THE OWENSBORO METROPOLITAN PLANNING COMMISSION

MET IN REGULAR SESSION AT 5:30 P.M. ON THURSDAY, JANUARY 10, 2013, AT CITY HALL, COMMISSION CHAMBERS, OWENSBORO, KENTUCKY, AND THE PROCEEDINGS WERE AS FOLLOWS:

MEMBERS PRESENT: DREW KIRKLAND, CHAIRMAN
DAVID APPLEBY, SECRETARY
GARY NOFFSINGER, DIRECTOR
MADISON SILVERT, ATTORNEY
WARD PEDLEY
MARGARET CAMBRON
TIM ALLEN
IRVIN ROGERS
WALLY TAYLOR
JOHN KAIZLAUSKAS
GREG BLACK
FRED REEVES

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CHAIRMAN: I WOULD LIKE TO WELCOME EVERYBODY TO THE JANUARY 2013 OWENSBORO METROPOLITAN PLANNING COMMISSION MEETING. WILL YOU PLEASE RISE WHILE MR. GARY NOFFSINGER WILL HAVE OUR PRAYER OF ALLEGIANCE.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: FIRST, I'LL TURN THE MEETING OVER TO MR. MADISON SILVERT WHO WILL SWEAR IN OUR NEW MEMBERS AND THEN WE'LL HAVE OUR ELECTION OF OFFICERS.

MR. SILVERT.

MR. SILVERT: MR. CHAIRMAN.
WE HAVE THREE MEMBERS OF THE PLANNING COMMISSION WHO ARE BEINGS SWORN IN FOR THE FIRST TIME OR FOR A NEW TERM.

MR. KIRKLAND, MR. PEDLEY AND MR. BLACK.

SHEILA MOORE WHO IS A NOTARY PUBLIC WILL BE ADMINISTERING THE OATH OF OFFICE.

(DREW KIRKLAND, WARD PEDLEY AND GREG BLACK SWORN IN BY SHEILA MOORE.)

MR. SILVERT: THANK YOU, SHEILA. I ALWAYS APPRECIATE ANYONE WHO CAN GET THROUGH OUR OATH OF OFFICE WITHOUT SMILING.

IT IS JANUARY AND EVERY JANUARY WE HAVE THE ELECTION OF OFFICERS. KENTUCKY REVISED STATUTE 100.161 REQUIRES THE ELECTION OF CHAIRMAN AND ANY OTHER OFFICERS THAT THE PLANNING COMMISSION MAY DEEM NECESSARY.

IN OUR BYLAWS, WE HAVE ELECTIONS FOR THE CHAIRMAN, THE VICE CHAIRMAN AND THE SECRETARY. NO SPECIFIC PROCEDURE IS ADOPTED BY THE KENTUCKY REVISED STATUTE FOR THIS. THE BYLAWS STATE THE ELECTIONS MAY BE HAD BY SHOW OF HANDS, AND THIS HAS BEEN THE TRADITION. ALSO, ROBERTS RULES OF ORDER SPECIFY THAT IN CASE OF A TIE VOTE, BATTLING CONTINUES UNTIL THE CANDIDATE RECEIVES THE MAJORITY. THIS IS THE WAY WE WILL PROCEED THIS EVENING, UNLESS THERE ARE ANY
QUESTIONS OR OBJECTIONS.

(NO RESPONSE)

CHAIRMAN: FIRST WE WILL HAVE NOMINATIONS FOR CHAIRMAN. ARE THERE ANY NOMINATIONS?

MR. KAZLAUSKAS: MR. SILVERT, I PLACE THE NAME OF FRED REEVES FOR CHAIRMAN.

MR. SILVERT: MR. REEVES, DO YOU ACCEPT?

MR. REEVES: YES.

MR. SILVERT: ANY OTHER NOMINATIONS?

MR. APPLEBY: I NOMINATE DREW KIRKLAND FOR CHAIRMAN.

MR. SILVERT: MR. KIRKLAND, DO YOU ACCEPT?

MR. KIRKLAND: I DO.

MR. SILVERT: ARE THERE ANY OTHER NOMINATIONS AT THIS TIME?

(NO RESPONSE)

CHAIRMAN: NOW ACCEPT A MOTION FOR NOMINATIONS TO CEASE.

