

## 1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 APRIL 19, 2001

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4 The Owensboro Metropolitan Planning  
5 Commission met in regular session at 6:00 p.m. on  
6 Thursday, April 19, 2001, at City Hall, Commission  
7 Chambers, Owensboro, Kentucky, and the proceedings  
8 were as follows:

9 MEMBERS PRESENT: Nick Cambron, Chairman  
Gary Noffsinger  
10 Dave Appleby  
Jimmy Gilles  
11 Scott Jagoe  
Irvin Rogers  
12 Sister Vivian Bowles  
Judy Dixon  
13 Belinda Douglas  
Martin Hayden  
14 Stewart Elliott,  
Attorney

15 \* \* \* \* \*

16

17 CHAIRMAN: Welcome everybody tonight to  
18 the April 19, 2001, Owensboro Metropolitan Planning  
19 Commission. Glad to have a good crowd here tonight.

20 First item on the agenda is to consider  
21 the minutes of the - - let's do the prayer first. How  
22 about that, Mr. Gilles.

23 - - (PRAYER) - -

24 CHAIRMAN: First item on business tonight  
25 is to consider the minutes of March 8, 2001, meeting.



1 The minutes are on file. Any questions or comments by  
2 any board members?

3 (NO RESPONSE)

4 CHAIRMAN: Chair is ready for a motion.

5 MR. APPLEBY: Motion for approval.

6 MR. JAGOE: Second.

7 CHAIRMAN: Motion for approval by Mr.

8 Appleby. Second by Mr. Jagoe. All those in favor

9 raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Minutes are approved.

12 Number 2, Mr. Noffsinger, the GIS Update

13 to OMPC by Mr. Will Carpenter.

14 MR. NOFFSINGER: Yes. Mr. Will Carpenter,

15 is here tonight to give a brief presentation on the

16 geographic information system that's being coordinated

17 for this community. At this time I turn it over to

18 him. We may want to move out into the audience and

19 take the chairs and scoot them back so we can see the

20 screen.

21 MR. CARPENTER: I would like to provide an

22 update on the GIS project. First a little bit of

23 background.

24 The GIS consortium is a team effort

25 comprised of the OMPC, the city, the county, RWRA and



1       OMU. It was determined that while all can reek the  
2       benefit from geographic information system, none could  
3       afford to do it by themselves so each agency elected  
4       to pull their resources into this project.

5               To date we've received 450 map sheets at  
6       100 scale map sheets, each to 100 feet that are  
7       centered on the urban service area. Essentially a  
8       fourth of the county has been mapped at this level.

9               What you see on the screen here is one of  
10      the map products. This is called an ortho-photograph.  
11      It is an aerial photo that's been adjusted so it has  
12      the same property as a conventional line map. In  
13      other words, it has a uniform scale. You're able to  
14      make accurate measurements off of it and it has taken  
15      out the various distortions that are inherent in the  
16      topography. You can here where we are. Here's the  
17      high school on Frederica.

18              The software environment I'm running here  
19      is a desk top GIS environment call ARC view. This is  
20      the same environment that most people will be using  
21      that make use of the GIS system. It's the least  
22      expensive application that we have.

23              As you can see there's quite a bit of  
24      information here available through the photograph. In  
25      fact, if you zoom down too closely it breaks up into



1       these pixels. The pixels are six inches across. So  
2       when we speak about the resolution north of the photo,  
3       you're talking about if this is a six inch resolution  
4       of the photograph. Like I said we have 450 of these  
5       that are compiled together throughout the GIS. The  
6       photography was taken in March of '99 so it's two  
7       years old. Unfortunately the tornado destroyed or  
8       damaged over 100 structures. So the photograph that  
9       we see will have some structures that no longer exist  
10      or some structures that have been modified as part of  
11      the reconstruction.

12               One of the factors to consider in the GIS  
13      project is how frequently we would like to replace the  
14      photograph. Currently playing on a five year revisit.  
15      Essentially every five years we take a new set of  
16      photography.

17               In addition to the photograph itself, we  
18      have other components that have come from the maps,  
19      from the aerial photography mapping, from the aerial  
20      photography one of which are buildings. I'm turning  
21      it on here.

22               Give you an idea about the system demands  
23      that we're running on the computer. Each one of these  
24      photographs is about 23 megabytes which is a pretty  
25      large image file. The machine I'm running here is



1       about 400 megahertz Pentium III. So it's a fair bit  
2       of overhead to move these around. There's a  
3       compressed version of these that are compressed in  
4       what's called a Mr. Syd format which is about tenth  
5       the size and the performance is much faster, but you  
6       sacrifice a little bit of resolution.

7                 Another word about these photos. They're  
8       in tiff format which can be read by most photo shop or  
9       photo editing type packages that come with say the  
10      Microsoft office software. They can be included,  
11      blown up and included in the Microsoft Word or other  
12      word processing and report generation documents.

13                I've turned on the buildings here to give  
14      you an idea. Essentially every structure larger than  
15      ten foot square has been mapped. You may wonder or  
16      why if I can see in the photograph why would I want to  
17      spend the money to have it mapped by a line. The  
18      answer is: In order to reek the benefit of GIS, the  
19      powerful benefit of GIS is to automate the analysis  
20      that you want to do. So instead of having a human  
21      interpret the photograph to give you your answer,  
22      you'd like the computer to be able to do as much of  
23      that as possible.

24                Let me turn on the fire hydrants here.  
25      The fire hydrants are collected by OMU using field



1        surveying equipment called Global Positioning System  
2        or GPS equipment which is an economical way of getting  
3        detailed information into the system.

4                    One of the analyses that can be done  
5        fairly readily is what's called spatial query or  
6        essentially find all the objects that are within a  
7        certain distance of another object. So if I select  
8        that fire hydrant and come here and say select by  
9        theme, fire hydrants within a distance of 200 feet.

10                   I should say all this that I'm doing here  
11        can be encapsulated into a single button. You see all  
12        the buttons across the top. One of the powerful and  
13        major characteristics of the GIS is that a lot of  
14        power can be encapsulated into a single button that's  
15        been essentially transparent to the user. So you  
16        don't have to go through all of these windows that I'm  
17        going through. The bottom line is in order to reek  
18        benefit out of GIS not everyone has to be an expert in  
19        GIS. Just like you don't have to be an expert in  
20        computer science in order to operate a word processor.

21                   What I did was those are the structures  
22        that are within 200 feet of that fire hydrant. That  
23        could have easily have been an issue of any distance  
24        say from a parcel. That you can determine what  
25        parcels touch other parcels. For example,



1 notification for a zone change request. Then those  
2 parcels - - since I keep talking about parcels, let's  
3 turn the parcels on.

4 The parcels then can be linked to a data  
5 base that has all the ownership information and the  
6 mailing information. The parcels are coming from the  
7 PVA's office as part of the county's contribution to  
8 the system. They're producing the parcels starting  
9 with their index map. I'll pop these numbers up.

10 They have a number of map sheets that they  
11 use to cover the county and they're irregularly shaped  
12 maps. One of the things that they do to process that  
13 information to be consistent with the GIS is to make a  
14 seamless data coverage. So you no longer have to  
15 worry about working on the edge of maps. Murphy's  
16 log, whatever you're interested in looking at will be  
17 at four corners. So we don't have that problem any  
18 longer.

19 Another component of the GIS is the  
20 information behind the GIS or behind the map. So if I  
21 take - - select this feature. What I'm showing now is  
22 the attribute table that is associated with that  
23 individual hydrant that I just clicked on. Some of  
24 the things that they are collecting the color of the  
25 top. Here's blue top. The color of the top indicates



1        what the flow test rating was. Last time they  
2        measured the flow of that hydrant and blue is the best  
3        category. Manufacturer, break away flange. That's  
4        the flange above the green so if a vehicle hits it so  
5        you don't have to replace buried water main. Down at  
6        the bottom those are technical specifications about  
7        how the data was collected.

8                        What this means though is that we can do  
9        things like we can map information very quickly. What  
10       the original map showed was just where the fire  
11       hydrants were, for example. If I go to unique symbol  
12       and I'm using the color at the top. Say I want the  
13       blue tops blue, I want the green tops green, I want  
14       the orange tops orange. In just that fast, I'm able  
15       to change the representation of the map. Now I have  
16       an indication of where I have strengths and weaknesses  
17       in my fire protection area. Where blue being the best  
18       and then orange is a lesser category and green is a  
19       lesser category.

20                      So you're able to use the GIS to create a  
21       representation of information to really where we were  
22       not able to before. Yes, we knew what the category of  
23       each of those hydrants were, but we didn't know easily  
24       where they were in relation to one another. So that's  
25       another application.



1                   If we can do this for fire hydrants, then  
2                   we can do this for any other feature that we map. We  
3                   can do this, for example, every one of the parcels  
4                   will be tied to a zoning classification and to land  
5                   use classification. That gives a little bit of idea  
6                   of that.

7                   In addition to the fire hydrants, OMU has  
8                   also valves and lids and inlets. The lids and inlets  
9                   they're doing as a part of the cooperative effort with  
10                  the rest of the team. The lids and inlets are even  
11                  relevant to the city or RWRA, depending on which  
12                  system they're a part of. Lids are the manhole  
13                  covers.

14                 This mapping that they're doing will be  
15                 part of the foundation of building the first digital  
16                 representation of the drainage systems so that we have  
17                 a more complete understanding of the drainage  
18                 situation and the more powerful representation where  
19                 we will be able to do engineering modeling and be able  
20                 to quantify much better what improvements, what the  
21                 effect of the drainage improvements will be.

22                 So that's in a nutshell a glimpse as to  
23                 where we are and where we're going. Are there any  
24                 questions?

25                 MR. APPLEBY: Are these maps going to be



1 available to the public?

2 MR. CARPENTER: The maps will be available  
3 to the public. The protocol for distribution hasn't  
4 been established yet. At this point everything that's  
5 been delivered is still - - let me back up. None of  
6 the data that has been delivered has received final  
7 acceptance. It's still an interim product, but yes,  
8 we will make this information available. I know that  
9 PVA is interested in having a public data terminal to  
10 assist in getting and answering questions in their  
11 office and reducing the time their staff is required  
12 to take.

13 CHAIRMAN: Thank you so much. Are there  
14 any more questions by any board members?

15 (NO RESPONSE)

16 CHAIRMAN: Thank you so much, Mr.  
17 Carpenter.

18 -----

19 PUBLIC FACILITIES PLANS  
20 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

21 ITEM 3

22 212, 218 West 8th Street (Map N-4)  
23 Land Disposition  
24 Consider comments regarding a proposal to close a  
25 portion of a 10-foot wide alley.  
Referred by: City of Owensboro

MR. NOFFSINGER: Mr. Chairman, this



1 application has been reviewed by the Planning Staff.  
2 It's found to be in order. You are reviewing this  
3 alley closing. Consistency or if it's not in  
4 consistent with your adopted Comprehensive Plan.  
5 Planning Staff has reviewed this proposal and we found  
6 no inconsistencies with the plan and would recommend  
7 you forward a recommendation of that effect to the  
8 city commission.

9 CHAIRMAN: Thank you so much, Mr.  
10 Noffsinger.

11 Any of the commissioners have any  
12 questions or comments?

13 SISTER VIVIAN: Mr. Cambron, I have to  
14 disqualify myself.

15 CHAIRMAN: So noted. Thank you.

16 Chair is open for a motion.

17 MR. APPLEBY: Motion for approval.

18 MR. GILLES: Second.

19 MR. CHAIRMAN: Move for approval by Mr.  
20 Appleby and second by Mr. Gilles. All those in favor  
21 raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE  
23 WITH SISTER VIVIAN DISQUALIFYING HERSELF.)

24 CHAIRMAN: It's unanimous.

25



1       ITEM 4

2       7420 US 60 W (Map CO-16)

Building Demolition

3       Consider comments regarding the demolition of Stanley  
School.

4       Referred by:   Daviness County Fiscal Court

5                   MR. NOFFSINGER:   Mr. Chairman, this

6       application has been reviewed by the Planning Staff.

7       It is an application referred to us by the Daviess

8       County Fiscal Court to demolish the Stanley School.

9       Planning Staff has reviewed and find no conflict with

10      the Comprehensive Plan.   We recommend that this

11      commission send a favorable letter to the Daviess

12      County Fiscal Court.

13                  CHAIRMAN:   Is anybody here from the public

14      want to make any comments or any board members?

15                  (NO RESPONSE)

16                  CHAIRMAN:   If not the Chair will entertain

17      a motion.

18                  MR. HAYDEN:   Make a motion to approve.

19                  MR. ROGERS:   Second.

20                  CHAIRMAN:   Motion for approval by Mr.

21      Hayden.   Second by Mr. Rogers.   All those in favor

22      raise your right hand.

23                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24                  CHAIRMAN:   Item Number 39.   We're moving

25      this up.   It's closing - - there again it's land



1 disposition, but it's closing of an alley.

2 ITEM 39

3 601 East 23rd Street

Land Disposition

4 Consider comments regarding a proposal to close a  
portion of a 15-foot wide alley.

5 Referred by: City of Owensboro

6 MR. NOFFSINGER: Mr. Chairman, this is an  
7 application to close an alley. It is in conjunction  
8 with Item Number 14 on the agenda. It is located and  
9 adjoins the property owned by the Blessed Mother  
10 Parish. The Planning Staff has reviewed this alley  
11 closing. We find no conflict with the adopted  
12 Comprehensive Plan and recommend you send a letter to  
13 that effect to the city commission.

14 CHAIRMAN: Thank you so much, Mr.  
15 Noffsinger.

16 Anybody here have any comments on that or  
17 questions?

18 (NO RESPONSE)

19 CHAIRMAN: Chair is open for a motion.

20 MR. APPLEBY: Motion for approval.

21 MR. HAYDEN: Second.

22 CHAIRMAN: Motion for approval by Mr.  
23 Appleby. Second by Mr. Hayden. All those in favor  
24 raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)



1 CHAIRMAN: That's unanimous.

2 Item Number 5, Mr. Noffsinger.

3 PROPOSED HISTORIC PRESERVATION DISTRICTS

4 ITEM 5

5 JZ Moore Historic District (Map N-4)  
115-119 (odd) East 12th Street, 109-115 (odd) East  
6 14th Street, 107 West 14th Street, 1129-1331 Allen  
Street, 1202-1229 Daviess Street, 1302-1330 (even)  
7 Daviess Street, 115-116 East Parrish Avenue, 1200-1330  
St. Ann Street

8 Consider comments regarding proposed designation of  
historic preservation district and adoption of design  
9 standards.

Referred by: Owensboro Historic Preservation Board  
10

11 MR. NOFFSINGER: Mr. Chairman, this is  
12 consideration where the Owensboro Metropolitan  
13 Planning Commission is required to evaluate this  
14 proposed designation in light of existing and future  
15 plans for development and growth within the city and  
16 to submit an evaluation in writing to the Owensboro  
17 Board of Commissions which will be the city  
18 commission. The Planning Staff, we have prepared a  
19 document that gives you some background which you  
20 received in advance. Talks about the proposal and the  
21 valuation and it comes with the Staff recommendation.  
22 That recommendation will be Planning Staff recommends  
23 approval the establishment of the local JZ Moore  
24 Historic District as a historic preservation district  
25 and adoption of its associated design and guidelines.



1 We do have representatives from the City of Owensboro  
 2 Community Development Department that was instrumental  
 3 in putting these together. It's now ready for your  
 4 comment and any public comment that there might be.

5 CHAIRMAN: Is there somebody here from the  
 6 city. Do you have any comments you want to make?

7 CITY REP: Not unless you have any  
 8 questions for me.

9 CHAIRMAN: I don't have any questions.  
 10 Any board members?

11 (NO RESPONSE)

12 CHAIRMAN: Chair is ready for a motion.

13 MS. DIXON: Move for approval.

14 CHAIRMAN: Move for approval by Ms. Dixon.

15 SISTER VIVIAN: Second.

16 MR. CHAIRMAN: Second by Sister Vivian.

17 All those in favor raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: That's unanimous.

20 Mr. Noffsinger, Item Number 6.

21 ITEM 6

22 Old Owensboro Historic Business District (Map N-4)  
 23 101 Block Daviess Street, 201 Block East Second Street  
 24 Consider comments regarding proposed designation of  
 25 historic preservation district and adoption of design  
 standards.  
 Referred by: Owensboro Historic Preservation Board



1                   MR. NOFFSINGER: Mr. Chairman, this is a  
2                   similar situation where the Planning Commission is  
3                   reviewing the proposal against the existing future  
4                   plans for development of Owensboro. The Staff is  
5                   recommending approval of the establishment of the Old  
6                   Owensboro Historic Business District as a historic  
7                   preservation district and adoption of mandatory  
8                   compliance with the 1990 downtown design guidelines.  
9                   There have been public hearings evaluating this  
10                  proposal. I understand there was no, I believe no  
11                  public comment. If this commission makes a favorable  
12                  recommendation, it will go on to the Owensboro City  
13                  Commission for final action.

14                 CHAIRMAN: Just for the sake of making  
15                  this note, this is from Daviess Street to East Second  
16                  Street and J.R. Miller. Is that how it's bound?

17                 MR. NOFFSINGER: Yes. Essentially it's  
18                  the River Park Center.

19                 CHAIRMAN: Thank you, Mr. Noffsinger.

20                 Anybody here that wants to comment on  
21                  that? Any questions?

22                 (NO RESPONSE)

23                 CHAIRMAN: Chair will entertain a motion.

24                 MS. DIXON: Move for approval.

25                 CHAIRMAN: Move for approval by Ms. Dixon.



1 MR. APPLEBY: Second.

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: That's unanimous.

6 Item Number 7.

7 -----

8 ZONING CHANGES - CITY

9 ITEM 7

10 Portion 920 West Second Street, 0.72+ acres (Map N-3)  
11 Consider zoning change: From B-4 General Business to  
12 R-4DT Inner-City Residential.  
Applicant: James P. Edge, Lark Electric Co., Inc.

13 MR. ELLIOTT: State your name, please.

14 MS. WATSON: Becky Watson.

15 (MS. BECKY WATSON SWORN BY ATTORNEY.)

16 PLANNING STAFF RECOMMENDATIONS

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

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

21 Findings of Fact:

22 1. The majority of the subject property is  
23 located within a Central Residential Plan Area, where  
24 urban low-density residential uses are appropriate in  
25 general locations;



1           2. A portion of the subject property is located  
2           in a Business Plan Area, where urban low-density  
3           residential uses are appropriate in very-limited  
4           locations;

5           3. The subject property adjoins R-4DT Inner-City  
6           Residential zoning and uses and is a logical expansion  
7           of the R-4DT zone and use in the existing area;

8           4. Existing sanitary sewer and other urban  
9           services are available to the subject property; and

10          5. The proposed rezoning conforms to the  
11          criteria for residential development by proposing  
12          housing densities that are consistent with the  
13          character of the street and urban services available  
14          in the affected area.

15                 MS. WATSON: I'd like to enter the Staff  
16          Report as Exhibit A.

17                 CHAIRMAN: Thank you, Ms. Watson.

18                 Is there anyone here that represents the  
19          applicant tonight?

20                 Do you have any comments?

21                 APPLICANT: No.

22                 CHAIRMAN: Anybody here that wants to ask  
23          of the applicant?

24                 (NO RESPONSE)

25                 CHAIRMAN: Chair will entertain a motion.



1 MR. HAYDEN: Make a motion for approval of  
2 Facting Finding 1 through 5 with Staff Recommendation.

3 CHAIRMAN: We have a motion for approval  
4 by Mr. Hayden.

5 MR. JAGOE: Second.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: That's unanimous.

10 Item Number 8 I'm going to have to  
11 disqualify myself and relinquish the Chair to Mr.  
12 Appleby at this time.

13 Mr. Appleby, you're up.

14 ITEM 8

15 2023 West Second Street, 0.35 acres (Map N-3)  
16 Consider zoning change: From I-1 Light Industrial to  
17 I-2 Heavy Industrial.  
18 Applicant: Earl Mack Cambron, Nina Margaet Cambron

19 PROPOSED ZONE & LAND USE PLAN

20 The applicant is seeking an I-2 Heavy Industrial  
21 zone. The subject property is located in a  
22 Business/Industrial Plan Area, where heavy industrial  
23 uses are permitted in very-limited locations.

24 SPECIFIC LAND USE CRITERIA

25 (a) Building and lot patterns; outdoor storage  
areas - Building and lot patterns should conform with



1 the criteria for "Nonresidential Development" (D7),  
2 and outdoor storage yards, with "Buffers for Outdoor  
3 Storage Yards" (D1). Furthermore any building or  
4 outdoor storage, loading or working areas (except for  
5 accessory parking area) should be located at least  
6 three hundred (300) feet from any urban residential  
7 area and one hundred (100) feet from any other areas  
8 except those containing light industrial or  
9 agricultural/forestry uses.

10 (b) Logical expansions outside of Industrial  
11 Parks - Existing areas of heavy industrial use that  
12 are located outside of planned Industrial Parks may be  
13 expanded onto contiguous land that generally abuts the  
14 same street(s). Such an expansion should not  
15 significantly increase the extent of industrial uses  
16 in the vicinity and outside of Industrial Parks. Such  
17 expansion should not overburden the capacity of  
18 roadways and other necessary urban services that are  
19 available in the affected area. Also, such an  
20 expansion should be of adequate size and shape to  
21 provide the separation from incompatible uses cited in  
22 criteria (a) above.

