready for one final motion.

MR. APPLEBY: Motion to adjourn.

CHAIRMAN: Motion for adjournment by Mr. Appleby.

DR. BOTHWELL: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously. We are adjourned.
STATE OF KENTUCKY)  
COUNTY OF DAVIESS)  

I, LYNNETTE KOLLER, Notary Public in and for the State of Kentucky at Large, do hereby certify that the foregoing Owensboro Metropolitan Planning & Zoning meeting was held at the time and place as stated in the caption to the foregoing proceedings; that each person commenting on issues under discussion were duly sworn before testifying; that the Board members present were as stated in the caption; that said proceedings were taken by me in stenotype and electronically recorded and was thereafter, by me, accurately and correctly transcribed into the foregoing 76 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this the 31st day of December, 2002.

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

COMMISSION EXPIRES:
DECEMBER 19, 2006

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

Ohio Valley Reporting
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