MS. CAMBRON: MAKE A MOTION NOMINATION CEASE.

MR. SILVERT: IS THERE A SECOND?

MR. TAYLOR: SECOND.

MR. SILVERT: ALL IN FAVOR PLEASE RAISE YOUR HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. SILVERT: NOMINATIONS HAVE CEASED.
THE CANDIDATES ARE FRED REEVES AND DREW KIRKLAND. ALL IN FAVOR OF MR. REEVES PLACE RAISE YOUR HAND.

(BOARD MEMBERS FRED REEVES, GREG BLACK, JOHN KAZLAUSKAS AND MARGARET CAMBRON RESPONDED AYE.)

MR. SILVERT: THANK YOU. THAT'S FOUR.

ALL IN FAVOR OF MR. KIRKLAND RAISE YOUR HAND.

(BOARD MEMBERS TIM ALLEN, IRVIN ROGERS, DAVE APPLEBY, DREW KIRKLAND, WARD PEDLEY AND WALLY TAYLOR RESPONDED AYE.)

MR. SILVERT: THAT IS SIX.

MR. KIRKLAND, YOU ARE CHAIR.

MR. REEVES: MR. SILVERT, COULD I MAKE A MOTION THAT WE ELECT MR. KIRKLAND BY ACCLAMATION.

MR. SILVERT: YOU MAY. IT THERE A SECOND TO THAT MOTION?

MR. APPLEBY: SECOND.

MR. SILVERT: THE MOTION IS ESSENTIALLY FOR A REVOTE TO ACCEPT MR. KIRKLAND BY ACCLAMATION. ALL IN FAVOR PLEASE RAISE YOUR HAND.

(BOARD MEMBERS TIM ALLEN, IRVIN ROGERS, MARGARET CAMBRON, DAVE APPLEBY, DREW KIRKLAND, WARD PEDLEY, WALLY TAYLOR, GREG BLACK AND FRED REEVES RESPONDED AYE.)

CHAIRMAN: ALL OPPOSED.
MR. SILVERT: CONGRATULATIONS, MR. KIRKLAND.

YOU ARE THE CHAIR.

NOW ACCEPT NOMINATIONS FOR VICE CHAIR. ANY NOMINATIONS FOR VICE CHAIR?

MS. CAMBRON: I'D LIKE TO NOMINATE JOHN KAZLAUSKAS.

MR. SILVERT: MR. KAZLAUSKAS, DO YOU ACCEPT?

MR. KAZLAUSKAS: I WILL.

CHAIRMAN: I'D LIKE TO NOMINATE MR. WARD PEDLEY.

MR. SILVERT: MR. PEDLEY, DO YOU ACCEPT?

MR. PEDLEY: I DO.

MR. SILVERT: ARE THERE ANY OTHER NOMINATIONS?

CHAIRMAN: I MOVE THE NOMINATION CEASE.

MR. SILVERT: IS THERE A SECOND?

MR. ROGERS: SECOND.

MR. SILVERT: ALL IN FAVOR.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. SILVERT: NOMINATIONS HAVE CEASED.

THE CANDIDATES ARE MR. KAZLAUSKAS AND MR. PEDLEY. MR. KAZLAUSKAS WAS NOMINATED FIRST. SO ALL OF THOSE IN FAVOR OF MR. KAZLAUSKAS PLEASE RAISE YOUR HAND.

(BOARD MEMBERS MARGARET CAMBRON, WALLY TAYLOR,
JOHN KAZLAUSKAS, GREG BLACK AND FRED REEVES RESPONDED AYE.)

MR. SILVERT:  AND ALL IN FAVOR OF MR. PEDLEY PLEASE RAISE YOUR HAND.

(BOARD MEMBERS TIM ALLEN, IRVIN ROGERS, DAVE APPLEBY, DREW KIRKLAND AND WARD PEDLEY RESPONDED AYE.)

MR. SILVERT:  THAT'S FIVE TO FIVE.

ACCORDING TO ROBERT'S RULES WE WILL HAVE A REVOTE.

ALL THOSE IN FAVOR OF MR. KAZLAUSKAS PLEASE RAISE YOUR HAND.