23 APPLICANT'S FINDINGS

24 1. THE ZONING PROPOSAL IS IN ACCORD WITH THE  
25 COMPREHENSIVE PLAN  
Subject property is located in a



1 business/industrial land use area where heavy  
2 industrial uses are allowed in very limited locations.

3 Presently, the Applicant stores vehicles on said  
4 property awaiting work at Owensboro Body Shop. The  
5 applicant desires to change that use to include the  
6 storage of vehicles in general.

7 The zoning proposal will not expand the existing  
8 use area but will change the use itself. The total  
9 number of vehicles to be stored on the subject  
10 property will not increase. The subject property will  
11 be used for the same purpose. Under existing zoning,  
12 vehicles can be stored on the subject property  
13 regardless of the condition of the vehicle, provided  
14 the vehicles are to be repaired at the Owensboro Body  
15 Shop. If the rezoning is approved, the applicant  
16 intends to store vehicles on the lot of said property  
17 which have been towed to the lot because of legal  
18 violations or because the vehicles were damaged in an  
19 accident. The vehicles will remain on the lot no  
20 longer than 45 days.

21 The rezoning proposal is substantially in accord  
22 with the Land Use Plan, Item 13 "Heavy Industrial  
23 Uses" where heavy industrial uses are allowed within  
24 the business/industrial plan area in very limited  
25 locations.



1                   (a) Building and lot patterns; outdoor  
2 storage areas: Building and lot patterns should  
3 conform with the criteria for "Nonresidential  
4 Development" (D7) and outdoor storage yards, with  
5 "Buffers for Outdoor Storage Yards" (D1).  
6 Furthermore, any building or outdoor storage, loading  
7 or working areas (except for accessory parking areas)  
8 should be located at least three hundred (300) feet  
9 from any urban residential area and one hundred (100)  
10 feet from any other area except those containing light  
11 industrial or agricultural/forestry uses.

12                   (b) Logical expansions outside of  
13 Industrial Parks: Existing areas of Heavy  
14 Industrial use that are located outside of planned  
15 Industrial Parks may be expanded onto contiguous land  
16 that generally abuts the same street(s). Such an  
17 expansion should not significantly increase the extent  
18 of industrial uses in the vicinity and outside of  
19 Industrial Parks. Such expansion should not  
20 overburden the capacity or roadways and other  
21 necessary urban services that are available in the  
22 affected area. Also, such an expansion should be of  
23 adequate size and shape to provide the separation from  
24 incompatible uses cited in criteria (a) above.

25                   D7 - MIXED BUSINESS/INDUSTRIAL AREAS.



1 "Business/Industrial Areas have been delineated on the  
2 land use plan map, in which existing areas that  
3 contain a mixture of business and light industrial  
4 uses are allowed to continue as mixed-use areas." We  
5 are not proposing an expansion in the land use area  
6 but we are proposing a change use because of specific  
7 language in the zoning ordinance. Therefore, this  
8 section does not apply.

9 D7 above further states that "potential  
10 conflicts with neighboring areas can be best avoided  
11 by respecting the pattern of lots along existing block  
12 fronts."

13 D7 also states "therefore, where the  
14 specific criteria cited by this plan would allow  
15 non-residential land uses to be located or expanded in  
16 a built up neighborhood, due consideration should be  
17 given to the concern of neighboring residents with  
18 respect to the established lot patterns in their  
19 neighborhoods." The proposed rezoning will have  
20 absolutely no adverse effect on the neighboring  
21 residents in the general area.

22 D1 - BUFFERS. The subject lot is currently  
23 being used for the storage of vehicles and has  
24 perimeter buffering in place as required by the  
25 ordinance. Installing of additional buffering will



1 not be required.

2 The mixed use of the proposed rezoning is  
3 consistent with the uses and zones in the  
4 neighborhood. There are numerous mixed uses in the  
5 immediate area. There are existing heavy industrial  
6 uses in the area and existing I-2 zoning. In the next  
7 block at the intersection of Second Street and River  
8 Road there is a storage facility which is zoned I-2.  
9 On the opposite side of Second Street from the subject  
10 property at the railroad track there is an industrial  
11 storage area that is zoned I-2. Since the  
12 business/industrial areas contain a mixture of  
13 business and light and heavy industrial uses, the  
14 zoning to I-2 should be allowed to continue as mixed  
15 use areas. This is consistent with D7 MIXED  
16 BUSINESS/INDUSTRIAL AREAS as set out above.

17 2. THERE HAVE BEEN MAJOR CHANGES OF AN ECONOMIC,  
18 PHYSICAL OR SOCIAL NATURE WITHIN THE AREA INVOLVED  
19 WHICH WERE NOT ANTICIPATED IN THE ADOPTED  
20 COMPREHENSIVE PLAN AND THOSE CHANGES HAVE  
21 SUBSTANTIALLY ALTERED THE BASIC CHARACTER OF THE AREA  
22 INVOLVED.

23 These changes are as follows:

24 (a) Next door to the subject property at 2107  
25 West Second Street, an existing house was recently  
demolished to put in a commercial refueling station.  
This refueling station is open 24-hours a day for city



1 vehicles, including garbage trucks; semi-trucks;  
2 buses, off-road vehicles and city police cars. These  
3 cars and trucks are refueled all during the night and  
4 as early as 4:00 in the morning.

5 (b) On May 14, 1998, the lot next door to the  
6 subject property at 2017 West Second was rezoned to  
7 I-1 Industrial and the existing house on said lot was  
8 torn down. This property is presently being used as a  
9 truck/auto repair shop. In the proposed finding for  
10 this property, the OMPC recommended rezoning for  
11 several reasons and one of which was that "the adopted  
12 Comprehensive Plan allows existing areas that contain  
13 a mixture of business and light industrial uses to  
14 continue as mixed use areas."

15 (c) The use of the property located in the next  
16 block of the northwest side of the intersection of  
17 Second Street and River Road was recently changed from  
18 a fertilizer plant to mini/warehouses (self-storage  
19 units).

20 (d) On March 10, 1994, the OMPC rezoned property  
21 at 1804 West Second Street to I-1 and OMPC in its  
22 finding of fact stated: "The existing land uses along  
23 West Second Street from the Elizabeth Munday Center  
24 westward to Ewing Road are substantially commercial  
25 and/or industrial types. Said Second Street segment



1       has existed with such uses for many years and is  
2       typically recognized as a business/industrial  
3       corridor."

4           (e) On or about February 4, 1999, the City of  
5       Owensboro made major improvements to improve  
6       transportation routes through the northwest quadrant  
7       of the City of Owensboro by improving River Road from  
8       West Second Street northward to the Field Packing  
9       Company property. Pursuant to the requirements of KRS  
10      100.324 the city requested and received approval from  
11      OMPC for these right-of-way acquisitions. This is a  
12      major change where land was acquired from the  
13      adjoining property which is located west of the  
14      subject property to improve transportation in the  
15      area. This change encourages the increase of truck  
16      traffic along the front of the subject property and to  
17      the west of the subject property at the intersection  
18      of River Road and West Second Street.

19           (f) On January 12, 1995, the OMPC rezoned  
20      property directly across the street at 2006 West  
21      Second Street to I-1 Light Industrial stating that the  
22      adopted Comprehensive Plan allows existing areas that  
23      contain a mixture of business and light industrial  
24      uses to continue as mixed use areas.

25           (g) The entire block on which the subject



1 property is located, where the property fronts on West  
2 Second Street has changed from a residential use to  
3 business/industrial uses.

4 3. IT IS THE APPLICANT'S POSITION THAT THE  
5 WORDING OF THE ORDINANCE DOES NOT ADDRESS THE  
6 SITUATION AT HAND.

7 The type of situation at hand is different from  
8 what was proposed by the intent of the ordinance. The  
9 applicant intends to eliminate the need to operate two  
10 separate lots for storage. Applicant desires to use  
11 the subject property for an existing storage lot which  
12 is associated with the Owensboro Body Shop repair  
13 business and Jack's Wrecker Service where vehicles are  
14 hauled to the lot because of legal violations or  
15 because the vehicles were damaged in an accident. It  
16 is the applicant's position that the ordinance does  
17 not apply to the exiting lot, but only applies to a  
18 situation where a new use is created in a new  
19 location.

#### 20 PLANNING STAFF REVIEW

21 The subject property is located at 2023 West  
22 Second Street between Fieldon Avenue and River Road.  
23 Land use criteria applicable to this proposal are  
24 reviewed below.

#### 25 GENERAL LAND USE CRITERIA

##### Environment



1           No important environmental criteria apply to the  
2           subject property.

3           Urban Services

4           All urban services are available to the site.

5           Development Patterns

6           The subject property is currently in use as an  
7           automobile transmission repair shop. A commercial  
8           garage is located on the property. Vehicles awaiting  
9           repair are stored on the paved parking area in front  
10          of the building. The perimeter of the lot is fenced  
11          with chain link fencing with plastic slats and solid  
12          fencing. The fencing abuts the back of the building  
13          where overhead doors open onto a 15' alley.

14          Property to the north across the alley is zoned  
15          R-4DT Inner-City Residential. These lots contain  
16          single-family residential structures that fronts on  
17          West First Street. The property to the immediate west  
18          of the subject property is zoned B-4 General Business  
19          and is in use as a gasoline service station. The  
20          property directly to the east of the subject property  
21          is zoned I-1 Light Industrial and is occupied by an  
22          automobile and truck service and repair shop.

23          Properties across West Second Street to the south are  
24          zoned B-4 General Business and include an automobile  
25          body shop, a contractors' office building, and a



1 church.

2 SPECIFIC LAND USE CRITERIA

3 The general vicinity of the subject property is a  
4 mixed use neighborhood. The criteria for  
5 nonresidential development (D7) allows for these mixed  
6 uses of business and light industrial to continue in  
7 Business/Industrial Plan areas. The criteria  
8 specifically state business and light industrial uses  
9 are allowed to continue. The subject property is  
10 currently zoned I-1 Light Industrial, which is  
11 appropriate for the mixed use area in which it is  
12 located. An I-2 Heavy Industrial zoning  
13 classification and use would not be appropriate in a  
14 mixed use area, due to the nature of permitted uses in  
15 Heavy Industrial zones and the increased setbacks  
16 required for outdoor storage, loading or working areas  
17 from zones other than light industrial or  
18 agricultural/forestry uses.

19 The proposed use for the subject property is for  
20 storage of towed vehicles on the lot. This use as an  
21 automobile impound yard or a yard for the storage of  
22 abandoned, dismantled, partially dismantled or  
23 obsolete or wrecked automobiles is not a principally  
24 permitted use in an I-2 Heavy Industrial zone. The  
25 use requires application for a Conditional Use Permit



1 and approval by the Owensboro Metropolitan Board of  
2 Adjustment. The Zoning Ordinance additionally  
3 requires a 300' setback from the residentially zoned  
4 property to the north of the subject property and a  
5 100' setback from the B-4 General Business zoned  
6 property to the west. The subject property measures  
7 100 feet in width and 153.82 feet in depth. The  
8 application of the required setbacks would prohibit  
9 the use of any portion of this property for an impound  
10 lot. Therefore, if the zoning requests were approved,  
11 variances for the total setback requirements in this  
12 zone would have to be sought and approved along with a  
13 conditional use permit in order to use the subject  
14 property as proposed.

15 The Comprehensive Plan also sets out increased  
16 setback buffers for heavy industrial uses under the  
17 criteria for Building and Lot Patterns; outdoor  
18 storage areas. The Plan states in addition to the  
19 criteria outlined in (D1) "Buffers for Outdoor Storage  
20 Yards", that heavy industrial uses should locate any  
21 building or outdoor storage, loading or work area at  
22 least 300' from any urban residential area and 100'  
23 from any other area except those containing light  
24 industrial or agricultural/forestry uses. The  
25 Comprehensive Plan protects surrounding properties by



1 recognizing the likelihood that the intrusion of heavy  
2 industrial uses into residential and other areas has  
3 the potential of creating a nuisance to those  
4 surrounding properties. The Zoning Ordinance  
5 establishes the setbacks to enforce that protection.  
6 The increased setback requirements for Heavy  
7 Industrial uses acts as a buffer for surrounding  
8 properties and is critical in locating a heavy  
9 industrial use adjacent to a residential or business  
10 use.

11 The applicant's findings include an argument that  
12 there have been major changes of an economic, physical  
13 or social nature within the area involved that were  
14 not anticipated in the adopted Comprehensive Plan and  
15 that those changes have substantially altered the  
16 basic character of the area involved. The changes  
17 listed include the construction of an all-night  
18 fueling station in a B-4 General Business zone, three  
19 zoning changes to I-1 Light Industrial, the  
20 construction of mini-warehouses across River Road in  
21 an I-2 Heavy Industrial zone, and the improvements to  
22 River Road. The construction of the service station  
23 and the light industrial zone changes occurred in a  
24 Business/Industrial area where mixed uses of business  
25 and light industrial are allowed to continue. The



1 Comprehensive Plan anticipated these mixed uses in a  
2 Business/Industrial plan area and has designated this  
3 area in the land use portion of the plan as a  
4 Business/Industrial plan area. The continuation of  
5 mixed business and light industrial uses in this area  
6 was planned for and does not constitute a change that  
7 was not anticipated by the Comprehensive Plan. The  
8 change from the fertilizer plant to mini-warehouses is  
9 actually a decrease in heavy industrial activity in  
10 the general vicinity and would add evidence that light  
11 industrial uses are more appropriate in this area.  
12 Although the mini-warehouses are located on I-2 Heavy  
13 Industrial zoned property, this use is a permitted use  
14 in I-1 Light Industrial zones and is compatible with  
15 the mixed use area. The improvement to River Road has  
16 not changed the uses in the area to heavy industrial  
17 uses. The character of the neighborhood remains a  
18 mixed use area located in a Business/Industrial Plan  
19 Area as identified in the current Comprehensive Plan.

20 The applicant's findings also include an argument  
21 that the Zoning Ordinance has been incorrectly  
22 interpreted. This argument is not relevant to a  
23 request for a zoning change. The Zoning Ordinance  
24 provides a method of appeal through an administrative  
25 review heard by the Owensboro Metropolitan Board of



1 Adjustment. The OMBA has the power to hear and decide  
2 cases where it is alleged by an applicant that there  
3 is an error in any order, requirement, decision, grant  
4 or refusal made by the Zoning Administrator in the  
5 enforcement of the Zoning Ordinance. The adopted  
6 ordinance requires an I-2 Heavy Industrial zone and a  
7 conditional use permit for the proposed use. The  
8 argument by the applicant that the interpretation of  
9 the ordinance is incorrect is not germane to this  
10 zoning change, because the OMPC does not hear such  
11 administrative appeals.

12 The current zoning of I-1 Light Industrial is an  
13 appropriate zone for the subject property in this  
14 vicinity and the proposed I-2 Heavy Industrial zone is  
15 not appropriate. The subject property cannot meet the  
16 setback requirements for the proposed heavy industrial  
17 use, as required by the Comprehensive Plan and the  
18 Zoning Ordinance. The proposed use as an impound lot  
19 would require the approval of a conditional use permit  
20 by the OMBA. Variances that completely eliminate the  
21 required setbacks would have to be granted before the  
22 property could be used for an impound lot. There have  
23 not been major changes of a physical, economic or  
24 social nature that have changed the character of the  
25 neighborhood. It continues as a mixed used area



1 properly identified by the Comprehensive Plan.

2 PLANNING STAFF RECOMMENDATIONS

3 Staff recommends denial because the proposal is  
4 not in compliance with the adopted Comprehensive Plan.  
5 Findings in support of this recommendation include:

6 1. The subject property is located in a  
7 Business/Industrial Plan Area, where heavy industrial  
8 uses are appropriate only in very-limited locations;

9 2. The current zoning of I-1 Light Industrial is  
10 appropriate in a mixed use area and the proposed  
11 zoning is inappropriate;

12 3. The required 300' setback from the  
13 residential property to the north and the 100' setback  
14 to the west cannot be met on the subject property due  
15 to the pattern and development of surrounding uses;

16 4. Every one of the past changes in zones or  
17 uses cited in the applicant's finding were consistent  
18 with the criteria for mixed business/industrial plan  
19 area under the Comprehensive Plan, and do not  
20 constitute any basis for rezoning the subject property  
21 to I-2 Heavy Industrial; and,

22 5. There have not been major changes of an  
23 economic, physical or social nature within the area  
24 that were not anticipated in the adopted Comprehensive  
25 Plan that have substantially altered the basic



1 character of the area.

2 CHAIRMAN: Thank you, Becky.

3 Would anybody like to address the  
4 commission on behalf of the applicant?

5 MR. ELLIOTT: State your name, please.

6 MR. KAMUF: Charles Kamuf.

7 (MR. CHARLES KAMUF SWORN BY ATTORNEY.)

8 MR. KAMUF: Ms. Dixon, Ms. Douglas,  
9 Sister, Gentlemen, I represent the Cambrons concerning  
10 the rezoning of the .35 acre tract of ground. It's on  
11 West Second Street across from Owensboro Body Shop and  
12 the rezoning is from light industrial to I-2 Heavy  
13 Industrial.

14 The property is presently screened, fenced  
15 and enclosed. There will be no changes of any kind on  
16 the property as it exists at the present time. As you  
17 can see by the two exhibits that I have here, the  
18 property is presently being zoned industrial. Along  
19 the front of the property you can see a huge sign.  
20 Basically the property is being used as an industrial  
21 use at the present time. There is fencing to the east  
22 and fencing to the west.

23 Also here is another exhibit. We also see  
24 to the west of the subject property is a refueling  
25 service station. I'll get into that in just a second,



1 but basically I don't think you can get any property  
2 in Owensboro that would be more industrial as to a use  
3 at the present time than the subject property.

4 Presently the applicant stores vehicles on  
5 said property awaiting body repair work. The  
6 applicant desires to change that use to include the  
7 storage of vehicles which have been towed to the lot  
8 because of illegal violations. The zoning proposal  
9 will not expand in any way the existing use, but will  
10 change the use itself. The total numbers of vehicles  
11 that will be stored on the lot will not increase.  
12 They will be there approximately 45 days. Some of  
13 these vehicles will be removed sooner.

14 The subject property will be used for the  
15 same purpose. Under existing zoning, vehicles can be  
16 stored on the subject property regardless of the  
17 condition of the vehicle provided the vehicles are to  
18 be repaired at the Owensboro Body Shop. If the  
19 rezoning is approved, the applicant intends to store  
20 vehicles on the lot of the said property that are  
21 towed because of illegal violations or because they  
22 have been involved in an accident.

23 For demonstration of what I just told you  
24 here is an exhibit which shows a wrecked automobile  
25 being pulled into the subject property for repairs.



1                   Any type of car or vehicle could be moved  
2                   into that lot for storage as long as was to be  
3                   repaired at the Owensboro Body Shop.

4                   Here is another exhibit which is a 2001  
5                   Cadillac automobile. If that car was picked up on the  
6                   streets of Owensboro to be towed to that lot, it could  
7                   not be placed there because of the technicality of the  
8                   zoning ordinance.

9                   The property that we see is certainly  
10                  mixed use. Here is a plat of the subject area. As we  
11                  go down Main Street here is the area along old Lee  
12                  School as you can see going in a westerly direction  
13                  along Highway 60. This property is zoned I-1. As you  
14                  get into the next block before you get to Crabtree  
15                  Avenue you have I-1. On the other side of the street,  
16                  this is where Owensboro Body Shop exists. This area  
17                  here is zoned I-1. As you get directly south of that  
18                  property, that is where Lanham Contracting Company has  
19                  a storage facility and a contracting company.

20                  As you get further down the road you run  
21                  into the I-2 area. The I-2 exist along northerly and  
22                  southerly along the railroad track. That's been zoned  
23                  for several years. I think since the late '80s.

24                  Also there are many changes up and down  
25                  Highway 60 to the south and I'll show you those in



1       just a few minutes.

2                   On the other side of the street we have an  
3       I-1 area which is adjacent to the subject property.  
4       Then we have a subject property. Then we have the  
5       service station and the refueling station. Directly  
6       next to that property is I-2.

7                   Here is a photo of the property that is  
8       directly west. Here is a photo of the property that  
9       adjoins the property to the west. It is a refueling  
10      station. It is open 24-hours a day. The city brings  
11      their trucks, garbage trucks, all their vehicles down  
12      there to be refilled at any time day or night. I  
13      think they open at 4:00 in the morning.

14                  Here is a picture of the property directly  
15      across the street. Lanham Electric owns that property  
16      which is due south. Then you see the night club to  
17      the west of that.

18                  This is the property that I have  
19      designated on the map along the railroad track  
20      directly west. It is a storage facility. Prior to  
21      that time it was used as a fertilize plant. It is at  
22      the intersection of the road that goes back to the  
23      industrial property on Fields Drive.

24                  This next photo shows the property which  
25      is directly east of the subject property and recently



1       it has been zoned I-1.

2                   I'd like to point out again for the board  
3       there is I-2 in the immediate area. There is I-2  
4       directly west of the property, and there's I-2 south  
5       of the subject property. The rezoning proposal is in  
6       accord with the Comprehensive Plan. The rezoning  
7       proposal is substantially in accord with the land use  
8       plan where heavy industrial uses are allowed within  
9       the business industrial area in limited locations.