(BOARD MEMBERS MARGARET CAMBRON, WALLY TAYLOR, JOHN KAZLAUSKAS, GREG BLACK AND FRED REEVES RESPONDED AYE.)

MR. SILVERT:  THAT IS FIVE.

ALL THOSE IN FAVOR OF MR. PEDLEY PLEASE RAISE YOUR HAND.

(BOARD MEMBERS TIM ALLEN, IRVIN ROGERS, DAVE APPLEBY, DREW KIRKLAND AND WARD PEDLEY RESPONDED AYE.)

MR. SILVERT:  THAT IS ALSO FIVE.

WE CONTINUE HAVING A REVOTE UNTIL A MOTION IS MADE DIFFERENTLY OR SOMEONE CHANGES THEIR VOTE.

I'LL ASK AGAIN, ALL THOSE IN FAVOR OF MR. KAZLAUSKAS PLEASE RAISE YOUR HAND.

(BOARD MEMBERS MARGARET CAMBRON, WALLY TAYLOR,
JOHN KAZLAUSKAS, GREG BLACK AND FRED REEVES RESPONDED AYE.)

MR. SILVERT: ALL THOSE IN FAVOR OF MR. PEDLEY PLEASE RAISE YOUR HAND.

(BOARD MEMBERS TIM ALLEN, IRVIN ROGERS, DAVE APPLEBY, DREW KIRKLAND AND WARD PEDLEY RESPONDED AYE.)

MR. SILVERT: IT REMAINS TIED.

AGAIN, THE ACCEPTED RULES FOR THAT WE WILL CONTINUE TO VOTE UNTIL A TIE IS BROKEN.

ALL OF THOSE IN FAVOR OR MR. KAZLAUSKAS PLEASE RAISE YOUR HAND.

(BOARD MEMBERS MARGARET CAMBRON, WALLY TAYLOR, JOHN KAZLAUSKAS, GREG BLACK AND FRED REEVES RESPONDED AYE.)

MR. SILVERT: THAT IS FIVE.

ALL THOSE IN FAVOR OF MR. PEDLEY PLEASE RAISE YOUR HAND.

(BOARD MEMBERS TIM ALLEN, IRVIN ROGERS, DAVE APPLEBY, DREW KIRKLAND AND WARD PEDLEY RESPONDED AYE.)

MR. SILVERT: THAT IS STILL FIVE.

I WILL ACCEPT AT THIS TIME AN OPPORTUNITY TO VOTE BY WRITTEN BALLOT. IF ANYONE WOULD LIKE TO MAKE THAT MOTION, I WOULD LOVE TO HEAR IT.

CHAIRMAN: MR. SILVERT, I WOULD LIKE TO MAKE A MOTION THAT WE VOTE BY WRITTEN BALLOT.
MR. SILVERT: IS THERE A SECOND TO THAT

MOTION?

MR. ALLEN: SECOND.

MR. SILVERT: ALL IN FAVOR OF SUBMITTING YOUR VOTE BY WRITTEN BALLOT PLEASE RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. SILVERT: ANY OPPOSED?

(NO RESPONSE)

MR. SILVERT: AT THIS TIME I'M GOING TO HAND OUT SOME SLIPS OF PAPER AND HAVE EVERYONE WRITE THEIR NAME DOWN.

HAS EVERYONE AGREED THAT I COLLECTED ALL THE BALLOTS?

(ALL BOARD MEMBERS AGREE.)

MR. SILVERT: I WILL READ THOSE. ONE FOR MR. KAZLAUSKAS. TWO FOR MR. KAZLAUSKAS. THREE FOR MR. KAZLAUSKAS. FOUR FOR MR. KAZLAUSKAS. ONE FOR MR. PEDLEY. TWO FOR MR. PEDLEY. THREE FOR MR. PEDLEY. FIVE FOR MR. KAZLAUSKAS. FOUR FOR MR. PEDLEY. FIVE FOR MR. PEDLEY. IT REMAINS FIVE TO FIVE.

HAVING A VICE CHAIR AT THIS MEETING IS NOT NECESSARY, AS THE CHAIR IS PRESENT; HOWEVER, WE WILL NEED TO COME UP WITH A VICE CHAIR.

WOULD EVERYONE LIKE TO REVOTE AGAIN?

CERTAINLY THE PLEASURE OF THIS COMMISSION TO MOVE
CHAIRMAN: MR. SILVERT, I WOULD LIKE TO MAKE A MOTION WE VOTE AGAIN.

MR. SILVERT: VOTE BY WRITTEN BALLOT?

CHAIRMAN: CONTINUE AS WE HAVE BEFORE.

MR. SILVERT: IS THERE A SECOND TO VOTE AGAIN FOR VICE CHAIR BY WRITTEN BALLOT? IS THERE A SECOND?

MR. ALLEN: WRITTEN.

MR. SILVERT: ALL THOSE IN FAVOR OF VOTING AGAIN BY WRITTEN BALLOT PLEASE RAISE YOUR HAND.

(BOARD MEMBERS TIM ALLEN, IRVIN ROGERS, MARGARET CAMBRON, DAVE APPLEBY, DREW KIRKLAND, WARD PEDLEY, WALLY TAYLOR, JOHN KAZLAUSKAS AND GREG BLACK responded AYE.)

MR. SILVERT: ALL THOSE OPPOSED.

(BOARD MEMBER FRED REEVES RESPONDED NAY.)

MR. SILVERT: ONE OPPOSED.

WE WILL VOTE AGAIN BY WRITTEN BALLOT.

CHAIRMAN: MR. SILVERT, WAIT JUST A MOMENT.

MR. REEVES, DID YOU HAVE ANOTHER ALTERNATIVE?

MR. REEVES: DO I HAVE ANOTHER ALTERNATIVE, NO.

CHAIRMAN: I THOUGHT MAYBE YOU HAD ANOTHER --

MR. REEVES: NO. I JUST DIDN'T THINK WE'RE GOING TO GET A DIFFERENT OUTCOME.
CHAIRMAN: I THOUGHT MAYBE SOMEBODY ELSE HAS
GOT A BETTER SOLUTION.

MR. REEVES: I WISH.

MR. SILVERT: DOES EVERYONE AGREED THAT I
RECEIVED THEIR BALLOT?

(ALL BOARD MEMBERS AGREE)

MR. SILVERT: ONE FOR MR. KAZLAUSKAS. TWO FOR
MR. KAZLAUSKAS. THREE FOR MR. KAZLAUSKAS. FOUR FOR
MR. KAZLAUSKAS. ONE FOR MR. PEDLEY. TWO FOR MR.
PEDLEY. THREE FOR MR. PEDLEY. FIVE FOR MR.
KAZLAUSKAS. FOUR FOR MR. PEDLEY AND FIVE FOR MR.
PEDLEY.

MR. SILVERT: WE ARE AGAIN TIED.

MR. KAZLAUSKAS: MR. CHAIRMAN, I MAKE A MOTION
THAT WE TABLE THE ELECTION FOR VICE CHAIR UNTIL NEXT
MONTH.

CHAIRMAN: MR. KAZLAUSKAS, ACTUALLY I AM THE
CHAIRMAN. MR. SILVERT IS IN CHARGE OF THE ELECTION.

MR. KAZLAUSKAS: I'M SORRY.

I MAKE THE MOTION THAT WE TABLE THE ELECTION
FOR VICE CHAIR UNTIL NEXT MONTH.

MR. SILVERT: IS THERE A SECOND?

MR. APPLEBY: SECOND.

MR. SILVERT: ALL IN FAVOR OF TABLING THE
ELECTION OF VICE CHAIR UNTIL THE FEBRUARY MEETING,
PLEASE RAISE YOUR HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. SILVERT: ALL OPPOSED.

(NO RESPONSE)

MR. SILVERT: THAT ELECTION WILL BE TABLED UNTIL THE FEBRUARY MEETING.

WE NOW HAVE THE ELECTION OF SECRETARY. ARE THERE ANY NOMINATIONS FOR SECRETARY?

CHAIRMAN: I'D LIKE TO NOMINATE MR. DAVE APPLEBY.

MR. PEDLEY: SECOND.

MR. SILVERT: THERE'S A NOMINATION AND A SECOND FOR YOU, MR. APPLEBY. DO YOU ACCEPT?

MR. APPLEBY: YES.