10                   This is a mixed industrial zone as you can  
11       see. We have B-4 in this area. We have I-1 in this  
12       area. We have I-2 in this area. We have I-2 to the  
13       north and we have I-1 to the south. In other words,  
14       the mix use that we have, we are not proposing the  
15       expansion in the land use area, but we are proposing a  
16       change in the use. The only change in the use will  
17       include storage vehicles which are towed from the city  
18       as a result of illegal ordinance violations.

19                   The proposed rezoning will have absolutely  
20       no affect on the neighboring residents in the area.  
21       If it was not for this hearing tonight, no one or no  
22       neighbor would know that there's any change in the  
23       area.

24                   Under KRS 100.213 there have been major  
25       changes of an economic, social and physical nature in



1 the area which were not anticipated in the  
2 Comprehensive Plan and these changes are, and you have  
3 photos to indicate this. Next door to the west of the  
4 subject property, in this sick area, a house was  
5 recently torn down and this is where the refueling  
6 station is. It's open 24-hours a day as I indicated  
7 earlier. All night the lights show and certainly it  
8 will not be any more controversial; I'm talking as far  
9 as the lights itself, than what we have existing  
10 because there will not be any changes.

11 By unanimous vote on May 14, 1998, the  
12 property over here known as the Pendley it was zoned  
13 from a B-4 zone to an I-1 Industrial zone. The OMPC  
14 said at that time that the adopted Comprehensive Plan  
15 shows existing areas that contain a mixture of  
16 business and industrial uses to continue as mixed use  
17 area.

18 The use of the property in the next block  
19 on the north side of the intersection or Second Street  
20 to River Road was recently changed from a fertilizer  
21 plant to storage buildings. For many years that was  
22 known as a fertilizer plant. I think it was  
23 associated with Owensboro Grain and now they have  
24 storage buildings on the property.

25 By a unanimous vote, and that zoning



1 change it took place, the other one was on '98. This  
2 zoning change that took place on March 10, '94 is at  
3 West Second. It is along in this particular area that  
4 you see, and I thought it was unusual what the Staff  
5 and the report of this board was at that time. It  
6 said, "The existing land uses along West Second Street  
7 from the Elizabeth Munday Center westward to Ewing  
8 Road are substantially commercial and/or industrial  
9 uses. Said Second Street segment has existed with  
10 such uses for many years and is typically recognized  
11 as a business/industrial corridor."

12 On February 4, 1999, the City of Owensboro  
13 expanded and renovated the street that we call River  
14 Road from the Fields Packing Company all the way over  
15 to Highway 60 and you have a photo of that. It shows  
16 the - - here it is. Here is a photo showing the  
17 realignment of that street and that street adjoins the  
18 subject property in this particular area right here.  
19 This is B-4. It adjoins the B-4 area and here is the  
20 subject property. This was done and here is a copy of  
21 what was in the report from the city where they  
22 changed it saying that they were changing the  
23 alignment of the area along River Road so that  
24 transportation would be available for the workers at  
25 Fields Packing Company. That is on the adjoining



1 property and the land was taken for condemnation from  
2 the adjoining property.

3 The entire block of the subject property,  
4 where the subject property is located has changed from  
5 a residential use to a business/industrial use over  
6 the last several years. Quite clearly the subject  
7 property is a mixed industrial area. Since 1992 there  
8 have been at least four that I have given you, four  
9 substantial changes by a unanimous decision of this  
10 board and you'll find in the findings that were read  
11 by the staff and also in my finding of fact these  
12 changes.

13 All of these changes were by unanimous  
14 position of the board. The finding of fact in other  
15 cases clearly demonstrate that this is a mixed  
16 industrial area. There have been major changes in the  
17 street lay outs as you all are reading at the present  
18 time from the report from the city engineer concerning  
19 the roadway from Fields Packing Company.

20 In the alternate, the applicant states  
21 that it's the applicant's position that the work of  
22 the ordinance does not address the situation at hand.  
23 The type of situation at hand is different from what  
24 was proposed by the intent of the ordinance. The  
25 applicant intends to eliminate the need to operate two



1       separate storage yards. Applicant desires to use the  
2       subject property for an existing storage lot which is  
3       associated with Owensboro Body Shop Repair business  
4       and Jack's Wrecker Service where vehicles are hauled  
5       off the lot because of illegal violations. It is the  
6       applicant's position that the ordinance does not apply  
7       to the existing lot, but only applies to a situation  
8       where a new use is created in a new location. We are  
9       saying this is not a new use, but a change in use and  
10      therefore it's not covered by the ordinance.

11               There was mention in the staff report by  
12      Becky that we would have to get a conditional use and  
13      also a variance to the north and a variance to the  
14      south before the Board of Adjustment. We have filed  
15      also both of those for a conditional use. We have  
16      filed for two variances. One to the north on 100  
17      feet. Yes, 100 feet to the north and the 300 feet to  
18      the residential - - no. It's 300 feet to the north  
19      and 100 feet to the south. We have several witnesses  
20      if you'd like to hear from them. If you have any  
21      questions, we'll be glad to answer those.

22               MR. APPLEBY: Thank you, Mr. Kamuf.

23               Anybody on the board have any questions  
24      for Mr. Kamuf?

25               (NO RESPONSE)



1                   MR. APPLEBY: I've got one. If this  
2                   property you've stated that the appearance and the use  
3                   of the property essentially is not going to change but  
4                   for technicality you wouldn't have to be here for a  
5                   rezoning; is that correct?

6                   MR. KAMUF: Yes, sir, that's correct.

7                   MR. APPLEBY: Is the applicant stating for  
8                   the record or willing to state for the record that he  
9                   will not change the use of this property?

10                  MR. KAMUF: Yes, he is.

11                  MR. APPLEBY: Anybody from the audience  
12                  like to address the board?

13                  MR. ELLIOTT: State your name, please.

14                  MR. WESTERFIELD: My name is Paul  
15                  Westerfield.

16                  (MR. PAUL WESTERFIELD SWORN BY ATTORNEY.)

17                  MR. WESTERFIELD: We own some property  
18                  there just north of that for better than 20 years.  
19                  This is not the first time that they've tried to do  
20                  this. I've talked to people there in the neighborhood  
21                  and they've called me and most of the people are  
22                  against having this here, this junk yard, because I  
23                  own some property close to the west side too, a truck  
24                  lot. I've got some pictures of what their yard turns  
25                  into once it becomes a lot like that. I would like



1 for you all to see these.

2 This particular picture here is suppose to  
3 be an alley, the one behind my property there on  
4 Lancaster Avenue. You can see it is all blocked off.

5 MR. APPLEBY: We'll pass those around.

6 MR. WESTERFIELD: This is all taken from  
7 the street there on Lancaster Avenue.

8 Whenever they did that they went ahead and  
9 put this shop there at that time. We don't want a  
10 bunch of cars stored there all the time. You can see  
11 it doesn't get regulated.

12 MR. APPLEBY: I don't know. I'm not sure,  
13 but I think that's probably - - what he's just stated,  
14 if I understand him correctly, is that that's not  
15 their intent to have a junk yard. Right now he can  
16 stored wrecked cars on that lot. Indefinitely; is  
17 that right?

18 MR. KAMUF: That's correct. In other  
19 words, these automobiles that will be pulled in will  
20 be there for a 45 day period mostly. If an automobile  
21 was pulled in to have it repaired, it could stay there  
22 pretty well indefinitely until it was repaired.

23 SISTER VIVIAN: Are these the present lot  
24 or are these - -

25 MR. APPLEBY: No. This is Westside Auto.



1 Yes, Mr. Mischel.

2 MR. ELLIOTT: State your name, please.

3 MR. MISCHEL: Jim Mischel.

4 (MR. JIM MISCHEL SWORN BY ATTORNEY.)

5 MR. MISCHEL: The Staff was wanting to  
6 give a list history on this.

7 Back a few years ago there was a problem  
8 on I think Ninth Street where a wrecker service towed  
9 a vehicle to a lot and it leaked some diesel fuel and  
10 it was not properly 300 feet from the residential  
11 house or 100 feet from a business zone. I think this  
12 lady had to go to the hospital.

13 That spurred some more questions. A few  
14 years ago the city and the wrecker companies got  
15 together and there was an ordinance that was passed  
16 that set out these guidelines to be adhere to.  
17 Basically that all vehicles be towed to a lot that's  
18 zoned I-2 heavy industrial with a conditional use  
19 permit.

20 The biggest thing with that is that you're  
21 normally 300 feet away from the residential zone and  
22 100 feet from a commercial industrial, commercial  
23 zone. For that reason is because a lot of times these  
24 cars are towed in the dead of night at 2:00 in the  
25 morning. It gives a buffer to these areas. Typically



1       these vehicles should not be towed to a lot unless it  
2       is I-2. The only exception would be if that vehicle  
3       is going to be towed to a lot that is going to repair  
4       it. If they're going to repair it, they have like 30  
5       days to make those repairs. If you know that it's  
6       going to be repaired by that shop if it's wrecked or  
7       whatever, it can go straight to that lot; otherwise,  
8       it should go to a lot that's zoned I-2. I think that  
9       30 days was put in. Lots of times these businesses  
10      are busy repairing cars and they can't get to it that  
11      day or the next day. Thirty days they usually rotate  
12      them and working them in.

13                   MR. KAMUF: Mr. Chairman, this exhibit  
14      that I show here, there is a fence around the north.  
15      No. There's a fence around the east. There is a  
16      fence around the west. There is a partial fence  
17      around the front along 60 and the building goes pretty  
18      well to the alley. So there is no expansion that can  
19      be made on this lot. You understand? The entire use  
20      of this lot is being used at the present time.

21                   Now, in answer to Mr. Westerfield's  
22      position, in other words, we have a petition that I'll  
23      introduce here today that showing every adjoining lot  
24      owner with the exception of two that have signed this  
25      petition saying they have no objection to this.



1                   Let me show you where Mr. Westerfield's  
2   lot is.

3                   Paul, I think I'm telling it right here.

4                   Mr. Westerfield has a lot. There's an  
5   alley that comes back through here. That's where his  
6   lot is. His lot does not adjoin the subject property.  
7   We have a letter from every one of these residential  
8   property owners with the exception of two. The reason  
9   that we don't have one is that she's out of town and  
10   this lot on the corner here, the individuals there  
11   transferred the property yesterday or the day before  
12   and there hasn't been a deed so we don't know who the  
13   owner of the property is. All of these individuals  
14   along here, along this area, we have a statement from  
15   the Pendleys which is the lot directly to the east.  
16   We have Lanham which is the property in this  
17   particular area that you see here, I-1. We have Mr.  
18   Kingsley on River Road. We have Frank Simpson. We  
19   have James Gaddis which is on First Street. We have  
20   Mr. Simpson on First Street. We have Mr. Amos on  
21   First Street. Excuse me. His property is on First  
22   Street. He lives on Eighth Street. We have Mr.  
23   Schrecker down here at the corner that runs Schrecker,  
24   I think it's a car lot. Then we also have another Mr.  
25   Brown who adjoins the property. I don't think you'll



1       have a petition here tonight by any individual that  
2       adjoins this property that objects to it.

3                   Mr. Westerfield is back here in the back  
4       and he objected previously I think when somebody else  
5       represented the Cambrons at that time.

6                   Here is a list. I would like to file it  
7       in the record.

8                   MR. APPLEBY: Thank you, Mr. Kamuf.

9                   Would anybody else like to address the  
10      commission?

11                   (NO RESPONSE)

12                   CHAIRMAN: Any commissioners have any  
13      questions?

14                   (NO RESPONSE)

15                   MR. APPLEBY: Chair would entertain a  
16      motion.

17                   SISTER VIVIAN: I had a question. I  
18      understand that for this to go through there would  
19      have to be variances.

20                   MR. APPLEBY: Well, it has to go before  
21      the Board of Adjustment before - -

22                   MR. KAMUF: Sister, we have a conditional  
23      use that we have filed. There are two variances that  
24      we have to file. One of them is 100 foot setback line  
25      to the west and the other one is a 300 foot setback



1 line to the north. We have filed those and they'll be  
2 heard at the next Board of Adjustment meeting.

3 SISTER VIVIAN: But did I understand you  
4 then to say that you could not on this piece of  
5 property honor what Mr. Mischel said he thought was  
6 necessary for safety? That was my question.

7 MR. KAMUF: I didn't understand exactly  
8 what he wanted?

9 SISTER VIVIAN: Is that not what you said  
10 because when you gave the history you said because of  
11 the gasoline leakage or whatever.

12 MR. MISCHEL: That's what brought this  
13 subject forth a few years ago and spurred this if you  
14 want to call it - - typically Mr. Kamuf thought you'd  
15 have to have a conditional use permit. Under that  
16 you're required to be 300 feet away from residential  
17 zone and 100 feet from commercial zone, which at the  
18 present time would not meet those.

19 SISTER VIVIAN: You're asking for an  
20 exception to that?

21 MR. APPLEBY: That would be from the Board  
22 of Adjustment.

23 SISTER VIVIAN: Yes. That's what I'm  
24 saying. If we approve this tonight, then he's going  
25 to go - - okay.



1                   MR. KAMUF: If you approve it tonight,  
2                   then it'll still be subject to a conditional use and  
3                   it'll be subject to two variances and both of those  
4                   have been filed before the board.

5                   MR. JAGOE: Well, the conditional use  
6                   would only be for the storage.

7                   MR. KAMUF: That's correct. Variance  
8                   would be for 100 foot to the south, to the west and  
9                   the 300 foot to the north.

10                  MR. JAGOE: Because there are a lot of  
11                  other uses under an I-1.

12                  MR. KAMUF: That's correct.

13                  MR. NOFFSINGER: Mr. Chairman, I'd just  
14                  like to state that the proposed use as defined by the  
15                  zoning ordinance is clearly a heavy industrial use.  
16                  Now, the existing property is zoned I-1 which is light  
17                  industrial. It is now used for industrial activities,  
18                  light industrial activities. We recognize that. The  
19                  issue tonight is whether or not to rezone this  
20                  property from light industrial to heavy industrial.  
21                  The applicant has given us no examples of any heavy  
22                  industrial uses within the area. Examples have been  
23                  cited tonight by the applicant's representative have  
24                  all been light industrial in nature.

25                  Now, in terms of if this zoning change is



1 approved, before the property can be used for the  
2 intended use, you would have to have a conditional use  
3 permit approved by the Board of Adjustment as well as  
4 two variance request approved by the Board of  
5 Adjustment. The first variance request would be  
6 consider, you will be considering whether or not to  
7 allow this use to take place 100 feet or within 100  
8 feet of a commercial business. The second variance  
9 that would be necessary is for this use to be allowed  
10 to operate within 300 feet of a residential use or  
11 residential zone. My question to Mr. Kamuf is, and I  
12 don't know the scale of your map. Mr. Westerfield  
13 stood up tonight and spoke that he's concerned about  
14 this particular use. Is his property located within  
15 300 feet of the subject property?

16 MR. KAMUF: I can't answer that. Here is  
17 the surveyor. He can answer that.

18 In any event I'm telling you that all of  
19 those properties, Gary, to the north of that property,  
20 you look on that petition and they have no objection.  
21 In other words, Mr. Westerfield's property is a row of  
22 houses that screen him from the rezoning proposal.  
23 When he sees it to the rear or he sees the property it  
24 will be no change in the use because you still have  
25 that big sign in front and next door to it at the



1 present time there is that refueling station and it's  
2 there from 4:00 in the morning and all day. I can't  
3 answer that. In other words, if that is a question,  
4 we'll have to take it up before the Board of  
5 Adjustment when we bring on the conditional use and  
6 the variance. It is from this point that you'll see  
7 on that lot to this point over here. That direction,  
8 it'll be that far from the subject property.

9 MR. APPLEBY: I personally don't see the  
10 difference in operating an impound lot and being able  
11 to haul wrecked cars in there. To me it seems to be a  
12 discrepancy in the way the ordinance is written. That  
13 doesn't seem to be a heavy industrial use. I think  
14 the concern of the board is how to prohibit future  
15 heavy industrial uses taking place on that property  
16 which you're saying the applicant is willing to  
17 stipulate. I don't know if we can tie that - -

18 MR. ELLIOTT: Not the rezoning.

19 MR. KAMUF: I'm willing to tell this board  
20 and if anything like that would take place - - you  
21 remember the rezoning proposal that took place out in  
22 front of Thoroughbred East where you called Mr.  
23 Thompson down here one night and he was trying to get  
24 the property rezoned to an intense commercial activity  
25 and you said you weren't going to approve it or you



1 put some restrictions on it. We're here to tell you  
2 that that's the purpose of the rezoning. We do not  
3 intend to use it for any other purpose other than to  
4 bring outside the I-1 area that would bring it into  
5 the I-2 other than bringing towed automobiles that  
6 have been violated under the city ordinance or  
7 automobiles that have been towed from the city as a  
8 result of some type of accident. We're telling you  
9 that here under oath.

10 MR. ELLIOTT: Mr. Chairman, I think  
11 probably one of the questions is what is going to  
12 happen to the property if the Board of Adjustment  
13 chooses not to grant his conditional use permit or the  
14 variances? We have an I-2 zoning.

15 Can you answer that, if the Board of  
16 Adjustment were to deny you?

17 MR. KAMUF: I would assume that your alls  
18 affirmation of this would be subject to us getting the  
19 conditional use and also the two variances, Stewart.

20 MR. ELLIOTT: If they were to deny that  
21 though, what would be the use of the property?

22 MR. KAMUF: What we're using it for at the  
23 present time.

24 MR. JAGOE: But it would still be zoned  
25 I-2.



1 MR. ELLIOTT: right.

2 MR. HAYDEN: Did I understand Mr. Mischel  
3 to say that one of the reasons that 300 foot setback  
4 was because they had a fuel spill and made somebody  
5 sick or sent to the hospital? I mean if that's one of  
6 the reasons, it's more apt to have a fuel spill in a  
7 refueling place than they would at this vehicle  
8 storing place.

9 MR. MISCHEL: That's not the reason. That  
10 300 foot distance, spacing distance to residential,  
11 100 foot commercial, that's been in the ordinance  
12 prior to this accident into the wrecker ordinance.  
13 What I'm saying is I think those distances were put in  
14 to act as a buffer between this heavy industrial use  
15 and these residential commercial areas.

16 I guess at fueling station you could spill  
17 it, but it's probably greater thing with a wrecked  
18 vehicle. In that case it was a semi. I think the gas  
19 tank had been topped or something. When it got there  
20 I guess it just started leaking. I guess you could  
21 have more potential for leakage or whatever, but no.  
22 To answer your question those spacing standards were  
23 in there before this a few years ago.

24 MR. KAMUF: I'd like to say this in answer  
25 to Mr. Mischel. I agree with him. There's a lot



1 more risk to a spill as a result of a damaged vehicle  
2 than you're going to have from an automobile that's  
3 pulled off the streets of Owensboro as a result of an  
4 illegal ordinance violation.

5 MR. APPLEBY: Mr. Hayden, I believe, you  
6 know, we talked about what happens to the property if  
7 they don't get their conditional use.

8 If I understand it correctly, you can  
9 still use the property for the existing use even if  
10 it's zoned, if we rezone the property. If he doesn't  
11 get his conditional use permit, if he doesn't get his  
12 variances, he can continue to use it under the current  
13 application; is that right?

14 MR. ELLIOTT: I-1 user or I-2.

15 MR. APPLEBY: Could use it as an I-1 use,  
16 but if in the future he sold property or attempted to  
17 change the use they would have to meet those I-2 - -  
18 to heavy industrial use they would have to meet those  
19 I-2 criteria; is that right?

20 MR. ELLIOTT: They would have to come  
21 before the Board of Adjustment.

22 MR. APPLEBY: So if they don't get their  
23 variances and their conditional use, he would be  
24 limited to doing what he's doing right now in I-1 use  
25 of the property.



1 MR. KAMUF: That's my understanding.

2 MR. ELLIOTT: But I don't think that this  
3 should be rezoned subject to a conditional use permit  
4 or variances. This should be rezoned and then - -

5 MR. APPLEBY: Deal with those issues  
6 later.

7 MR. ELLIOTT: Yes.

8 MR. KAMUF: We understand that we have to  
9 go before that board.

10 MR. APPLEBY: Anybody else have any  
11 questions?

12 MR. JAGOE: Could you state that again?  
13 You don't think that it should - -

14 MR. APPLEBY: The zoning shouldn't be  
15 subject to those variances and permits.

16 MR. ELLIOTT: They can't really consider a  
17 conditional use permit or a variance request until it  
18 has been rezoned. We can't make a condition upon that  
19 approval.

20 MR. KAMUF: I talked with Mr. Noffsinger  
21 about this item and certainly we're willing to  
22 postpone the conditional use hearing on the  
23 conditional use of the variance until such time as the  
24 legislative body has had time to rezone the subject  
25 property on a permanent basis.



1 MR. APPLEBY: Is that necessary?

2 MR. ELLIOTT: It's not technically rezoned  
3 until the legislative body accepts our recommendation.  
4 We just make a recommendation so it's not a final  
5 zoning until - -

6 MR. KAMUF: And I told Gary that we would  
7 postpone that matter until such time as we heard from  
8 the legislative body and the city.