MR. SILVERT: ARE THERE ANY OTHER NOMINATIONS FOR THE OFFICE OF SECRETARY?

(NO RESPONSE)

CHAIRMAN: I MOVE THAT THE NOMINATION CEASE.

MR. REEVES: SECOND.

MR. SILVERT: THERE'S A MOTION THAT THE NOMINATION WILL CEASE. ALL IN FAVOR OF THE MOTION FOR THE NOMINATION TO CEASE PLEASE RAISE YOUR HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. SILVERT: ALL OPPOSED.

(NO RESPONSE)
MR. SILVERT: IS THERE A MOTION TO ACCEPT MR. APPLEBY BY ACCLAMATION?

CHAIRMAN: SO MOVED.

MR. SILVERT: IS THERE A SECOND?

MR. REEVES: SECOND.

MR. SILVERT: ALL IN FAVOR PLEASE RAISE YOUR HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. SILVERT: ALL OPPOSED.

(NO RESPONSE)

MR. SILVERT: MR. APPLEBY IS THE SECRETARY.

MR. CHAIRMAN, I TURN IT OVER TO YOU.

CHAIRMAN: THANK YOU, MR. SILVERT.

OUR FIRST ORDER OF BUSINESS IS TO CONSIDER THE MINUTES OF THE DECEMBER 13, 2012 MEETING. ARE THERE ANY CORRECTIONS, ADDITIONS OR QUESTIONS?

(NO RESPONSE)

CHAIRMAN: AS ALL OF OUR ITEMS FOR THE OWENSBORO METROPOLITAN PLANNING COMMISSION, AS ALL THE BOARD MEMBERS KNOW AND THE STAFF AND MOST OF YOU ALL THAT HAVE VISITED MANY OF OUR MEETINGS, OUR AVAILABLE ONLINE. SO IF YOU CARE TO HAVE SOME INTERESTING READING AT 10:00, I RECOMMEND THE COMPLETE MINUTES AND I'M SURE YOU READ IT OFTEN AND WOULD RECOMMEND IT TO PEOPLE.
IF THERE ARE NO CORRECTIONS OR ADDITIONS TO THE MINUTES THE CHAIR WILL ACCEPT A MOTION.

MR. PEDLEY: MOTION FOR APPROVAL.

CHAIRMAN: MOTION FOR APPROVAL BY MR. PEDLEY.

MR. ALLEN: SECOND.

CHAIRMAN: SECOND BY MR. ALLEN. ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MINUTES IS ACCEPTED.

NEXT ITEM, PLEASE, MR. NOFFSINGER.

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ZONING CHANGE

ITEM 3

607 CRABTREE AVENUE, 0.240 ACRES

CONSIDER ZONING CHANGE: FROM I-1 LIGHT INDUSTRIAL TO B-5 BUSINESS/INDUSTRIAL

APPLICANT: JAMES PHILLIP EDGE, SR.

MR. SILVERT: WOULD YOU STATE YOUR NAME, PLEASE?

MS. EVANS: MELISSA EVANS.

(MELISSA EVANS SWORN BY ATTORNEY.)

MS. EVANS: FIRST OF ALL, I WOULD LIKE TO SAY THAT REZONINGS HEARD HERE TONIGHT WILL BECOME FINAL 21 DAYS AFTER THE MEETING UNLESS AN APPEAL IS FILED. IF AN APPEAL IS FILED, THE RECORD FROM THE MEETING WILL BE FORWARD TO THE APPROPRIATE LEGISLATIVE BODY FOR
FINAL ACTION. THE APPEAL FORMS ARE AVAILABLE IN OUR OFFICE, ON THE BACK TABLE HERE IN THIS ROOM, AND ALSO ON OUR WEBSITE.

PLANNING STAFF RECOMMENDATIONS

THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT TO THE CONDITIONS AND FINDINGS OF FACT THAT FOLLOW:

CONDITIONS:

1. ACCESS SHALL BE LIMITED TO A SINGLE 40 FOOT ACCESS AND TRUCK TRAFFIC UTILIZING THE SITE SHALL BE PROHIBITED FROM BACKING TO OR FROM CRABTREE AVENUE; AND,

2. VEHICULAR USE AREA LANDSCAPING SHALL BE INSTALLED CONSISTING OF A THREE FOOT WIDE LANDSCAPE EASEMENT WITH A THREE FOOT HIGH CONTINUOUS ELEMENT AND ONE TREE EVERY 40 LINEAR FEET.