9 MR. APPLEBY: Does anyone else have  
10 anything?

11 (NO RESPONSES)

12 MR. JAGOE: Is the application for the  
13 conditional use already filed?

14 MR. KAMUF: Yes, sir.

15 MR. JAGOE: Under the current zoning?

16 MR. KAMUF: No. It's filed under this  
17 application. I filed the application for this  
18 rezoning and then I also filed the conditional use in  
19 doing this, assuming that it's going to be zoned I-2  
20 hopefully.

21 MR. APPLEBY: Thank you, Mr. Kamuf.

22 MR. KAMUF: Thank you.

23 MR. APPLEBY: Now the Chair will entertain  
24 a motion.

25 MR. HAYDEN: I'll make a motion to approve



1 it with the applicant's findings of facts.

2 MR. APPLEBY: We have a motion for  
3 approval. Is there a second.

4 MR. ROGERS: Second.

5 MR. APPLEBY: All those in favor signify  
6 by raising your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 MR. APPLEBY: It's unanimous.

9 I'll give the gavel back to the vice  
10 chair.

11 ITEM 9

12 212 West Eighth Street, 0.153 acres (Map N-4)  
13 Consider zoning change: From R-4DT Inner-City  
14 Residential to B-2 Central Business.  
Applicant: Brescia University, Inc.

15 PLANNING STAFF RECOMMENDATIONS

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

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

20 Findings of Fact:

21 1. The subject property is located within a  
22 Central Residential Plan Area, where central business  
23 uses are appropriate in very-limited locations;

24 2. The proposed zoning change to B-2 Central  
25 Business will meet a community need, allowing Brescia



1 University to provide additional housing for its  
2 students;

3 3. The development of the subject property as a  
4 dormitory will serve the needs of Brescia University,  
5 which is already established in the B-2 central  
6 Business Zoning district; and,

7 4. The subject property is contiguous to B-2  
8 Central Business zoning and uses and the rezoning  
9 request is a logical expansion of the existing B-2  
10 Central Business boundary.

11 We would like to enter the Staff Report  
12 into the record.

13 SISTER VIVIAN: Mr. Cambron, I need to  
14 disqualify myself.

15 CHAIRMAN: So noted, Sister.

16 Anybody here representing the applicant at  
17 this time?

18 MR. KAMUF: Charles Kamuf representing  
19 Brescia College.

20 We have individuals here, partners and  
21 associates and also engineer if you all have any  
22 questions.

23 CHAIRMAN: Thank you so much.

24 Is there anybody here that have any  
25 questions of the applicant?



1 (NO RESPONSE)

2 CHAIRMAN: Anybody here that has any  
3 questions that the board needs to address?

4 (NO RESPONSE)

5 MR. ROGERS: Mr. Chairman, motion for  
6 approval based on the findings Staff's  
7 Recommendations, Findings of Facts 1 through 4.

8 MS. DIXON: Second.

9 CHAIRMAN: We have a motion by Mr. Rogers  
10 and a second by Ms. Dixon. All those in favor raise  
11 your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE  
13 WITH SISTER VIVIAN DISQUALIFYING HERSELF.)

14 CHAIRMAN: It's unanimous with Sister  
15 Vivian disqualifying herself.

16 -----

17 ZONING CHANGES - COUNTY

18 ITEM 10

19 10221 Indian Hill Road, 4.33 acres (Map CO-82)  
20 Consider zoning change: From EX-1 Coal Mining to A-R  
21 Rural Agriculture.  
Applicant: John Johnson, Edith Johnson

22 PLANNING STAFF RECOMMENDATIONS

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

Ohio Valley Reporting  
(270) 683-7383



1 Findings of Fact:

2 1. The subject property is located in a Rural  
3 Maintenance Plan Area, where rural large-lot  
4 residential uses are appropriate in limited locations;

5 2. The subject property is adjacent to A-R Rural  
6 Agriculture zoning;

7 3. Coal mining activities on the subject  
8 property have been completed and the property has been  
9 reclaimed;

10 4. The proposed lot for rural residential use  
11 fronts upon a public street;

12 5. The proposed residential lot meets the  
13 criteria for rural large-lot residential use; and,

14 6. The subject property is not conducive for  
15 farming activities because of its steep slope.

16 MS. WATSON: We would like to enter the  
17 Staff Report into the record.

18 CHAIRMAN: Thank you, Ms. Watson.

19 Is there anybody here representing the  
20 applicant?

21 (NO RESPONSE)

22 CHAIRMAN: Anybody here that's opposed to  
23 the application?

24 (NO RESPONSE)

25 CHAIRMAN: The Chair will entertain a



1 motion.

2 MR. HAYDEN: I make a motion to approve on  
3 Staff's Findings of Fact 1 through 6.

4 CHAIRMAN: Motion for approval by Mr.  
5 Hayden.

6 SISTER VIVIAN: Second.

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

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: It's unanimous.

11 ITEM 11

12 1009 Pleasant Valley Road, 0.525 acres (Map N-46)  
13 Consider zoning change: From B-4 General Business to  
14 I-1 Light Industrial.  
15 Applicant: Tong Properties, LLC, c/o J.D. Tong,  
16 Patricia Barrient, James M. Barrient

17 PLANNING STAFF RECOMMENDATIONS

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

20 This recommendation is made subject to the conditions  
21 and findings of fact that follow:

22 Condition:

23 1. Installation of a landscape buffer with a  
24 6-foot high continuous element and one tree for every  
25 40 linear feet along the property perimeter adjacent  
to the R-1A Single-Family residential zone prior to  
any expansion of the use on the subject property.



1           2. If previous lot consolidation is not  
2           recorded, lots shall be consolidated and plat recorded  
3           prior to any expansion of the use on the subject  
4           property.

5           3. Any outdoor storage areas must be screened  
6           with continuous 6-foot high solid wall or fence.

7           4. All vehicular use areas shall be paved.

8           Findings of Fact:

9           1. The subject property is located in an Urban  
10          Residential Plan Area, where light industrial uses are  
11          appropriate in very-limited locations;

12          2. The current and historical use of the subject  
13          property is industrial and the current zoning of B-4  
14          General Business is not appropriate;

15          3. The property will continue to be used as a  
16          contractor's office and shop, for which the proposed  
17          zoning of I-1 Light Industrial is more appropriate;

18          4. The subject property is contiguous to I-1  
19          Light Industrial zoning and light and heavy industrial  
20          uses and the rezoning request would be a logical  
21          expansion of existing light industrial uses; and,

22          5. The expansion of I-1 Light Industrial Zone  
23          onto the subject property would not significantly  
24          increase the light industrial use in the area, and  
25          would not overburden the capacity of the existing



1 roadway or other urban services, because the proposal  
2 is to continue the existing use that is currently  
3 located on this property.

4 CHAIRMAN: Thank you, Ms. Watson.

5 Is there anybody here representing the  
6 applicant tonight? Would you like to step up to the  
7 podium? Do you have anything you would like to say?

8 MR. ELLIOTT: State your name for the  
9 record, please.

10 MR. DUNN: Douglas Dunn.

11 (MR. DOUGLAS DUNN SWORN BY ATTORNEY.)

12 CHAIRMAN: You're here to represent the  
13 applicant tonight, Mr. Dunn?

14 MR. DUNN: Yes, sir.

15 CHAIRMAN: We'll see if anybody has any  
16 questions.

17 Does any board members have any questions  
18 of Mr. Dunn?

19 (NO RESPONSE)

20 CHAIRMAN: Thank you, Mr. Dunn. If you  
21 just have a seat, we'll see if there's anybody in the  
22 audience that wants to ask any questions.

23 Is there anybody here that would like to  
24 ask the applicant?

25 MR. ELLIOTT: State your name, please.



1 MR. GRAY: Amy Gray.

2 (MRS. AMY GRAY SWORN BY ATTORNEY.)

3 MRS. GRAY: I live on George Madison  
4 Drive. I live exactly three houses from Mr. Tong's  
5 proposed or from his business. I have several  
6 neighbors here with me tonight. We are opposed to  
7 this being zoned the I-1 Industrial. I myself don't  
8 fully understand exactly what I-1 Industrial means.  
9 When she was reading her proposal, one question or one  
10 opposition I already have right off the bat is wants  
11 to put, if I understand this correctly, a 6-foot fence  
12 surrounding the area. Right now the business kind of  
13 is - - when you drive down Pleasant Valley you really  
14 don't pay too much attention do it. It kind of sits  
15 there and just kind of blends in with the surrounding  
16 scenery. If he puts a 6-foot fence around it, we just  
17 feel that it's going to draw attention to it. It's  
18 also going to hurt our resale value of our property.

19 The other thing that I understand is that  
20 he's wanting to probably expand that business, the  
21 building itself. There is an empty lot there. I can  
22 only assume that he does own that lot now. It's going  
23 to back up to one of the neighbors right here, be  
24 right next to her and then also back up to the other  
25 one.



1                   What exactly does very limited use for  
2           industrial I mean? What kind of heavy equipment can  
3           he and will be bring in there? The other thing that I  
4           have that I'm very upset about is the school bus. I  
5           have two small children. Mine are under two. My  
6           neighbors have children that are riding the school  
7           bus. The school bus used to pick these children up  
8           right in front of their home, drop them off in front  
9           of their home.

10                   CHAIRMAN: On George Madison?

11                   MRS. GRAY: On George Madison Drive. Now  
12           the bus cannot do that because they cannot turn around  
13           any more. They used to go down and turn around in  
14           that lot. I don't know what was there prior to him.  
15           They used to turn around there, come back and drop the  
16           kids off. That's how she could get around. She can't  
17           do that any more. As I understand from the neighbors,  
18           the children now have to walk to the end down to East  
19           Eighth Street to catch the bus.

20                   In the early fall, late fall and early  
21           spring these children are going to have to walk down  
22           in the dark. Her daughter is going to be five. In  
23           the rain, in the dark she's going to have to walk her  
24           down to the bus or take her down and sit in the car.  
25           That's another concern I have.



1                   What does light-heavy industrial use mean?

2           Right now he's got a backhoe sitting down there.

3                   The other thing that I'm very concerned  
4           with is this is a private street that deads right into  
5           his business. His trucks are using that street as a  
6           roadway. He can't deny it. We've been home and we've  
7           seen it going up and down the road. Pleasant Valley  
8           is right there. He has his own entrance off of  
9           Pleasant Valley. He's using George Madison as a  
10          roadway. This is residential neighborhood. There's  
11          small children that live there. There's older  
12          children that live there and they ride their bikes in  
13          the neighborhood. The neighborhood is suppose to be a  
14          safe neighborhood. The children should be allowed to  
15          ride their bikes.

16                   Like I say I want to know what exactly can  
17          he bring in as this industrial, what equipment can be  
18          stored there? That's all I have. That's my specific  
19          questions and concerns that I have.

20                   CHAIRMAN: Let me see if I can get you  
21          some of these answers for you real quick while you're  
22          there.

23                   Mr. Noffsinger, can you help us out there?

24                   MR. NOFFSINGER: The I-1 Light Industrial  
25          zone is an industrial classification that allows for



1 industrial activities such as automobile body shops,  
2 contractor shops, shops of special trade. It allows  
3 for light manufacturing.

4 I-2 heavy industrial zone is use that  
5 allows for more intense heavy industrial uses such as  
6 uses, manufacturing uses that would put off some type  
7 of obnoxious odor. It's a heavier use.

8 This is an I-1 Light Industrial use. It's  
9 my understanding that this property has been used as a  
10 contractor's shop for some time. We would need to  
11 hear from the applicant as to what his intended use  
12 and future plans are.

13 This 6-foot high screening element that  
14 we're speaking of is not proposed by the applicant.  
15 That 6-foot high screening element is something that  
16 the Planning Staff attached to this application as a  
17 condition to give somewhat of a protection to the  
18 adjoining residential uses from the industrial  
19 activity or the activities that are currently taking  
20 place on the property.

21 It's now zoned B-4 general business. That  
22 particular zoning classification allows for convenient  
23 stores, retail sale of merchandise, general offices  
24 and things of that nature. So I hope I've helped you  
25 understand what the B-4 zone is an the I-1. I think



1       you need to hear from the applicant as to their future  
2       plans.

3                   CHAIRMAN: Let me get the applicant up  
4       there now and you can address the questions to me and  
5       I'll go to the applicant about them.

6                   Mr. Dunn, can you step up to the mike.

7                   One of the questions that she had was  
8       basically what is your intent of the property. Can  
9       you expand on that?

10                  MR. DUNN: Right now we're using the  
11       building for kitchen and bath showroom. Then we also  
12       have two contractors offices in the same building.

13                  CHAIRMAN: Now, right?

14                  MR. DUNN: Yes.

15                  CHAIRMAN: And what's your intentions?

16                  MR. DUNN: I should have said now and  
17       then. That's the intention in the future.

18                  CHAIRMAN: What's the use of it now?

19                  MR. DUNN: It's kitchen and bath display  
20       room, retail sales.

21                  CHAIRMAN: Are you accessing that property  
22       now off George Madison or are you coming off Pleasant  
23       Valley?

24                  MR. DUNN: Well, you can leave the  
25       property on either street. I don't know that - - we



1       certainly wouldn't have to use George Madison, but  
2       it's a city street.

3               CHAIRMAN:   Sure.   You understand her  
4       concern?

5               MR. DUNN:   Yes.   Personally I've never  
6       gone down George Madison, but I don't know about the  
7       other guys.

8               CHAIRMAN:   I understand.   Probably don't  
9       have control over everybody.

10              What was your other question, Mrs. Gray?

11              MR. DUNN:   The backhoe.

12              CHAIRMAN:   Oh, yes, about a backhoe.

13              MR. DUNN:   There's a backhoe sitting on  
14       the lot.   It doesn't belong to us.   I think in the  
15       last few months there was maybe a sewer system put  
16       into a new subdivision and whoever did that has been  
17       back in the last week to fill up potholes and then the  
18       sink spots and it's their backhoe.

19              CHAIRMAN:   Mrs. Gray, does that answer  
20       your question?

21              MRS. GRAY:   The other concern I have he's  
22       mentioned that this is going to be then a kitchen and  
23       bath showroom?

24              CHAIRMAN:   Yes.

25              MRS. GRAY:   So if that's going to be then,



1 not only will his workers be in and out down the  
2 street but now we're going to have customers driving  
3 up and down the street. This is a residential  
4 neighborhood. This is not a business. I mean I  
5 understand that it is zoned business now. What was  
6 there before, you never saw a sole down there. You  
7 never had this problem. People were not running up  
8 and down our street except for when the train blocked  
9 the tracks, when the train had the road blocked.

10 CHAIRMAN: That's not to say that there  
11 could have been a business there and it zoned that  
12 would have created a lot of traffic and a lot of  
13 controversy. Do you understand that?

14 MRS. DUNN: Other than now we are going to  
15 have people driving up and down our street when our  
16 children are in their neighborhood trying to play.  
17 They have no option now. That's why we chose to live  
18 in the county so we would not have to worry about our  
19 children playing in Pleasant Valley Road. We chose to  
20 live on this street because it's a private street. I  
21 understand it does dead end in his business, but now  
22 our children and their children, you know, they're not  
23 going to be safe to ride their bikes on the street.

24 CHAIRMAN: Let me ask Mr. Dunn something.

25 Mr. Dunn, this property which dead ends



1       into George Madison, you have an entrance in the lot  
2       at 1001; is that correct, sir?

3               MR. DUNN: Yes, sir. George Madison comes  
4       in front of 1001 to 1009.

5               CHAIRMAN: Right. Have you ever thought  
6       about shutting that entrance down?

7               MR. DUNN: Wouldn't bother us at all.

8               CHAIRMAN: Wouldn't bother you. I need to  
9       ask Mr. Noffsinger something there.

10              Mr. Noffsinger.

11              MR. NOFFSINGER: That could be done, but  
12       my question and it's also my understanding that some  
13       of the residents that live on George Madison may  
14       utilize this access point as well to get out on  
15       Pleasant Valley Road. The Planning Staff would have  
16       been trying to limit access to this property just off  
17       of Pleasant Valley Road, but in doing so we eliminate  
18       the public's access that they've been using across  
19       what appears to be a right-of-way in front of this  
20       property from using that as well. So we have  
21       difficulties restricting the business from using it  
22       without restricting the residents from George Madison  
23       from using it and closing it entirely.

24              CHAIRMAN: How many people would we have  
25       down here if we close that road?



1 MRS. GRAY: That's a good point.

2 CHAIRMAN: Any other questions right now  
3 of him?

4 MRS. GRAY: I have no further questions at  
5 this moment.

6 MR. ELLIOTT: State your name, please.

7 MRS. HILL: Florence Hill.

8 (MRS. FLORENCE HILL SWORN BY ATTORNEY.)

9 MRS. HILL: I've lived in this house for  
10 15 years. As far as I know, it's never been used for  
11 anything but like offices. It was built for an office  
12 and it's always been used for. My property adjoins  
13 the property in question here.

14 CHAIRMAN: I'm sorry. You're right next  
15 door to it, right?

16 MRS. HILL: Yes. My house is closer to  
17 the property line and if they park vehicles there it's  
18 right by my bedroom windows and there's not much space  
19 in-between. Every morning when I guess it's his  
20 people come to work the lot is just full of cars. We  
21 just oppose it for those reasons.

22 She said our street is private. The way I  
23 understand it if anything ever has to be done to that  
24 street, the residents on that street have to pay for  
25 it. I don't think it's county maintained or anything.



1       They've never plowed it or anything. I think that I  
2       was told by one of the neighbors that lived there  
3       before I did that it was a private street and if  
4       anything ever happened to it we would have to repair  
5       it.

6                   CHAIRMAN: I don't know about that. I  
7       don't know where it's at. Do you have any questions  
8       of the applicants? I know you have some complaints.  
9       Do you have any questions that I might want to address  
10      him?

11                  MRS. HILL: I really don't understand  
12      what's going to be going on over there. If it's  
13      industrial, would he be allowed to build right up to  
14      the line everywhere?

15                  CHAIRMAN: Mr. Noffsinger.

16                  MR. NOFFSINGER: Mrs. Hill, right now it  
17      is zoned B-4 General Business. That particular zone  
18      typically generates more traffic than light industrial  
19      use. So although he's asking for a zone that allows  
20      more intense uses, being uses that usually aren't as  
21      compatible with residential uses, that zone typically  
22      generates less traffic.

23                  As part of this proposal, he would be  
24      required to pave any of the vehicular use areas on the  
25      property and then install a 6-foot height continuous



1 element, whether it be a fence or shrub row as  
2 screening along your property boundary. Not on your  
3 property. On his property, but along that boundary  
4 line to provide you somewhat of a buffer from the  
5 activities occurrence here. Since he would be  
6 adjoining a residential zone, his building would have  
7 to sit back off of that property line a minimum of  
8 10-feet from your property. Now, I don't know how far  
9 your homes sits off that property line, but his would  
10 have to be 10-feet from the property line at a  
11 minimum.

12 MRS. HILL: Would he be allowed to pave?  
13 If he paves that lot, would it still have to be  
14 10-feet from the property line? He cannot pave any  
15 closer?

16 MR. NOFFSINGER: He's required to maintain  
17 a 10-foot wide buffer strip from your property line up  
18 on to his property. So within that 10-foot setback,  
19 that would have to be maintained a a 10-foot wide  
20 buffer zone that could not be paved.

21 MR. APPLEBY: Is there also a 20-foot rear  
22 yard setback requirement?

23 MR. NOFFSINGER: Yes, sir.

24 CHAIRMAN: Does that answer your  
25 questions, Mrs. Hill?



1 MRS. HILL: Pretty much, yes.

2 CHAIRMAN: Thank you so much, ma'am.

3 Somebody else want to speak or have any  
4 questions of the applicant?

5 MR. ELLIOTT: State your name, please.

6 MRS. ARNOLD: Carla Arnold.

7 (MRS. CARLA ARNOLD SWORN BY ATTORNEY.)

8 MRS. ARNOLD: I live next to Mrs. Hill.

9 My children were the ones that she was talking about  
10 earlier. It's already disrupted my life because my  
11 children cannot catch the bus in front of the house.  
12 My little boy has to walk down the street and he's  
13 only nine years old. My little girl starts in the  
14 fall and she's only five. The bus picks up my  
15 children at the front door and I can let them out. I  
16 feel safe that they're on the bus and they're dropped  
17 off in front of the house. Now they've got to go down  
18 the street. It's already disrupted our lives.

19 Plus if, you know, talking about people  
20 cut through our street. I wouldn't have any problem  
21 with cutting that entrance off because I don't mind  
22 driving down to East Eighth Street to get out of my  
23 neighborhood if my child will be safe riding on the  
24 street. There's no sidewalks so he has to ride his  
25 bike in the street. All that extra traffic of people



1 cutting through endangers my child's life. That's  
2 just a statement.

3 CHAIRMAN: We don't want to jeopardize any  
4 children whatsoever, but in the same sense if they  
5 close the street it's a pretty good job here. It  
6 requires more than you would anticipate.

7 MRS. ARNOLD: I understand that. I'm just  
8 saying if it's going to keep my child safe.

9 CHAIRMAN: I understand.

10 MRS. ARNOLD: Because there's no  
11 sidewalks. He has no place to play.

12 CHAIRMAN: Before this gentleman was  
13 there, it was zoned B-4. Was there not much traffic  
14 in there at all?

15 MRS. ARNOLD: No. It was some kind of UPS  
16 drop off point or something. See, the bus would come  
17 and they could turn around in that parking lot. There  
18 was maybe two cars in that parking lot and there  
19 wasn't any problem.

20 CHAIRMAN: And the parking lot is at 1001  
21 or is it 1009 that you're referring to? Nine is  
22 closest to the railroad tracks. Does that help you?

23 MRS. GRAY: Amy Gray.

24 1009 is the building right next to the  
25 railroad tracks; is that right?



1                   CHAIRMAN:   Yes.

2                   MRS. GRAY:   The bus would come, it would  
3                   come down George Madison to that building at 1009.  
4                   That's a blacktop parking lot.   It would turn around  
5                   and come back.   It would back up in it and turn around  
6                   and come back down the street where she would be like  
7                   then facing East Eighth Street where her little boy  
8                   could get off.

9                   CHAIRMAN:   Let me ask a stupid question,  
10                  but why does the bus not just go on out on Pleasant  
11                  Valley Road?

12                  MRS. GRAY:   That's a sharp turn.   It's too  
13                  sharp of a turn.

14                  CHAIRMAN:   Too sharp of a turn to make a  
15                  left or a right either way?

16                  MRS. GRAY:   Either way.   She would be in  
17                  the ditch.   She can't turn off of Pleasant Valley  
18                  turning left into the lot any more because there's too  
19                  many cars.   That lot looks like a car lot down there.  
20                  Truck and car lot.   Before you would never know  
21                  anything was down there.   Frequently we'd push the  
22                  stroller down there and what is down here?   You never  
23                  knew what was down there.

24                  MR. APPLEBY:   You understand, bus drivers  
25                  turn around on private property now.   At some point



1       that property could develop. If they wanted to a B-4  
2       use in there right now, they wouldn't have to be  
3       before this board. All they'd have to do is I imagine  
4       just get a site plan. Don't even have to come before  
5       the board. They could go in and put a convenient  
6       store in there and not ever come before this board at  
7       all. That very well could eliminate the bus's ability  
8       to turn around there regardless. Something is going  
9       to happen with the property be it this or be it a  
10      commercial application.

11               CHAIRMAN: Let me ask a real quick  
12      question here.

13               Mr. Dunn, are you all utilizing this now  
14      as a kitchen and bath facility; is that correct?

15               MR. DUNN: Yes, showroom.

16               CHAIRMAN: Your intentions are to do what?  
17      Turn it into a kitchen and bath showroom?

18               MR. DUNN: That's what it's going to be a,  
19      retail kitchen and bath showroom.

20               MR. APPLEBY: Contractor use you have to  
21      have an I-1 zone.

22               MRS. ARNOLD: Right now when I come to  
23      work there's like 50 trucks out there. I mean there's  
24      a bunch of big trucks that they use on the  
25      construction site.



1                   CHAIRMAN: Let me make sure I understand.

2           As it is now, Mr. Appleby, you can show all the  
3           kitchens and bath you want, but if you want to make  
4           them and sell them, install - -

5                   MR. APPLEBY: I don't recognize the  
6           manufacturing operation, but if they're going to have  
7           a contractor, the ordinance requires a contractor  
8           office to be in an I-1 zone.

9                   MRS. GRAY: If you're going to have a  
10          showroom, you're going to have customers. You're  
11          going to have customers that are not going to go down  
12          to Pleasant Valley, stop at the tracks and go, oh, I  
13          can turn in here. They're going to cut down George  
14          Madison. They're going to be on our street and our  
15          children are going to be in jeopardy. We recommend if  
16          you could at all close the street.

17                   MR. APPLEBY: That's not up to us to do.

18                   CHAIRMAN: We would not be the one.  
19          Somebody would have to petition it.

20                   Go ahead, Mrs. Douglas.

21                   MS. DOUGLAS: Mr. Dunn, I'm a little bit  
22          confused here. It's a kitchen and bath showroom now.  
23          Yes or no?

24                   MR. DUNN: We moved into the building  
25          about 30 days ago and it has been since that time.



1 MS. DOUGLAS: Are customers coming now?

2 MR. DUNN: Yes.

3 MS. DOUGLAS: If this is changed, it's  
4 still going to be kitchen and bath showroom and  
5 customers still be coming?

6 MR. DUNN: Yes. It'll be the same thing,  
7 yes, ma'am.

8 MR. ELLIOTT: State your name, please?

9 MS. NAPPIER: Maxine Nappier.

10 (MS. MAXINE NAPPIER SWORN BY ATTORNEY.)

11 MS. NAPPIER: I'm concerned of the  
12 building. My property joins his. I feel that if he  
13 has all of those big trucks and everything, they're  
14 right in my back door. I know it wouldn't be any of  
15 you all like this scenery in your back door. I think  
16 that it will have a disadvantage to our property if we  
17 ever want to sell let alone have the jail right across  
18 the highway. Then to have this in the backyard. If I  
19 were going to buy a house, I certainly wouldn't come  
20 to this kind of neighborhood.

21 CHAIRMAN: I understand.

22 MS. NAPPIER: We do have a good  
23 neighborhood now. We don't like to see it.

24 CHAIRMAN: You do understand that in the  
25 conditions that he would have to put up a 6-foot fence



1       around the back; in other words, you would not see  
2       that?

3                   MS. NAPPIER:   Yes, I know that, but 6-foot  
4       is not very high.

5                   CHAIRMAN:   Or shrubbery.

6                   MS. NAPPIER:   Well, 6-foot is not very  
7       high and there's a lot of trucks and things over there  
8       now that you have to see.   So this is my problem about  
9       it.   I mean as far as his big business, I don't care.  
10      I just don't want it up in my backyard.

11                  CHAIRMAN:   Thank you so much, ma'am.

12                  MR. ELLIOTT:   State your name, please.

13                  MR. GRAY:    Rodney Gray.

14                  (MR. RODNEY GRAY SWORN BY ATTORNEY.)

15                  MR. GRAY:    Are you all going to extend  
16      that building?

17                  CHAIRMAN:    I'll ask him.

18                  Are you going to extend that building, Mr.  
19      Dunn?

20                  MR. DUNN:    At some future date we probably  
21      will extend the building, yes.

22                  CHAIRMAN:    Mr. Mischel, you want to  
23      address that real quick.

24                  MR. MISCHEL:   Jim Mischel.

25                  I might try to clarify something.   Maybe I



1 was the cause of some of this. I don't know. I'll  
2 try to clarify.

3 It seems like right now they're wanting to  
4 use it as a cabinet shop, retail sales. If that's the  
5 case, they don't need industrial zoning. They can  
6 operate in a B-4 zone building. It was my  
7 understanding that it was mainly to be a contractor's  
8 shop, accessories, maybe cabinets or whatever, but if  
9 he's saying his major use is retail for cabinets, he  
10 shouldn't be going I-1. He should stay in the B-4.

11 CHAIRMAN: I didn't think so. That's why  
12 I was trying - -

13 MR. APPLEBY: He said he was going to have  
14 two contractors there also if I understood that.

15 MR. MISCHER: What I hear it's mainly  
16 going to be retail. The way we kind of classify that  
17 is we ask the applicant person, do you remain business  
18 contractor and as a retail accessory and then that way  
19 he need I-1 Light Industrial. If his main business is  
20 retail sale cabinets, he should stay B-4 and really  
21 shouldn't have the contractor type. Now, if he's  
22 going to install those cabinets, that would be fine to  
23 have the equipment to install the cabinets.

24 MR. JAGOE: You're saying if it's  
25 contracting with the shop included, correct?



1                   MR. MISCHEL: If his main business is to  
2 go out here and build houses, room additions, things  
3 of that nature and sell the cabinets as a minor type,  
4 you know, just accessory to that use, then he needs to  
5 be I-1 Light Industrial.

6                   MR. DUNN: That is the main. The building  
7 is mainly a showroom, but the business itself is  
8 mainly a construction business.

9                   MR. MISCHEL: If he derives most of his  
10 income structure, I would say he needs light  
11 industrial.

12                  CHAIRMAN: Did that answer your question,  
13 sir?

14                  MR. GRAY: Not really. How big is the  
15 building going to be when he's finished?

16                  MR. DUNN: I couldn't tell you that.

17                  MR. GRAY: And can we get an 8-foot fence  
18 instead of a 6-foot fence and not shrubs and it's  
19 facing our property?

20                  MR. JAGOE: That would be up to the  
21 applicant.

22                  CHAIRMAN: And this board. We can propose  
23 conditions. Wouldn't be a problem there.

24                  MR. MISCHEL: You could propose an 8-foot  
25 fence. Right now the ordinance require a 6-foot solid



1 element with a tree per 40-foot.

2 CHAIRMAN: At this point in time we don't  
3 know. Yes, he does say he's possibly going to extend  
4 the building. He doesn't know what size yet.

5 Thank you, Mr. Dunn, if you want to have a  
6 seat right now and see if there's anybody else.

7 Any commission members have any questions?

8 SISTER VIVIAN: I don't have any  
9 questions. I would just like to recommend to the  
10 applicant if this passes that they encourage their  
11 construction equipment and as many customers as  
12 possible to use the other road and not go through the  
13 George Madison Drive. I think you could do that when  
14 you give directions, especially with your employees  
15 you can do that.

16 MR. DUNN: Our address is Pleasant Valley  
17 Road.

18 CHAIRMAN: Step back up to the podium  
19 there just for a second.

20 MR. DUNN: Our address is Pleasant Valley  
21 Road so there would be no reason for anybody to come  
22 down George Madison looking for our business.

23 MR. ROGERS: Mr. Dunn, I think what Sister  
24 is talking about is could you encourage your employees  
25 and construction coming in to this area to go ahead



1 and use Pleasant Valley?

2 MR. DUNN: We'll never use it again.

3 CHAIRMAN: At least you hope not, right?

4 MS. DIXON: Mr. Chairman, how would  
5 everybody feel or would you be agreeable or the  
6 residents or Mr. Dunn to postponing this until the  
7 residents and Mr. Dunn have had some sort of meeting  
8 of the minds and we've all had a chance to go out and  
9 look at things and view the evidence that's been shown  
10 tonight?

11 CHAIRMAN: Are you making - -

12 MS. DIXON: I will put that in the form of  
13 a motion.

14 CHAIRMAN: We have a motion for  
15 postponement by Ms. Dixon.

16 MS. DOUGLAS: Second.

17 CHAIRMAN: Second by Ms. Douglas. All  
18 those in favor raise your right hand.

19 (MR. CAMBRON, MS. DIXON AND MS. DOUGLAS  
20 RESPONDED AYE.)

21 CHAIRMAN: All those opposed raise your  
22 right hand.

23 (MR. APPLEBY, MR. GILLES, MR. JAGOE, MR.  
24 ROGERS, SISTER VIVIAN AND MR. HAYDEN RESPONDED NAY.)

25 CHAIRMAN: So on we go.



1 Chair is ready for a motion.

2 MS. DOUGLAS: I have another question.

3 CHAIRMAN: Yes, ma'am, go ahead.

4 MS. DOUGLAS: I'm still trying to get this  
5 clear in my mind. What will be the difference than  
6 what it's used for now to what it's going to be used  
7 for? Will there be any difference at all in what's  
8 going on now and what will be going on?

9 MR. DUNN: From the time we moved in about  
10 30 days ago, when we started that first day is going  
11 to continue for as long as we have the business.

12 MR. APPLEBY: But he's going to add  
13 contractor, it's going to be a contractor office in  
14 addition to a sales room. That's why he's got to have  
15 the zone.

16 MS. DOUGLAS: So a contractor's office  
17 definitely cannot be in the way it's zoned now?

18 MR. APPLEBY: No.

19 MS. DOUGLAS: That is clear.

20 CHAIRMAN: Any other board members have  
21 any questions or comments?

22 (NO RESPONSE)

23 CHAIRMAN: One of the comments I would  
24 like to make here, that if we do make a motion for  
25 approval that we make the installation of landscape



1       buffer an 8-foot high continuous element of one tree  
2       for every 40 linear feet along the property perimeter  
3       adjacent to the R-1A Single-Family Residential zone and  
4       that is not prior to expansion. That's prior to  
5       getting your zoning changed.

6               MR. DUNN: Can I say that the neighbor on  
7       the other side didn't want a 6-foot.

8               CHAIRMAN: I'm making that proposal.

9               MR. JAGOE: Somebody made that comment,  
10       that they didn't want a fence or they didn't want the  
11       buffer. Somebody else asked for the buffer is what I  
12       heard?

13              CHAIRMAN: Who was that?

14              MR. NOFFSINGER: This gentleman right here  
15       wanted - -

16              MS. NAPPIER: I'd like the fence because  
17       he's right behind me.

18              MR. GRAY: She don't want the 6-foot.

19              CHAIRMAN: Hold on just a minute. You'll  
20       need to come back to the podium, please. State your  
21       name, please.

22              MR. GRAY: Rodney Gray.

23              CHAIRMAN: Mr. Gray, go ahead.

24              MR. GRAY: She doesn't want the 6-foot.  
25       She wants the 8-foot.



1 CHAIRMAN: Who is she?

2 MR. GRAY: Ms. Nappier.

3 CHAIRMAN: She wants the 8-foot?

4 MR. GRAY: Yes.

5 CHAIRMAN: I thought that somebody had  
6 made the comment they didn't want a fence at all.

7 Ms. Hill, could you step back up to the  
8 podium so I can I ask you a question while Mr. Gray  
9 confers with his wife.

10 You did not want a fence at all; is that  
11 correct?

12 MS. HILL: I don't object to the fence if  
13 it's going to be shrubbery.

14 CHAIRMAN: What I'm proposing would be an  
15 8-foot fence with one tree every 40 linear feet along  
16 the property perimeter.

17 MS. HILL: What kind of fence will it be?  
18 Is it going to be like a privacy fence or something  
19 that you can't see through?

20 MR. NOFFSINGER: It would have to be a  
21 solid type stockade fence or it could be a chain link  
22 fence with screening slats.

23 MS. HILL: I'm going to repeat what  
24 someone said. Who of you would want this in your  
25 backyard or right next door to you within ten feet of



1 your bedroom?

2 CHAIRMAN: I take that in consideration.

3 MS. HILL: It's been really quiet. It's  
4 not been used for anything that I know of other than  
5 offices and there's never been a bit of noise or  
6 anything over there. There may be two vehicles over  
7 there at any given time. I object to it.

8 CHAIRMAN: Thank you so much, ma'am.

9 MS. GRAY: Amy Gray. One quick question  
10 and one quick comment.

11 Is there any way that we could request,  
12 okay, I'll go with the fence, but request an 8-foot  
13 fence to be not chain link with that plastic stuff  
14 through it. That's like having a junk yard in there.  
15 I'm sorry, but that's what it's like. It's already a  
16 car lot down there and all the noise of the early  
17 morning. The other comment or question I have is:  
18 How do we - - you said this isn't part of your board.  
19 How do we propose then? How do you find out, how do  
20 you go about getting the street closed?

21 CHAIRMAN: If that is a county street you  
22 would need to petition Daviess County Fiscal Court,  
23 ma'am. Is that a county street?

24 MR. ELLIOTT: State your name.

25 MR. LAMBERT: Jim Lambert.



1 (MR. JIM LAMBERT SWORN BY ATTORNEY.)

2 MR. LAMBERT: I don't know the answer. I  
3 can only say if it is a private street it would have a  
4 white street sign. I believe it is a public street,  
5 but the color of the sign should indicate and I'll  
6 know the answer tomorrow and I will call you, Amy.

7 CHAIRMAN: Thank you so much.

8 Mrs. Gray, is that it?

9 MS. GRAY: Eight foot fence. Not chain  
10 link. Got to be wood.

11 CHAIRMAN: We need to get him to see if  
12 that's fine with him.

13 Mr. Dunn, I need to ask you a real quick  
14 question here. Eight foot fence, solid wood?

15 MR. DUNN: Wouldn't be real crazy about it  
16 unless that's the only way we could get the job done.

17 CHAIRMAN: We'll see.

18 Sister Vivian.

19 SISTER VIVIAN: I was just going to say  
20 I'm opposed to postponing this because I think you can  
21 come to terms with it, but I would strongly recommend  
22 that you and the property owners sit down and discuss  
23 what is best for them and for you. I think as mature  
24 adults that you can decide this to everyone's benefit.  
25 They may decide they want shrubbery, if it's shrubbery



1       that's going to keep out the noise but look like a  
2       residential neighborhood rather than the chain link  
3       fence or whatever, but I think you need some time to  
4       think about it but I would say come to terms with  
5       that. If Mr. Lambert will look into the safety issue  
6       for the children because that is a concern for us.  
7       The way it's already zoned almost everything that  
8       you're opposed to could already be done.

9                   CHAIRMAN: That's right.

10                  MR. DUNN: I would like to have the peoples  
11       names and addresses so I can contact them.

12                  CHAIRMAN: You all can meet outside there  
13       when we're done to determine if we're going to provide  
14       you with the zoning change or not. Okay?

15                  MR. JAGOE: They're all on the  
16       application.

17                  CHAIRMAN: Not all of them, but some of  
18       them are.

19                  MR. JAGOE: The adjoining property is on  
20       here.

21                  CHAIRMAN: Thank you so much, Mr. Dunn. I  
22       think you can sit down now.

23                  The Chair is open for a motion or any more  
24       comments or questions.

25                  MR. APPLEBY: I would make a motion for



1 approval based on - -

2 CHAIRMAN: Excuse me just one second, Mr.  
3 Appleby.

4 Go ahead, Ms. Hill.

5 MS. HILL: I was wondering why he objects  
6 to the fence, building the fence?

7 CHAIRMAN: He hasn't.

8 MS. HILL: I though he said he was opposed  
9 to the fence.

10 CHAIRMAN: He said 8-foot high.

11 MS. HILL: Well, my house and most of the  
12 other houses around there sit kind of high. They  
13 don't have basements, but they're on high foundations  
14 and a six foot fence would not protect anything there.

15 CHAIRMAN: Let's see what the motion is  
16 going to be here and then we'll ask the applicant,  
17 make sure he accepts it. Okay?

18 Mr. Appleby, I'm sorry.

19 MR. APPLEBY: I make a motion for approval  
20 based on Planning Staff's Recommendations Conditions 1  
21 through 4 and Findings of Fact 1 through 5.

22 MR. NOFFSINGER: Mr. Appleby, in that  
23 motion I think Mr. Cambron had condition 1 where it  
24 says adjacent to R-1A Single-Family Residential zone  
25 and scratch prior to any expansion of use on the



1 subject property. They're to do that now and not  
2 prior to any expansion. Then the question of whether  
3 or not it's a 6-foot or an 8-foot high fence.

4 MR. JAGOE: Is that Mr. Cambron's motion  
5 or Mr. Appleby's motion.

6 CHAIRMAN: That was just a suggestion.

7 MR. NOFFSINGER: Mr. Appleby's motion, but  
8 it was his suggestion earlier.

9 MR. APPLEBY: I have no problem with the  
10 deletion of prior to any expansion of the use on the  
11 subject property, but I feel like the 6-foot or 8-foot  
12 fence issue needs to be worked out between the  
13 property owners because I think some want it and some  
14 don't. He's going to have to do at least a 6-foot.  
15 We know that. I would encourage him to meet with  
16 these residents and see what they want.

17 CHAIRMAN: Would you state that one more  
18 time for the record what you had there at the last.

19 MR. APPLEBY: On Condition 1, the  
20 condition will read installation of landscape buffer  
21 with a 6-foot high continuous element of one tree for  
22 every 40 linear feet along the property perimeter  
23 adjacent to the R-1A Single-Family Residential zoning.

24 CHAIRMAN: The Condition 1 through 4 and  
25 Findings of Fact 1 through 5; is that correct?



1 MR. APPLEBY: Right.

2 CHAIRMAN: We have a motion for approval  
3 by Mr. Appleby less one change on Item 1 of the  
4 conditions. Do we have a second?

5 MR. ROGERS: Second.

6 CHAIRMAN: We have a second by Mr. Rogers.  
7 All those in favor raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE  
9 WITH THE EXCEPTION OF MS. DOUGLAS.)

10 CHAIRMAN: All those opposed.

11 (MS. DOUGLAS RESPONDED NAY.)

12 CHAIRMAN: We have one opposed. So noted.

13 Thank you so much.

14 Mr. Appleby, at this point in time you  
15 need to disqualify yourself; is that right?

16 MR. APPLEBY: Yes.

17 MR. CHAIRMAN: So noted.

18 -----

19 DEVELOPMENT PLANS

20 ITEM 12

21 3515, 3525 Frederica Street, 1.416 acres (Map N-24)  
22 Consider approval of final development plan.  
23 Applicant: Massie-Clarke Development Company

24 MR. NOFFSINGER: Mr. Chairman, this  
25 application has been reviewed by the Planning Staff.  
The application is found to be in order; however, this



1 is not a zoning change. It's a development plan and  
2 if this rezoning is or if this development plan is  
3 recommended for approval, it should be recommended  
4 subject to approval of a landscape variance or a  
5 roadway buffer variance. That application has been  
6 filed and will be considered by the Board of  
7 Adjustment in May. With that it's ready for your  
8 consideration.