FINDINGS OF FACT:

1. STAFF RECOMMENDS APPROVAL BECAUSE THE PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY’S ADOPTED COMPREHENSIVE PLAN;

2. THE SUBJECT PROPERTY IS LOCATED WITHIN A BUSINESS/INDUSTRIAL PLAN AREA, WHERE GENERAL BUSINESS AND LIGHT INDUSTRIAL USES ARE APPROPRIATE IN GENERAL LOCATIONS;

3. THE SUBJECT PROPERTY LIES WITHIN AN EXISTING AREA OF MIXED GENERAL BUSINESS AND LIGHT
INDUSTRIAL USES;

4. THE COMPREHENSIVE PLAN PROVIDES FOR THE
CONTINUANCE OF MIXED USE AREAS; AND,

5. THE PROPOSED LAND USE FOR THE SUBJECT
PROPERTY IS IN COMPLIANCE WITH THE CRITERIA FOR A
BUSINESS/INDUSTRIAL PLAN AREA AND A B-5
BUSINESS/INDUSTRIAL ZONING CLASSIFICATION

MS. EVANS: WE WOULD LIKE TO ENTER THE STAFF
REPORT INTO THE RECORD AS EXHIBIT A.

CHAIRMAN: IS THE APPLICANT HERE?
(NO RESPONSE)

CHAIRMAN: DOES ANYBODY HAVE ANY QUESTIONS?
(NO RESPONSE)

CHAIRMAN: DOES ANYBODY FROM THE COMMISSION
HAVE ANY QUESTIONS?
(NO RESPONSE)

CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
MOTION.

MR. APPLEBY: MOTION FOR APPROVAL BASED ON
STAFF’S RECOMMENDATIONS WITH TWO CONDITIONS AND
FINDINGS OF FACT 1 THROUGH 5.

CHAIRMAN: A MOTION FOR APPROVAL BY MR.
APPLEBY.

MR. REEVES: SECOND.

CHAIRMAN: SECOND BY MR. REEVES. ALL IN FAVOR
RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

NEXT ITEM, PLEASE.

ITEM 4

7251 HOBBS ROAD, 1.002 ACRES
CONSIDER ZONING CHANGE: FROM A-R RURAL AGRICULTURE
TO B-4 GENERAL BUSINESS
APPLICANT: WILLIAM T. LYTLE

PLANNING STAFF RECOMMENDATION

THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT
TO THE CONDITIONS AND FINDINGS OF FACT THAT FOLLOW:

CONDITIONS:

1. INSTALL REQUIRED PERIMETER SCREENING ALONG
THE NORTH PROPERTY LINE CONSISTING OF A TEN FOOT HIGH
LANDSCAPE EASEMENT WITH A SIX FOOT TALL SOLID ELEMENT
AND ONE TREE EVERY 40 LINEAR FEET;

2. ALL VEHICULAR USE AREAS ARE REQUIRED TO BE
PAVED INCLUDING DISPLAY AREAS FOR ITEMS FOR SALE; AND,

3. INSTALL VEHICULAR USE AREA SCREENING WHERE
PARKING AREAS ARE ADJACENT TO THE ROAD RIGHT-OF-WAY
CONSISTING OF A THREE FOOT EASEMENT WITH A THREE FOOT
TALL CONTINUOUS ELEMENT AND ONE TREE EVERY 40 LINEAR
FEET.

FINDINGS OF FACT:

1. STAFF RECOMMENDS APPROVAL BECAUSE THE
1. The proposal is in compliance with the community’s adopted comprehensive plan;

2. The subject property is partially located in a rural community plan area where general business uses are appropriate in limited locations and partially located in a rural maintenance plan area where general business uses are generally not recommended;

3. The proposal is an expansion of existing B-4 zoning to the northwest;

4. The expansion of B-4 zoning will not significantly increase the extent of the zone in the vicinity and will not overburden the capacity of roadways and resources available in the area.

Ms. Evans: We would like to enter the staff report into the record as exhibit B.