9 CHAIRMAN: I presume there's nobody here  
10 to represent the applicants.

11 The Chair is ready for a motion.

12 MR. ROGERS: Motion for approval subject  
13 to the variance.

14 CHAIRMAN: Motion for approval by Mr.  
15 Rogers.

16 SISTER VIVIAN: Second.

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE  
20 WITH THE EXCEPTION OF MR. APPLEBY DISQUALIFYING  
21 HIMSELF.)

22 CHAIRMAN: That's unanimous.

23 ITEM 13

24 4617 Sutherland Road, 2.30 acres (Map N-62)  
Consider approval of final development plan.  
25 Applicant: Steve Aull, Sports Warehouse



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

5 CHAIRMAN: Thank you, Mr. Noffsinger.

6 Anybody have any comments or questions of  
7 the applicant?

8 (NO RESPONSE)

9 CHAIRMAN: If not so the Chair will  
10 entertain a motion.

11 MR. APPLEBY: Motion for approval.

12 MR. HAYDEN: Second.

13 CHAIRMAN: Motion for approval by Mr.  
14 Appleby. Second by Mr. Hayden. All those in favor  
15 raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: It's unanimous.

18 ITEM 14

19 601 East 23rd Street, 3.774 acres (Map N-8)  
20 Consider approval of final development plan.  
21 Applicant: Blessed Mother Parish of Owensboro

22 MR. NOFFSINGER: Mr. Chairman, this  
23 application has been reviewed by the Planning Staff  
24 and the Engineer Staff. It's found to be in order  
25 with the exception of a parking area that serves the  
subject property. Mr. Jim Mischel is here from the



1 Planning Staff to give you a brief overview of what  
2 those concerns are. With that it's ready for your  
3 consideration.

4 CHAIRMAN: Wait just a second, Mr.  
5 Mischel.

6 Is there anybody here to represent the  
7 applicant by the way?

8 MR. BRYANT: Yes.

9 CHAIRMAN: I'm going to let Jim go first.

10 MR. MISCHEL: Jim Mischel.

11 Basically Blessed Mother wants to put up a  
12 parish hall. Most of the items have been worked out.  
13 There's still an issue about parking. They have some  
14 parking now that exist. They back into the street.  
15 We would like to see that eliminated more or less.

16 I would like to go over this and kind of  
17 give you a brief history on this. If you look at  
18 Number 11, the first one. I'm just going to go over  
19 these real quick just to kind of give you a history of  
20 it.

21 At 620 Maple Avenue, a church exists  
22 there. It's First General Baptist Church. We issued  
23 a building permit in October of 1999. The existing  
24 building was 9,000 square feet and they put a new  
25 addition on it of 9,000 square feet. We more or less



1       - - that's a substantial improvement to that property.  
2       The Board of Adjustment approved a conditional use  
3       permit with a condition that the backing of the  
4       vehicles be eliminated. As you can see the picture  
5       there, it was eliminated and they put in a sidewalk  
6       and shrubs and everything else there.

7                   CHAIRMAN: You don't have a before picture  
8       in here?

9                   MR. MISCHEL: No, I don't.

10                  The next one, Number 10, was 1130 East  
11       15th Street. It's Jerry's Auto Body Shop there. It's  
12       located at that address. The Planning Commission  
13       rezoned that property in September 1999 to industrial  
14       with the condition that backing into the public  
15       right-of-way along Hall Street be eliminated. As you  
16       can see in that picture it has been eliminated. The  
17       public right-of-way be put back in grass and drive put  
18       in and required landscaping be put in.

19                  Number 9, the next one, Number 9, is 914  
20       Triplett Street. It's the former Dizzy Dave building.  
21       The current owner is the Wendell Foster Center. The  
22       Planning Commission approved the development plan  
23       March 1999 with the condition that backing into a  
24       public right-of-way be eliminated.

25                  Again, there's a picture showing that this



1 has been done. They've eliminated that and put in the  
2 grass and the landscaping.

3 Number 8 shows address of 1415 Triplett  
4 Street. It's the Money Tree. The Money Tree  
5 encroaches the lot north of it and the proposed the  
6 following improvements: Lot consolidation,  
7 construction of a parking lot and remodeling existing  
8 store. A building permit was issued in August 1999.  
9 This constituted a substantial improvement. The Staff  
10 approved it because the condition of backing in the  
11 public right-of-way be eliminated. As you can see in  
12 the picture the asphalt was removed, sidewalks  
13 installed and landscaping was installed.

14 Number 7, we have another church located  
15 at 4839 Millers Mill Road. It's the Macedonia Baptist  
16 Church. The Board of Adjustment approved the  
17 conditional use permit April of 1995 with a condition  
18 that the backing on public right-of-way be eliminated.  
19 As you can see in the picture that was eliminated.  
20 Grass was put back in that area with shrubs and trees  
21 installed.

22 Number 6, - -

23 CHAIRMAN: Mr. Mischel, can you go on and  
24 cut straight to the chase. I think it's redundant  
25 there. We understand. I appreciate it, but if you



1       could for the sake of time.

2                   MR. MISCHEL: I might go over one more.  
3       We'll skip to Number 2. It's the Earth Grain  
4       property. It's located at 300 East 24th Street. A  
5       building permit issued in February 2001. The existing  
6       building slightly over 30,000 square feet. The new  
7       addition that was built was about 1400 square feet.  
8       That's what we constitute as a minor improvement. I  
9       have some others in here for a minor improvement. We  
10      approved the building plans with the condition that  
11      the backing in the public right-of-way be eliminated  
12      from new addition. This eliminated about 10 or 12  
13      parking spaces. There's some other minor ones that  
14      was approved.

15                   Usually if it's not substantial, we don't  
16      bring the whole property up. We take care of the  
17      affected area and that's what we did at Earth Grain.

18                   Now I would like to move on to Blessed  
19      Mother and we make this quick.

20                   MR. JAGOE: Affected area, where is it  
21      built?

22                   MR. MISCHEL: The addition at the Earth  
23      Grain, they put an addition on. We had to eliminate  
24      the parking. There's 10 to 12 employees parking and  
25      they were backing out on 25th Street. They eliminate



1       - - if you've been by there, they've taken all the  
2       pavement up. They're going to put grass and shrubs  
3       and screen that area.

4                   MR. JAGOE: That was a condition to get  
5       the permit?

6                   MR. MISCHEL: Yes. Now, if it had been a  
7       major addition, a major building addition, then we  
8       would require the whole site to be brought up.  
9       Typically if there's a major addition, new structure,  
10      we require that whole site to be brought up. If it's  
11      minor addition, minor work, then we usually just take  
12      the affected area. We don't make the whole site be  
13      brought up to standards. That's where I think - - I  
14      want to give you a background because I think this is  
15      important here with what I want to go over now.

16                  MR. NOFFSINGER: Excuse me. With Earth  
17      Grain, Mr. Mischel said they had approximately 30,000  
18      square feet of building area. They were adding about  
19      1,000 square feet.

20                  MR. MISCHEL: I would like to put one of  
21      these into the record.

22                  CHAIRMAN: Let me just ask you a real  
23      quick question. We already have this in our packet.  
24      Basically you're doing nothing but highlighting the  
25      area; is that correct?



1                   MR. MISCHEL: Yes. I just want to kind of  
2 show you. After giving you the background of what we  
3 consider minor improvements versus major substantial  
4 improvements.

5                   As you can see, I think this fits in with  
6 Blessed Mother. I think they fit both the minor  
7 category and the major. The reason I say minor is  
8 because on October 12th of 2000 a building permit was  
9 issued to Blessed Mother Church for the construction  
10 of a detached storage building. If you go to that  
11 layout and look at the orange spot there, that's where  
12 they constructed their detached storage building.  
13 This is for the storage of barbecue equipment. It's  
14 about 2000 square feet. Maybe 2400 square feet. The  
15 reason I bring that up, I'm trying to show that we are  
16 consistent over the years.

17                  When we permitted this we did not make any  
18 stipulations to this parking on the rear in the green.  
19 That's where they back into the street. We considered  
20 this storage building to be minor. We just took the  
21 area that was affected.

22                  If you see out there in the pink, that is  
23 a compliance. They drive in one way. They have angle  
24 parking. They go out the other way and they have  
25 required landscaping. They don't back into the



1 street.

2 So basically at that time they thought  
3 they got a big break, but really all we were doing was  
4 being consistent with what we've done in the past. We  
5 weren't trying - - we were trying to be helpful and I  
6 think we were. We issued the permit.

7 Now, today I think the situation has  
8 changed. They're proposing 15,000-foot plus parish  
9 hall. That's a substantial improvement to this  
10 property.

11 At this time we do think that that area  
12 that you see marked in green should be dealt with and  
13 it should be eliminated versus when we issued a permit  
14 back in October of 2000. I think that shows you how  
15 we deal with minor improvements and major  
16 improvements.

17 CHAIRMAN: As being consistent. Anything  
18 else?

19 MR. MISCHER: That's all at this point in  
20 time.

21 MR. NOFFSINGER: Mr. Mischel, as an  
22 alternate proposal to totally removing that parking,  
23 we had discussed amongst the staff that perhaps there  
24 could be, that parking could be removed from public  
25 right-of-way and there could be parallel parking



1 installed along the property line or 3-feet back from  
2 the property line with a drive between the property  
3 line and the school, in front of the school where you  
4 could have a drop off point plus parallel parking,  
5 plus that would open up the street for parking as  
6 well. So you would have no net loss for parking  
7 spaces. You'd have the same amount of parking, but  
8 you would have - - define parking spots on private  
9 property as well as the street plus a drop off lane  
10 that could be utilized for the school facility.

11 MR. MISCHEL: Yes. Our proposal if you  
12 look at that pink area, there's something like that  
13 except for I'm not sure they have room for angle  
14 parking, but in that pink area they would have room to  
15 put a drive, parallel park and then go out that  
16 area. Plus they would gain because on a street they  
17 could have - - it would almost be a double role of  
18 parallel parking. One on their property and one on  
19 the street. So they would gain there, but you  
20 wouldn't have that traffic backing out. In the past,  
21 my information has been consistent with that of the  
22 Board of Adjustment. I think staff has too. I think  
23 it's fair they're doing a lot of - - not only these  
24 people, but a lot of others that have eliminated that  
25 and they've had concerns of this being fairly done.



1       There's a couple of others too. I think St. Marks  
2       Churuch, they're in the process of putting in  
3       landscaping stuff. Sorgho Baptist Church, they've  
4       agreed to do that. I think it has been done fairly  
5       and done consistently in the past.

6                   CHAIRMAN: Thank you, Mr. Mischel.

7                   Mr. Mischel, why don't you take this and  
8       circulate this out there in the audience. There's  
9       several people here and they may want to see this.

10                  Is there anybody here that represents the  
11       applicant that at this time would like to speak?

12                  MR. ELLIOTT: State your name, please.

13                  MR. BRYANT: Don Bryant.

14                  (MR. DON BRYANT SWORN BY ATTORNEY.)

15                  MR. BRYANT: This is a copy of actually  
16       one of three sheets. It's part of the development  
17       plan. This is demolition sheet that shows the area  
18       that's going to have facility parking and building  
19       removed.

20                  The overall site consist of about four  
21       acres, 3.8 acres. What you can't tell by just looking  
22       at the site plan or if you drive down the street and  
23       really what I think is probably a major contrast with  
24       some of the other situations as cited just a few  
25       minutes ago by Mr. Mischel, this site actually



1 consists of 23 separate parcels that were bought over  
2 the years at different times by the church. There's  
3 several right of ways. In addition to that, street  
4 right-of-ways and alleys that were closed. We have an  
5 alley closing in this area that's about 150 feet in  
6 length. The rest of this alley was previously closed.  
7 Once this alley closing is completed, all of these  
8 different parcels are going to be consolidated into  
9 one parcel. So now the only common link is that we  
10 have one owner and 20 some odd parcels. We're only  
11 dealing with a part of this overall site. So now  
12 these adjoining property owners or adjoining  
13 properties are under one single title.

14 I'd like to pass this out. Just circulate  
15 these. This is a copy of the exhibit that was  
16 submitted for the alley closing. It shows all the  
17 different parcels on the site that are proposed to be  
18 consolidated into one single parcel once the alley is  
19 closed.

20 We're looking at a situation here and  
21 certainly this is not something that will be designed  
22 or proposed today, but we're looking at nonconforming  
23 site with multiple buildings on it. As in the past  
24 when we've nonconforming situations and we propose to  
25 improve on that, we always have to compromise and come



1 up with something that's better than what we had  
2 before, but normally we're not in the position where  
3 we can bring everything that's not a practical matter  
4 and bring it all into compliance.

5 I think we're looking at a total 47  
6 parking spaces. These parking spaces are not part of  
7 the required parking which required internally - -

8 CHAIRMAN: You're talking about parking  
9 spaces from the school all the way back to the house  
10 that's back there?

11 MR. BRYAN: Yes. Actually this is a  
12 single-family resident. It's going to be demolished.  
13 The parish hall extension is proposed here.

14 This will be connected to the existing  
15 church with a breezeway. We're proposing to remove 19  
16 of the 47 spaces already. We're not asking that all  
17 of these spaces be left. What we're asking is look at  
18 the affected area. You know, out of four acres we're  
19 probably looking at less than, you know, something on  
20 the order of one-fourth of the proposed site. We're  
21 giving up 40 percent of the nonconforming parking. So  
22 we're giving up a lot here in order to get this done.  
23 Far more than, you know, I think a reasonable  
24 compromise. In fact, there's some here that probably  
25 would say that they wouldn't even really want to give



1 up this park. This is what is being proposed. We're  
2 giving you 40 percent.

3 This is nearly 500 feet of road frontage  
4 along East 23rd Street and giving up 47 parking spaces  
5 is a major issue.

6 CHAIRMAN: You mean 19 and 47, right, is  
7 what you're - -

8 MR. BRYANT: 19 out of 47. That's right  
9 at 40 percent.

10 I have a series of photos here that show  
11 all the improvement along 23rd Street. First one  
12 showing in the foreground be the residence. This is  
13 proposed for demolition where the construction will  
14 take place. This shows all the parking spaces that  
15 are proposed to be removed. Not only will it be  
16 removed, that area will be restored and grass and  
17 sidewalk installed in accordance with all the required  
18 city improvement specs.

19 I would like to introduce all of these  
20 into the record.

21 The second photo is the same site. Again,  
22 looking at it in a different angle. It also shows the  
23 existing entrance which is proposed for reconstruction  
24 which will be the main access through the breezeway  
25 into the parking area to the north.



1                   CHAIRMAN: In this first photo here and  
2 I'm looking at end of this parking space here. How  
3 many spaces are you all proposing to do away with  
4 here from you're at?

5                   MR. BRYANT: You're looking at the area  
6 that's highlighted here that is proposed to be  
7 removed. The background there I believe you're  
8 looking at the church, the existing church building  
9 which is this building here.

10                  CHAIRMAN: I'm looking at the entrance  
11 right here.

12                  MR. BRYANT: So most of what you're  
13 looking at in that photo is proposed for removal.

14                  CHAIRMAN: Right in here?

15                  MR. BRYANT: Yes. Actually down to about  
16 where that first vehicle is parked or pretty close.

17                  These photographs were taken today. Just  
18 to show you how much these parking spots are used.  
19 That's in front of the school.

20                  This is a shot looking directly at the  
21 entrance that's proposed to be reconstructed and the  
22 parking to be removed on either side of that.

23                  This is another shot looking at - - this  
24 is standing in front of the school but looking back up  
25 toward the church and it shows the parking spots being



1 utilized. Again, this was taken today.

2 Another shot. This emphasizes how much  
3 the parking is used. I think Father Freddy is going  
4 to have a few comments in a minute and he can explain  
5 a little more as to how important this parking is to  
6 the school and the church.

7 I think the key here is what we're looking  
8 at. We are looking at one site and the only common  
9 link that it is a four acre site, but is that we have  
10 shared parking of multiple principal buildings and  
11 with the consolidation that requires a development  
12 plan and if weren't for the shared parking we could  
13 come in and consolidate the tracks with the school,  
14 the church separately and they be adjoining tracks and  
15 then in that case parking wouldn't have to be removed.

16 CHAIRMAN: Anything else, Mr. Bryant?

17 MR. BRYANT: No, unless you have  
18 questions. Like I said I think Father Freddy has a  
19 few comments.

20 CHAIRMAN: Thank you so much.

21 MR. ELLIOTT: State your name, please.

22 FATHER FREDDY: Father Freddy.

23 (FATHER FREDDY SWORN BY ATTORNEY.)

24 FATHER FREDDY: One thing I would like to  
25 mention or bring before the commission is we're



1 talking about two different identities. One being the  
2 church, Blessed Mother Church, and another being St.  
3 Angela Merici School. We're talking about apples and  
4 oranges. Apples being the church and the parish hall.  
5 The oranges being the school.

6 Blessed Mother Parish has no - - we all  
7 belong, the churches of Owensboro belong to a catholic  
8 consolidated school system which we support that  
9 school financially, but there are other parishes that  
10 support that school also. So to penalize the school,  
11 to take away the school parking because we're adding  
12 addition onto the church seems to be like that we're  
13 weighing apples and oranges and still looking at the  
14 same thing. To allow the school to keep their parking  
15 and to allow the school keep their main entrance which  
16 comes off of 23rd Street.

17 CHAIRMAN: Thank you, Father Freddy. Is  
18 there anyone else here that would like to speak?

19 How about we take one at a time and  
20 hopefully every time you come up you bring something  
21 new. We'll try to go through this a little quick.

22 MR. ELLIOTT: State your name, please.

23 MS. CONKRIGHT: Tracy Conkright.

24 (TRACY CONKRIGHT SWORN BY ATTORNEY.)

25 MS. CONKRIGHT: I am principal at St.



1     Angela Merici. I just on a personal level want to  
2     give you a little overview of our school and what it's  
3     like in this parking area during our arrival time and  
4     our dismissal time.

5                 We currently have 321 students at our  
6     school. What you saw in front we have 20 faculty  
7     members and 12 staff members in our building every  
8     day. We average around 20 visitors per day. These  
9     are mostly parents that help throughout the building  
10    so they usually have a lengthy stay. The entrance  
11    that you have been seeing in the pictures is our main  
12    entrance. It is the only entrance that is accessible  
13    to our parents and the public. All visitors must  
14    enter through this entrance and sign in. All the  
15    other doors in our building remain locked for security  
16    reasons. There's no other way to get in other than  
17    through the entrance on 23rd.

18                The parking area in question, it is used  
19    for faculty and staff parking. The average parking in  
20    that area is 12 faculty members park there every day.  
21    This area is also used for visitors and any deliveries  
22    that are made into the building. If the parking in  
23    front of the school building is taken away, parents do  
24    not have easy access to the main entrance and we would  
25    also have to relocate the 12 faculty members that park



1       there.

2                       We have 265 students who are transported  
3       to and from our school by car every day. During the  
4       morning hours 125 of these approximately are dropped  
5       off at the 23rd Street entrance. At dismissal time we  
6       have, I couldn't count them all today, but it was  
7       between 50 and 70 cars out front and they do take up a  
8       whole line. We have our parking and then they take up  
9       the whole entire side next to our street as well as  
10      across the street when we dismiss.

11                     The parking area in front of the school  
12      building if it's available parents would park on the  
13      street and this would cause serious problems during  
14      our dismissal hours. As I said they already park  
15      there and if they parallel parked on the street we  
16      would have double rows of cars and this would cause  
17      more serious safety issues for our children during  
18      dismissal time.

19                     In closing I just would like for you to  
20      consider leaving our parking in front of our school  
21      building. If any of you would like to come visit our  
22      school and view our dismissal time and how much the  
23      parking area is used, we would be more than welcome to  
24      have you. Our number one concern as is yours is our  
25      children's safety. Thank you.



1 CHAIRMAN: Thank you so much, ma'am.

2 Any board members have any questions of  
3 Father Freddy or Mr. Bryant while he was here?

4 (NO RESPONSE)

5 CHAIRMAN: Continue on, ma'am.

6 MR. JAGOE: I have one question.

7 CHAIRMAN: Ms. Conkright, could you step  
8 back up to the podium.

9 MR. JAGOE: Anybody may be able to answer  
10 it. Where is the bus drop off?

11 MS. CONKRIGHT: In the back parking lot.

12 MR. JAGOE: You can show us here.

13 MS. THOMAS: I'm Sandra Thomas.

14 CHAIRMAN: Why don't you step up to the  
15 podium and be sworn in.

16 MS. CONKRIGHT: We have two buses during  
17 dismissal and they both pick up in the back parking  
18 lot. In the morning hours we have two buses that drop  
19 off in the back parking lot, but one does drop off on  
20 23rd Street.

21 MR. ELLIOTT: State your name for the  
22 record.

23 MS. THOMAS: I'm Sandra Thomas. I'm a  
24 parent of a child at St. Angela Merici and I attend  
25 Blessed Mother Church.



1 (MS. SANDRA THOMAS SWORN BY ATTORNEY.)

2 MS. THOMAS: I'd first like to address Mr.  
3 Michel on the storage building. I obtained the permit  
4 for the storage building for the church, represented  
5 the church on getting it. When we did I wanted to  
6 make it perfectly clear that the parking they've  
7 marked in pink was already existing. When I went and  
8 presented that we wanted to build a storage building  
9 there because we were going to tear down our existing  
10 storage building for this future building, he reviewed  
11 it and said, fine, you're not backing out into the  
12 street. What you got you don't a parking concern. We  
13 don't have to worry about it. I said, great. I  
14 greatly appreciated his work on that. That parking  
15 was already existing. Okay. We had brought a plat  
16 and showed all the parking for the facility at that  
17 time when that was addressed.

18 CHAIRMAN: Thank you.

19 MS. THOMAS: The second thing I wanted to  
20 address was the parking or the bus pick up has to be  
21 in the back parking lot because the buses have to be  
22 separated from the children by Daviess County Code.  
23 Daviess County School is to come in and pick up the  
24 bus riders it has to be a separate area from our - -

25 CHAIRMAN: They come off of 22nd Street?



1 MS. THOMAS: They come off 22nd and they  
2 come into the back parking lot and pick up there and  
3 make the U-turn and go back into 22nd Street.

4 MS. CONKRIGHT: Go out 23rd Street.

5 MS. THOMAS: Go out 23rd, but it has to be  
6 separated.

7 MR. JAGOE: What has to be separated?

8 MS. THOMAS: The bus drop off and pick up  
9 from where the parents pick up. That's county,  
10 Daviess County bus rule. If you build in schools you  
11 learn that. You have to have a separate pick up for  
12 parent pick up from where the buses pick up. Totally  
13 opposite. They can't be combined at all. You cause a  
14 hardship because the parents can't park in the back  
15 parking lot where you see all those parking spaces to  
16 wait for the kids because it has to be separated. So  
17 you have to park on 23rd Street to pick up your  
18 children. You can't use the parking lot.

19 CHAIRMAN: What you're trying to express  
20 here is that there's not going to be any room if the  
21 parking spaces out front are gone?

22 MS. THOMAS: Yes, and you're not allowed  
23 to use it or else we can't use the county buses.  
24 That's the big concern.

25 CHAIRMAN: Anything else?



1 MS. THOMAS: Again, as Father Freddy and  
2 everyone expressed, we were trying to work this as a  
3 compromise that the new facility, you know, we would  
4 delete that parking there and try to maintain this for  
5 the safety of the kids.

6 CHAIRMAN: Thank you so much, Ms. Thomas.

7 We have somebody else that wants to speak  
8 on maybe a new issue or bring something else up.

9 MR. ELLIOTT: State your name, please.

10 MR. CASTLEN: Charlie Castlen.

11 (CHARLIE CASTLEN SWORN BY ATTORNEY.)

12 MR. CASTLEN: The only point that I'd like  
13 to make as I listen to others, particularly Mr. Kamuf  
14 give commentary, and the principal had asked me about  
15 this issue early on and I had - - one of the points  
16 that I hope that you all would consider that I asked  
17 her to mention and Father Freddy hit on is the school  
18 building is a separate entity from the church even  
19 though their common owners because the kids from St.  
20 Stephens go to the St. Angela Merici School as well.  
21 If you wanted to you could almost call that a  
22 partnership arrangement as opposed to owned by the  
23 church as opposed to what it was maybe 10, 15 years  
24 ago when it was Blessed Mother School.

25 The second point is, and this goes to Mr.



1 Kamuf's point, if you accept that point is that at  
2 least with the school there's absolutely nothing  
3 changes. We're having a new facility built for the  
4 church, but for the school there's absolutely nothing  
5 changing. That's the only point which I'd like to  
6 make.

7 CHAIRMAN: Thank you so much.

8 MR. ELLIOTT: State your name, please.

9 MR. THOMPSON: Al Thompson.

10 (AL THOMPSON SWORN BY ATTORNEY.)

11 MR. THOMPSON: I just wanted to touch on  
12 Charlie's point again. My understanding is a public  
13 school is here as a government entity subject to  
14 mandatory review but voluntary compliance. I just  
15 wanted to touch a couple of points at the parochial  
16 school system. There's about a \$6 million budget. It  
17 educates about 15 percent of the children in the  
18 county so they're providing a public service. Just  
19 ask that you are aware and have the same consideration  
20 in considering whether to allow the difference.

21 The second point was most of these  
22 examples Mr. Mischel mentions seem to be all  
23 commercial property. Earth Grains, Dizzy Daves, The  
24 Money Tree, Jerry's Auto Body, and places where  
25 there's a lot of traffic and customers backing in and



1 out where as the school situation it's mostly teachers  
2 and staff are in there once and they leave in the  
3 afternoon. So it seems there may not be as much  
4 traffic. Thank you.

5 CHAIRMAN: Point well taken. Thank you so  
6 much.

7 Any board member have any questions?

8 (NO RESPONSE)

9 MR. ELLIOTT: State your name, please.

10 MS. GREENWALT: Joyce Greenwalt.

11 (MS. JOYCE GREENWALT SWORN BY ATTORNEY.)

12 MS. GREENWALT: I am a parent at St.

13 Angela Merici School and I'm one of the 260 plus  
14 parents that come in front of the school on 23rd Steet  
15 and drop my children off there and pick them up in the  
16 afternoon. I just ask that you consider the safety  
17 issues of this situation.

18 We're talking about a one block area  
19 between J.R. Miller Boulevard and Veach Road. We've  
20 got over 250 parents or 250 children that are being  
21 picked up and dropped off in this area in the morning  
22 and in the afternoon. If that parking is taken out,  
23 we're going to be forced to parallel park on both  
24 sides of the street and I can envision some double  
25 parking. I can also envision children running back



1 and forth, vehicles being blocked. I just feel like  
2 it would be a dangerous situation and I'm afraid that  
3 there would be a greater likelihood of an accident  
4 that would involve a child's life.

5 I was told that there have been four  
6 accidents reported in the last four or five years  
7 there, but those were fender-benders and those can be  
8 fixed. I don't think a child's life can be.

9 I cited an article that appeared in the  
10 newspaper in February of 1997. A little seven year  
11 old boy was killed on 100 block of East 20th Street.  
12 He was a passenger in his family's van. They parallel  
13 parked at the curb across from their house. He ran  
14 around from behind the van and was struck by a car.  
15 That was a terrible incident. No charges were filed,  
16 but that's a parallel parking situation in a  
17 residential area. I don't know of any school system  
18 in Daviess County that allows parallel parking as the  
19 primary source of access to the school. I don't know  
20 of any situation like that. Even though parking we  
21 have now is not ideal and possibly isn't in compliance  
22 with some of the later things that are being developed  
23 in the city, it is better than being parallel parked  
24 in front of the school.

25 I would only ask that you can maybe



1 consider redoing angle parking as an alternative, but  
2 don't remove our parking. I know that you'll consider  
3 the safety of our children.

4 CHAIRMAN: We shall. Thank you so much.

5 Any questions or comments by any board  
6 members?

7 Mr. Mischel.

8 MR. MISCHEL: First I would like to say  
9 that I didn't mean to say that parking wasn't there.  
10 I knew it was there and that's the reason we didn't  
11 require anything because it was in compliance.

12 Mr. Thompson said, you know, most of the  
13 examples that I gave was businesses, but there again  
14 some of these examples was First General Baptist  
15 Church that eliminated their parking, Macedonia  
16 Baptist Church, St. Mark's Church in Sorgho and  
17 there's others.

18 We don't oppose to do away with all the  
19 parking. We think that compromise you to have a  
20 double row of parking there on their property and in  
21 public right-of-way.

22 There again I just like to say the  
23 history, the Planning Commission has never approved  
24 one of these to back out on public right-of-way. The  
25 Board of Adjustment has never done it and the staff



1 has never done that. There has been a lot of the  
2 churches and a lot of businesses, a lot of people has  
3 been up here asking for that and it's never been  
4 given. To be consistent I guess for the future, you  
5 know, what will that bring in the future. Really this  
6 board has never done that for that or landscaping for  
7 that reason.

8 CHAIRMAN: One more comment. I want a new  
9 person.

10 MS. HELMS: My name is Vicki Helms.

11 (MS. VICKI HELMS SWORN BY ATTORNEY.)

12 MS. HELMS: Consistency is really good for  
13 the public, but this is a unique situation with the  
14 school. I'd also like to say that I'm a parent of two  
15 children at that school and I'm neither a member of  
16 Blessed Mother Parish or St. Stephens Parish. So it  
17 doesn't just involve the Catholic community. There  
18 are other students in that school that have chosen to  
19 go there. The main thing I'd like to point out is  
20 that this is not broken so we don't need to fix it.  
21 Thank you.

22 CHAIRMAN: Thank you so much.

23 MR. JAGOE: Mr. Mischel, the reason these  
24 were done was for safety concern, the parking that was  
25 on the street and then backing out, is that the



1 reason?

2 MR. MISCHEL: I'd say for two reasons.  
3 Safety concerns and then the ordinance itself does not  
4 allow you for that. Under Section 13. - I could get it  
5 if you'd like to hear it.

6 MR. JAGOE: On one hand we've got the  
7 applicant feels that this is the safest design that  
8 they could do for their children, but then the  
9 ordinance is saying you have to have - -

10 MR. MISCHEL: Yes. Under Article 13.11 it  
11 says, "Access drives shall be designed so as to  
12 provide adequate vehicular maneuvering of point of  
13 property being served and in no case shall off-street  
14 parking area be permitted which encourage or require  
15 backing onto on maneuvering with any public right-of-  
16 way." That's under Article 13.11.

17 MR. APPLEBY: Two points I would like to  
18 make. If we were dealing, if these were under  
19 separate ownership this probably wouldn't be an issue  
20 at this time. That's the first thing. They have in  
21 the area where they're building their new building  
22 they're eliminating the parking.

23 Second while I understand that we need to  
24 be consistent, the majority of these other instances;  
25 for example we've got West Second Street, West Second



1 Street, East Parrish Avenue, Millers Mill Road,  
2 Triplett Street, another on Triplett Street. There  
3 are two or three of these that may be comparable, but  
4 the majority of those streets are high traffic  
5 streets, high rate of speed. I would think there  
6 would be a whole lot more traffic involved than in  
7 this particular instance. This is local traffic and  
8 school traffic. Be whole lot more difficult to back  
9 into Triplett Street than it would be to back into  
10 23rd Street is my observation.

11 CHAIRMAN: Mr. Noffsinger, you want to  
12 address this.

13 MR. NOFFSINGER: Yes. We've heard a lot  
14 of talk here tonight not on just this case but on  
15 other cases about the safety of our children. I can  
16 tell you Planning Staff is certainly concerned about  
17 the safety of the children.

18 I think we have a situation here where  
19 we're looking more at convenience than we are safety  
20 for our children. This parking area, the site that's  
21 being developed we're putting up a 15,000 square foot  
22 building on a piece of property that's substantially  
23 developed now. That area could be used for parking.  
24 It sounds like is necessary for the operation of the  
25 school. We have a vacant piece of property that



1 fronts 22nd Street that's shown to be a grass area.  
2 I'm not sure what that area is used for now, but if  
3 parking is a concern that area could be made into a  
4 parking area. It could be made into a parking area  
5 for the staff and we could take this area that's along  
6 23rd Street and put in a drive lane that could be used  
7 as a bus drop off point for the children. That would  
8 put the buses in front of the school. They could drop  
9 the children off and they would clearly be separated  
10 from the parking area for the staff and the children.  
11 That would also open up addition parking along 23rd  
12 Street. I don't think we're looking at that aspect of  
13 it. I think we're trying to keep the convenience of  
14 parking in front of the school and we're looking at  
15 that more than we are the safety of the children.  
16 That's all I have to say.

17 MR. GILLES: Mr. Bryant, could you tell me  
18 what the distance is there on the parking right now  
19 from the street or from the curb to the school? It  
20 might be on here and I'm not recognizing it. The  
21 distance of existing parking right now that's against  
22 23rd Street.

23 MR. BRYANT: We have a total of almost 500  
24 feet of frontage.

25 MR. GILLES: The curb to the building



1       there, the curb to the sidewalk.

2                   MR. BRYANT: All the parking spaces are  
3       situated to the rear of the curb. I think there's a  
4       space between the back of the curb and the back of the  
5       parking spaces looks like maybe three or four feet of  
6       parking space, probably 18-feet. Back of the curb to  
7       the front of the parking we're probably looking at 22  
8       to 23, 24 feet, something like that.

9                   MR. GILLES: Is that enough room?

10                  MR. BRYANT: This is depth. - - spaces  
11       extend back on private property, about two-thirds is  
12       actually on the right-of-way and about a third, the  
13       front one-third is on private property.

14                  CHAIRMAN: Mr. Gilles, did that answer  
15       your question?

16                  MR. GILLES: Yes.

17                  CHAIRMAN: Mr. Castlen.

18                  MR. CASTLEN: I'm trying to go to the  
19       issue of consistency. I don't know the details, but I  
20       know it just occurred to me that my daughter goes to  
21       Owensboro Catholic Middle School and I know that  
22       church, Immaculate Church is the Catholic church  
23       that's over there. I know they've built a parish hall  
24       since I've been back to Owensboro within the last ten  
25       years anyway. I know they still have the same parking



1       they've had all along. I'm curious as to how that  
2       decision was reached. I'd like to think that we could  
3       have the same consideration.

4                   MS. CONKRIGHT: They still back out.

5                   SISTER VIVIAN: I have a question. Does  
6       this make any difference, that parking in front of St.  
7       Angela Merici School is already there, approved, being  
8       used ever since the school has been there I guess, and  
9       as people keep pointing out these may be owned by the  
10      Diocese but they are two separate entities and the  
11      church is the one putting up the proposed building.  
12      So they are - - that's the change. They are giving up  
13      their parking, but is the school which has been there  
14      and operates as a consolidated separate entity going  
15      to be penalized? Is this the question I'm hearing?

16                  MS. THOMAS: Sandra Thomas again.

17                  Rebecca with RBS might be able to answer  
18      one of the most important questions that keeps coming  
19      up about your parallel parking.

20                  The church or the Diocese who owns the  
21      property only has about 25 feet of actual property  
22      that's theirs from the school to the building.  
23      Twenty-five feet that you're going to get out and  
24      you're going to put a bus in and you're going to load  
25      kids or load them in from the property line to the



1 school. We don't own all that parking space. Again,  
2 we only own - - there's 12-foot of that parking spot  
3 that's owned by the city that since it's there we get  
4 to use, but there's only 25-feet approximately when I  
5 last scaled it and Rebecca could maybe verify this or  
6 we could get a scale on that, that is actual available  
7 for development legally in the front of the property.  
8 This other grassed area to address that issues, the  
9 church puts on a fund raiser each year, a picnic, and  
10 we cook and the cooks cook in the grassed area instead  
11 of the parking lot. We have to keep the grassed area  
12 in order to earn \$20,000 in profits or fund raisers  
13 from that picnic each year and if we do away with the  
14 grassed area the cooks will not cook.

15 CHAIRMAN: They'll quit?

16 MS. THOMAS: They'll quit. They've  
17 already told us that.

18 SISTER VIVIAN: Where is your playground,  
19 Sandra?

20 MS. THOMAS: It's in front of the existing  
21 school between the gym parking lot that's in pink and  
22 the parking lot on the right. It's a little graveled  
23 area. So if we give up that, we've lost \$20,000 too  
24 plus our only grassed area.

25 CHAIRMAN: Kiss the cooks good-bye, right?



1 MS. THOMAS: Kiss the cooks good-bye.

2 MR. HAYDEN: Let me ask a question on  
3 that. Does the Diocese own the school and the  
4 property? The church does not own it; is that right?

5 FATHER FREDDY: Father Freddy.

6 The Diocese owns everything. You know,  
7 everything from - - every piece of property that the  
8 Catholic church owns that if it's Owensboro, Henderson  
9 County, Union County it's all legally under the  
10 offices of the Roman Catholic Division, Diocese of  
11 Owensboro.

12 MR. HAYDEN: No separate of the two then?

13 FATHER FREDDY: Is the, for better or for  
14 worse, the CEO. Isn't that about the way you would  
15 say it, Sister?

16 SISTER VIVIAN: That's right. That  
17 includes Paducah and all Western Kentucky.

18 FATHER FREDDY: The whole Western Kentucky  
19 from all the churches. In fact, he's charge of my  
20 bank account.

21 SISTER VIVIAN: He personally can't run  
22 away with any of the money though.

23 CHAIRMAN: Mr. Mischel, one more time.

24 MR. MISCHEL: The reason we're looking at  
25 this whole property is because of the lot



1 consolidation. We have to look because they're  
2 combining all of this property. We don't have a  
3 choice. The reason that we're combining it if they  
4 left a property line there, they would have to come up  
5 with parking from both separate pieces and that would  
6 be impossible. The best situation is to combine this,  
7 but when they do you have to look at the whole  
8 property.

9 They also state that we're penalizing the  
10 school for what the church is doing. We're  
11 eliminating the church, but if you look on that site  
12 plan I gave you they've still got 10, 11 spaces in  
13 front of the church property there that they plan on  
14 keeping. Not only in front of the school, but they  
15 are proposing I think it's 10 or 11 spaces still shown  
16 there in front of the church there.

17 CHAIRMAN: Thank you so much.

18 Any other questions by any board members?

19 (NO RESPONSE)

20 CHAIRMAN: The Chair is ready for a motion  
21 then.

22 MR. ROGERS: Mr. Chairman, I make a motion  
23 to approve the development plan turned in by the  
24 applicant as is with keeping the 28 parking lots in  
25 front of the school.



1 CHAIRMAN: Motion has been suggested that

2 - -

3 MR. HAYDEN: Second.

4 CHAIRMAN: Second by Mr. Hayden. All

5 those in favor raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries.

8 -----

9 MAJOR SUBDIVISIONS

10 ITEM 15

11 Brookhill Heritage, revised lots 170, 170A, 171, .0778  
12 acres (Map N-56)

13 Consider approval of revised major subdivision  
14 preliminary plat.

15 Applicant: JMJ Construction

16 MR. NOFFSINGER: Mr. Chairman, this

17 application has been reviewed by the Planning Staff

18 and the Engineering Staff. It's found to be in order

19 and ready for your consideration.

20 CHAIRMAN: Chair is open for a motion.

21 MS. DIXON: Move for approval.

22 CHAIRMAN: Move for approval by Ms. Dixon.

23 MR. GILLES: Second.

24 CHAIRMAN: Second by Mr. Gilles. All

25 those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.



1       ITEM 16

2       Brookhill Heritage, Unit 12, 0.742+ acre (Map N-56)  
3       Consider approval of major subdivision final plat.  
4       Surety (Certificate of Deposit) posted: \$4,386.80  
5       Applicant: Yewell's Heritage Developers, Inc.  
6       MR. NOFFSINGER: Mr. Chairman, this  
7       application has been reviewed by the Planning Staff  
8       and the Engineering Staff. Found to be in order and  
9       ready for your consideration.

10       MR. GILLES: Motion for approval.

11       MS. DIXON: Second.

12       MR. CHAIRMAN: Motion for approval by Mr.  
13       Gilles and second by Ms. Dixon. All those in favor  
14       raise your right hand.

15       (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16       CHAIRMAN: Unanimous.

17       ITEM 17

18       Fieldcrest Crossing, Unit 5, Lots 31-44 & 82-87 3.813  
19       acres (Map N-14)  
20       Consider approval of major subdivision final plat.  
21       Surety (Irrevocable Letter of Credit) posted:  
22       \$73,903.40  
23       Applicant: Thompson Homes, Inc.

24       MR. NOFFSINGER: Mr. Chairman, this  
25       application is in order and ready for your  
26       consideration.

27       MS. DIXON: Move for approval.

28       MR. HAYDEN: Second.

29       CHAIRMAN: Move for approval by Ms. Dixon.



1 Second by Mr. Hayden. All those in favor raise your  
2 right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: It's unanimous.

5 ITEM 18

6 Hunters Ridge, Unit #7, Lots 42-51, 12.625 acres  
(Map N-55)  
7 Consider approval of major subdivision preliminary  
plat.  
8 Applicant: Hunters Ridge Development, Inc.

9 MR. NOFFSINGER: Mr. Chairman, this  
10 applicant is in order and ready for your  
11 consideration.

12 MS. DIXON: Move for approval.

13 CHAIRMAN: Move for approval by Ms. Dixon.

14 SISTER VIVIAN: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: It's unanimous.

19 ITEM 19

20 Carl Westerfield, 14.63 acres (Map N-40)(POSTPONED)  
21 Consider approval of major subdivision preliminary  
plat.  
22 Applicant: Carl Westerfield

23 MR. NOFFSINGER: Mr. Chairman, this  
24 application is found to be in order and ready for your  
25 consideration.



1 CHAIRMAN: Chair will entertain a motion.

2 MR. HAYDEN: Motion for approval.

3 CHAIRMAN: Motion for approval by Mr.

4 Hayden.

5 MR. ROGERS: Second.

6 MR. CHAIRMAN: Second by Mr. Rogers. All  
7 those in favor raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: It's unanimous.

10 -----

11 MINOR SUBDIVISIONS

12 ITEM 20

13 1939, 1987 Greenbriar Road, 6.23, 25.06 acres  
(Map N-48)

14 Consider approval of minor subdivision plat.  
Applicant: Tony L. Crabtree, Chad L. Crabtree

15

16 MR. NOFFSINGER: Mr. Chairman, this  
17 application has been reviewed by the Planning Staff.  
18 It's found to be in order. It does create a lot that  
19 was an agricultural tract. It reduces it down to a  
20 development tract less than 10 acres in size. The lot  
21 will slightly exceed the three to one depth to width  
22 ratio on one side; however, it is in order and we  
23 would recommend that it be approved.

24 CHAIRMAN: Thank you, Mr. Noffsinger.

25 MR. HAYDEN: Motion for approval.



1 CHAIRMAN: Motion by Mr. Hayden.

2 MR. APPLEBY: Second.

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

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: That's unanimous.

7 ITEM 21

8 10575, 10655, 10719 KY 81, 1.606, 1.361, 9.505 acres  
(Map CO-31)

9 Consider approval of minor subdivision plat.  
10 Applicant: Jessie Allen Tucker, Jessie Allen Tucker,  
Jr.

11 MR. NOFFSINGER: Mr. Chairman, this  
12 application consist of two existing lots. One is a  
13 development tract under ten acres in size. One is an  
14 agricultural tract. The plat will end up with three  
15 lots in addition of one lot. The additional lot  
16 that's being created is very irregular shaped. It has  
17 50 feet of frontage on Kentucky Highway 81. That 50  
18 foot strip extends back approximately 363 feet back on  
19 the property. It widens out to a lot that's about one  
20 acre in size. This plat does not meet the minimum  
21 frontage requirements that require the building  
22 setback line. It does grossly exceeds the depth to  
23 width ratios and the Planning Staff would recommend  
24 that it not be approved.

25 CHAIRMAN: Thank you, Mr. Noffsinger. Is



1       there anybody here that represent the applicant.

2                       Yes, sir.

3                       MR. TUCKER:   Jessie Tucker, Jr.

4                       (MR. JESSIE TUCKER, JR SWORN BY ATTORNEY.)

5                       CHAIRMAN:   Mr. Tucker, go ahead.

6                       MR. TUCKER:   Your proposal on that lot  
7       about the width versus the depth, I understand that,  
8       but on that particular lot that doesn't work out.  
9       I've got some pictures, although mine are not as big  
10      as everybody elses.

11                      What happens there that's on a hill and  
12      there's a curve in that hill.   The main roadway, the  
13      bed of the roadway is 10 to 12 foot below the actual  
14      lot.   So you're going to try to cut a drive from  
15      Highway 81 back to that lot and it's not practical.  
16      For one thing you can't see.   You're trying to pull  
17      out on a hill in a curve.   I do have pictures here if  
18      anybody would like to see what I'm talking about.

19                      The problem 81 running north and south on  
20      that hill.   There's 10 to 12 foot of height from the  
21      road bed up to the lot.   So to cut a drive down that  
22      10 or 12 foot you still can't see to the south or to  
23      the north around that - - the hill not only has  
24      height, but it's in the middle of a turn.   It's  
25      actually an S-turn.   If anybody has ever been out



1 Highway 81 where Glenwood Baptist Church is located,  
2 that's a pretty bad hill there.

3 CHAIRMAN: Shouldn't be any houses. It is  
4 a bad place.

5 MR. TUCKER: Yes. That's why I'm saying  
6 that what you've got proposed doesn't work out. That  
7 lot is accessible from a private drive. It used to be  
8 a county road. That's the way that I get to my piece  
9 of property. What we propose doing is just adding  
10 another drive off of that private drive back there to  
11 the existing piece of property or the one that's being  
12 proposed today.

13 CHAIRMAN: There is a drive there now?

14 MS. TUCKER: Yes. The drive that's  
15 located there now used to be a county road, but it  
16 hasn't been a county road forever. We actually take  
17 care of that, the residents that live in that area.  
18 It's a paved drive.

19 CHAIRMAN: That's not the one that goes  
20 right behind, is it, the one that goes right by  
21 Glenwood Baptist Church there?

22 MR. TUCKER: Yes.

23 CHAIRMAN: Thank you so much.

24 Does anybody have any questions?

25 MR. APPLEBY: I don't think we're asking



1 him to move the access, are we? All we're concerned  
2 about is the dimensions of the lot?

3 MR. NOFFSINGER: That is correct.

4 MR. APPLEBY: We don't really care that  
5 you leave the drive as it is, what you're essentially  
6 doing is putting 365 foot long pass way 50 feet longer  
7 than the property which we don't approve any more. We  
8 want those lots to be more uniform. Not to exceed a  
9 three to one ratio. He's go the frontage, if I'm  
10 looking at that right, to divide it off and still  
11 maintains access wherever he wants to access; is that  
12 right, Gary?

13 MR. NOFFSINGER: Yes, sir.

14 CHAIRMAN: Are you wanting to have access  
15 off of 81?

16 MR. TUCKER: No.

17 CHAIRMAN: Then what's the exact problem  
18 there with the squaring of that lot up?

19 MR. TUCKER: Mainly because that's too  
20 much acreage.

21 CHAIRMAN: Let me ask you another question  
22 then. Why do we have this dog-leg? What does it even  
23 matter if it comes out to 81? Why don't you just  
24 square it back there in the back?

25 MR. APPLEBY: Doesn't have access on



1 public road that way, doesn't it?

2 CHAIRMAN: Yes, he does.

3 MR. TUCKER: See, that was the problem all  
4 along. That little strip of ground that's suppose to  
5 be access to a public road, that's is just nonsense.  
6 In that area that doesn't work. That drive was a  
7 county road at one time. It's just no longer  
8 maintained by the county. It's maintained by the  
9 citizens that live there.

10 CHAIRMAN: That comes off of, what is that  
11 road back there?

12 MR. TUCKER: That's just a private drive.

13 CHAIRMAN: It comes off of 81?

14 MR. TUCKER: It comes off of 81 and it's  
15 paved all the way back. We pay for the pavement. We  
16 keep the road up.

17 CHAIRMAN: I make a comment here to Mr.  
18 Appleby.

19 I'm lost here to the point where I don't  
20 understand why he still needs that access back to 81.

21 MR. APPLEBY: Can't have a land lock lot.

22 CHAIRMAN: Even though it has a private  
23 road there?

24 MR. APPLEBY: Ask Mr. Noffsinger.

25 MR. NOFFSINGER: He's required to have a



1 minimum frontage on public right-of-way. Where he's  
2 going to access the properties off the private pass  
3 way and we found through past experiences as we get  
4 more and more people living on those pass ways, they  
5 start to demand more and more to the public to take  
6 over those roadways for maintenance. If he has access  
7 out to 81, then he has the opportunity. In the future  
8 should this pass way not work out, he can go in and  
9 cut his own drive. That's not to say this is a safe  
10 spot to do it. It's not to say it will be done, but  
11 you have that opportunity to do it.

12 CHAIRMAN: But if he squares that lot up,  
13 that will give him a lot more road frontage there to  
14 make a safe passageway.

15 MR. NOFFSINGER: Yes.

16 CHAIRMAN: Any other questions?

17 MR. JAGOE: Do you own all the property  
18 there? You're just dividing it?

19 MR. TUCKER: No. I own the 10575. That's  
20 my piece of property there. My parents own the rest  
21 of the property. This is all in the family. The  
22 other, the access road that's paved there is five  
23 families back there that take care of that road. I  
24 mean we've paved it. We take care of it.

25 CHAIRMAN: Who is living on that lot now?



1 Anybody?

2 MR. TUCKER: No. It will be a new  
3 building site.

4 CHAIRMAN: A family member going to move  
5 in there?

6 MR. TUCKER: Yes.

7 MR. HAYDEN: How wide is that property,  
8 the right-of-way?

9 MR. TUCKER: How wide is that road?

10 MR. HAYDEN: Yes.

11 MR. TUCKER: Approximately 12 feet of  
12 paved drive there probably. It's used by all the  
13 farmers, grain trucks, four-wheel drives, large four-  
14 wheel drive tractors. Like I said it used to be a  
15 county road, but I've lived in that area for 35 years  
16 and the county has never serviced that road. Long  
17 before I moved out there, it was not serviced by the  
18 county. It actually used to go plumb through. It  
19 used to go from 81 and it came out on whatever that  
20 road that is that goes through to Utica. 415 or  
21 whatever. They discontinued that.

22 CHAIRMAN: Let me ask that question one  
23 more time. Apparently some family member is going to  
24 move in there eventually, right?

25 MR. TUCKER: Right. A new house will be



1 built there within a year, year and a half.

2 CHAIRMAN: I don't have any more  
3 questions.

4 MR. JAGOE: Didn't we look at some of  
5 these before that were flagged-shape, that if there  
6 was no other division of the property?

7 CHAIRMAN: I see. Yes, we have and yes,  
8 we did. As long as that property wasn't divided  
9 again. Is that what you're talking about?

10 MR. JAGOE: Can we stipulate that on a  
11 minor?

12 CHAIRMAN: We did that once before, did we  
13 not, Mr. Noffsinger?

14 MR. NOFFSINGER: You can stipulate it.  
15 The concern I have there is, you know, there's  
16 adequate frontage on this property to meet the  
17 regulations and to create additional lots in the  
18 future. I would certainly hate to limit that property  
19 owner's right to subdivide within the existing  
20 regulations unnecessarily. I mean we're dealing with  
21 an issue of a very irregular shaped lot. This is  
22 irregular as they come. You have adequate frontage to  
23 build, creating that lot and meeting the regulations.

24 MR. TUCKER: I may speak again. If those  
25 pictures just show you road frontage, it's not a



1 practical place to build on 81 in that location. Not  
2 only do you have a problem getting out on the highway.  
3 I don't know how you would possible do that because  
4 you can't see either direction of oncoming cars and  
5 you're talking about cars running 60 miles an hour.  
6 You know, you're not pulling out in 35 mile an hour  
7 traffic. That is a hill. Where the house is being  
8 proposed to be built and the lot is on the back side  
9 of that hill. It's just not a practical place. You  
10 really need to see it to understand it. I'm not  
11 trying to push something over on the board. It's not  
12 that. It's not particular really.

13 CHAIRMAN: We understand that. Where our  
14 dilemma is is that we don't usually approve these flag  
15 lots. Here's the other issue. So we're approving a  
16 flag lot, but what's the big deal? You can't do  
17 anything with it. You can't make any access off of  
18 81 with this flag lot; am I correct?

19 MR. TUCKER: Right. I mean -

20 CHAIRMAN: But am I correct?

21 MR. TUCKER: Well, - -

22 CHAIRMAN: Let me finish here. I'm trying  
23 to make a point here.

24 If we take that lot and we take it from  
25 the point that it's at the south corner of it,



1 southwest corner and bring that piece of property and  
2 line it all the way back in 81 in a straight area  
3 which would make it roughly, what, two and a half  
4 acres at that point in time?

5 MR. TUCKER: Something like that.

6 CHAIRMAN: Would there be some way to gain  
7 access at the lower point here, at the southern point  
8 of that property line? Would there be some way to  
9 have a driveway into that property if at some time  
10 somebody gets crossways on this private road. You see  
11 where we're going with this? People get crossways.  
12 It may not be your family. It may be ten years from  
13 now. We need to have this issue resolved now. So my  
14 question to you is: Can there, if we take this lot  
15 and straighten it across the back south corner, can  
16 there be access off 81?

17 MR. TUCKER: When you do that you're going  
18 to still create the problem. There's no place - -

19 MR. CHAIRMAN: I understand that, but I'm  
20 just saying would it be more logical to have access  
21 off 81 say just - - what I'm getting at: If at some  
22 time we need to have access off of 81, would it be  
23 more practical to have the 160 feet further south - -  
24 if you had a choice would you rather be - - it would  
25 make sense to me that I would want to be 160 foot



1 below that hill.

2 MR. TUCKER: But you're still on the hill.  
3 That's the problem.

4 CHAIRMAN: I understand, but you'd rather  
5 be below the hill there where you have a little more,  
6 you can see a little more. I've been out there. What  
7 I'm saying is would it make sense?

8 MR. TUCKER: You can take as much as you  
9 want to across there and until you get down to the  
10 straight of way you can't see south. You're in a  
11 curve. That's actually an S-curve over that hill.

12 CHAIRMAN: I understand that.

13 MR. TUCKER: I walked that piece of  
14 property yesterday. When I took that camera out there  
15 and made those pictures, then I realized that there  
16 was no good spot because I had already planned to do  
17 that when I built my house on the other lot. I had  
18 planned on cutting a road from 81 and it's not  
19 practical. I've lived back there in that area for 12,  
20 15 years now.

21 CHAIRMAN: You may not be able to cut a  
22 road. I'm just going by memory because I've been out  
23 there several times. You may not be able to cut a  
24 road straight off of 81, but you may be able to angle  
25 off 81 and come up there.



1                   MR. TUCKER: I see what you're saying, but  
2                   you still can't see however you want to do it. It's  
3                   not the problem getting off 81. If you want to cut a  
4                   road in there, cut a road from north to south or south  
5                   to north toward the east, it's not a problem getting  
6                   up the drive. It's when you get ready to get out of  
7                   the drive. That's going to cause the problem.

8                   CHAIRMAN: And they have the same  
9                   situation basically at the top of that hill there by  
10                  the church, do they not?

11                  MR. TUCKER: It's flat there.

12                  CHAIRMAN: Yes, but still you're at the  
13                  crown of that hill.

14                  MR. TUCKER: You're at the crown, but it's  
15                  a whole lot flatter on top of that hill than it is in  
16                  that curve on the side of that hill.

17                  MR. APPLEBY: The issue is still not where  
18                  he gets access to the property. It's just can you  
19                  meet the requirement if our ordinance requires, which  
20                  he can by changing the lot.

21                  CHAIRMAN: He can't at this point.

22                  MR. APPLEBY: In light of that, I would  
23                  have to make a motion to deny based on that plat.

24                  CHAIRMAN: We have a motion for denial.

25                  MS. DIXON: Second.



1 CHAIRMAN: We have a second by Ms. Dixon.

2 All those in favor raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Thank you so much.

5 -----

6 SURETY RELEASES

7 ITEM 22

8 Dana Corporation, \$13,561.00  
9 Consider release of surety (Performance Bond) for  
10 landscaping.  
11 Surety posted by: Rentenbach Constructors

12 ITEM 23

13 Kentucky Wesleyan College Parking Lot, \$6,493.50  
14 Consider release of surety (Performance Bond) for  
15 landscaping.  
16 Surety posted by: Kentucky Wesleyan College

17 ITEM 24

18 Owensboro Mercy Health Systems, Inc., \$37,809.00  
19 Consider release of surety (Performance Bond) for  
20 landscaping.  
21 Surety posted by: Hoar Construction, LLC

22 CHAIRMAN: Item Number 22, Surety

23 Releases.

24 Mr. Noffsinger, 22, 23 and 24, do we need  
25 to read those each individually?

MR. NOFFSINGER: No. I think they're all  
in order and can be released in toto.

MS. DIXON: Move to approve in toto.

MR. JAGOE: Second.

CHAIRMAN: Motion for approval by Ms.



1 Dixon for Items 22, 23 and 24 and a second by Mr.

2 Jagoe. All those in favor raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 -----

5 SURETY TRANSFERS

6 ITEM 25

7 Doe Ridge, Unit #1, Section 2, \$2,971.00  
Transfer of surety (Certified Check) for water mains  
8 and fire hydrants to the Daviess County Fiscal Court.  
Surety posted by: Robert J. Wimsatt

9

ITEM 26

10

The Greens of Hearland, Phase I, \$2,006.40  
Transfer of surety (Certificate of Deposit) for  
11 sidewalks to the City of Owensboro  
Surety posted by: Jagoe Homes & Construction Co, Inc.

12

13 ITEM 27

14 Heritage Park, Unit #1, \$1,735.80  
Transfer of surety (Certificate of Deposit) for  
15 streets and sidewalks to the City of Owensboro.  
Surety posted by: Jagoe Homes & Construction Co, Inc.

16

ITEM 28

17

Lake Forest, Unit #9, \$8,694.00  
Transfer of surety (Certificate of Deposit) for  
18 sidewalks to the Daviess County Fiscal Court.  
Surety posted by: JMP/Lake Forest, Inc.

19

20 ITEM 29

21 Lake Forest, Unit #9, \$4,288.20  
Transfer of surety (Certificate of Deposit) for  
22 streets to the Daviess County Fiscal Court.  
Surety posted by: JMP/Lake Forest, Inc.

23

ITEM 30

24

Lake Forest, Unit #9, \$850.00  
25 Transfer of surety (Certificate of Deposit) for storm



1       sewers to the Daviess County Fiscal Court.  
      Surety posted by:   JMP/Lake Forest, Inc.

2       ITEM 31

3       Lake Forest, Unit #10, \$10,302.00

4       Transfer of surety (Certificate of Deposit) for  
      sidewalks to the Daviess County Fiscal Court.  
5       Surety posted by:   JMP/Lake Forest, Inc.

6       ITEM 32

7       Lake Forest, Unit #10, \$5,419.40

8       Transfer of surety (Certificate of Deposit) for  
      streets to the Daviess County Fiscal Court.  
      Surety posted by:   JMP/Lake Forest, Inc.

9       ITEM 33

10       Lake Forest, Unit #10, \$3,896.00

11       Transfer of surety (Certificate of Deposit) for storm  
      sewers to the Daviess County Fiscal Court.  
12       Surety posted by:   JMP/Lake Forest, Inc.

13       ITEM 34

14       The Parks of Heartland, Phase I, \$2,064.00

15       Transfer of surety (Certificate of Deposit) for  
      sidewalks to the City of Owensboro  
      Surety posted by:   Jagoe Homes & Construction Co, Inc.

16       ITEM 35

17       The Parks of Heartland, Phase 2, \$3,416.00

18       Transfer of surety (Certificate of Deposit) for  
      streets to the City of Owensboro.  
19       Surety posted by:   Jagoe Development Corporation

20       ITEM 36

21       Robert Wimsatt, 8700 Block KY 2830, \$10,100.00

22       Transfer of surety (Performance Bolnd) for water mains  
      and fire hydrants to the Daviess County Fiscal Court  
      Surety posted by:   Robert J. Wimsatt

23       ITEM 37

24       Woodcrest, Unit #2, \$19,668.40

25       Transfer of surety (Performance Bond) for streets and  
      storm sewers to the Daviess County Fiscal Court.

                                Ohio Valley Reporting  
                                (270) 683-7383



1 Surety posted by: Bruce A. Peters

2 MR. JAGOE: I need to disqualify myself on  
3 Items 26, 27, 34 and 35.

4 CHAIRMAN: Mr. Jagoe is disqualifying  
5 himself on those items and we can do the rest of them  
6 in toto.

7 MR. ELLIOTT: Go ahead and do those four.

8 CHAIRMAN: Mr. Noffsinger, Items Number  
9 26, 27, 34 and 35.

10 MR. NOFFSINGER: All in order and can be  
11 released in toto.

12 MR. HAYDEN: Motion for approval.

13 CHAIRMAN: We have a motion by Mr. Hayden.

14 SISTER VIVIAN: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE  
18 WITH THE EXCEPTION THAT MR. JAGOE DISQUALIFIED  
19 HIMSELF)

20 CHAIRMAN: Motion carries.

21 Items Number 25, 28, 29, 30, 31, 32, 33,  
22 36 and 37.

23 MR. NOFFSINGER: Yes, sir.

24 CHAIRMAN: All those are in order. Chair  
25 is ready for a motion.



1 MR. JAGOE: Move to approve.

2 MS. DIXON: Second.

3 CHAIRMAN: All those in favor raise your  
4 right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Item 38 under New Business,  
7 should I read this, Mr. Noffsinger?

8 NEW BUSINESS

9 ITEM 38

10 Lois Arnold Estate, Property Division  
11 Consider release of surety (Certified Check) \$2,500  
12 for fire hydrant.  
Surety posted by: Lois Arnold Estate, c/o Paulette  
Boswell

13 MR. NOFFSINGER: This item is ready for  
14 release and for your consideration.

15 CHAIRMAN: Chair is open.

16 MR. JAGOE: Move to approve.

17 MS. DIXON: Second.

18 MR. CHAIRMAN: Motion for approval by Mr.  
19 Jagoe. Second by Ms. Dixon. All those in favor raise  
20 your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: One more item of business.

23 MS. DIXON: Move to adjourn.

24 MR. JAGOE: Second.

25 CHAIRMAN: All those in favor raise your



1 right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Meeting is adjourned. Thank

4 you.

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

3 I, LYNNETTE KOLLER, Notary Public in and for  
4 the State of Kentucky at Large, do hereby certify that  
5 the foregoing Owensboro Metropolitan Planning & Zoning  
6 meeting was held at the time and place as stated in  
7 the caption to the foregoing proceedings; that each  
8 person commenting on issues under discussion were duly  
9 sworn before testifying; that the Board members  
10 present were as stated in the caption; that said  
11 proceedings were taken by me in stenotype and  
12 electronically recorded and was thereafter, by me,  
13 accurately and correctly transcribed into the  
14 foregoing 154 typewritten pages; and that no signature  
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this  
17 the 1st day of May, 2001.

18

19

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

22 COMMISSION EXPIRES:  
23 DECEMBER 19, 2002

24 COUNTY OF RESIDENCE:  
DAVIESS COUNTY, KENTUCKY

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