Chairman: Is the applicant here?

Applicant Rep: Yes.

Chairman: Does anybody have any questions of the applicant?

(NO RESPONSE)

Chairman: Anybody from the audience?

(NO RESPONSE)

Chairman: Anybody from the commission?

(NO RESPONSE)
Mr. Rogers: Mr. Chairman, I make a motion for approval based on Planning Staff recommendations with the conditions 1, 2 and 3 and findings of facts 1 through 4.

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

Mr. Taylor: Second.

Chairman: We've got a second by Mr. Taylor.

All in favor raise your right hand.

(All board members present responded aye.)

Chairman: Motion carries unanimously.

Next item, please.

Item 5

2201 Old Henderson Road, 0.667 acres
Consider zoning change: from R-4D inner-city residential to B-5 business/industrial
Applicant: Johnny Goodman

Planning Staff recommendation

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

Conditions:

1. Access shall be limited to a maximum of 40% of the total lot width and each access point shall not exceed 50 feet in width; and,
2. PERIMETER SCREENING SHALL BE INSTALLED ALONG THE NORTH AND EAST PROPERTY BOUNDARIES CONSISTING OF A 10 FOOT LANDSCAPE EASEMENT WITH A SIX FOOT HIGH WALL OR FENCE AND ONE TREE EVERY 40 LINEAR FEET.

FINDINGS OF FACT:
1. STAFF RECOMMENDS APPROVAL BECAUSE THE PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY’S ADOPTED COMPREHENSIVE PLAN;
2. THE SUBJECT PROPERTY IS LOCATED WITHIN A BUSINESS/INDUSTRIAL PLAN AREA, WHERE GENERAL BUSINESS AND LIGHT INDUSTRIAL USES ARE APPROPRIATE IN GENERAL LOCATIONS;
3. THE SUBJECT PROPERTY LIES WITHIN AN EXISTING AREA OF MIXED GENERAL BUSINESS AND LIGHT INDUSTRIAL USES;
4. THE COMPREHENSIVE PLAN PROVIDES FOR THE CONTINUANCE OF MIXED USE AREAS; AND,
5. THE PROPOSED LAND USE FOR THE SUBJECT PROPERTY IS IN COMPLIANCE WITH THE CRITERIA FOR A BUSINESS/INDUSTRIAL PLAN AREA AND A B-5 BUSINESS/INDUSTRIAL ZONING CLASSIFICATION.

MS. EVANS: WE WOULD LIKE TO ENTER THE STAFF REPORT INTO THE RECORD AS EXHIBIT C.

CHAIRMAN: IS THE APPLICANT HERE?
CHAIRMAN: DOES ANYBODY FROM THE AUDIENCE HAVE ANY QUESTIONS?

CHAIRMAN: FROM THE COMMISSION?

CHAIRMAN: IF NOT THE CHAIR IS READY FOR A MOTION.

MR. PEDLEY: MOTION FOR APPROVAL BASED ON STAFF RECOMMENDATIONS WITH CONDITIONS 1 AND 2 AND FINDINGS OF FACT 1 THROUGH 5.

CHAIRMAN: MOTION FOR APPROVAL BY MR. PEDLEY.

MS. CAMBRON: SECOND.

CHAIRMAN: SECOND BY MS. CAMBRON. ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

NEXT ITEM, PLEASE.

ITEM 6

1308 WEST SECOND STREET, 0.172 ACRES

CONSIDER ZONING CHANGE: FROM B-4 GENERAL BUSINESS TO R-4DT INNER-CITY RESIDENTIAL

APPLICANT: TERRY THACKER

PLANNING STAFF RECOMMENDATIONS

THE PLANNING STAFF RECOMMENDS APPROVAL SUBJECT TO THE CONDITION AND FINDINGS OF FACT THAT FOLLOW:
CONDITION:

INSTALL A 10 FOOT WIDE LANDSCAPE EASEMENT WITH
A SIX FOOT TALL SOLID WALL OR FENCE AND ONE TREE EVERY
40 LINEAR FEET ALONG THE EAST AND WEST PROPERTY LINES.

FINDINGS OF FACT:

1. STAFF RECOMMENDS APPROVAL BECAUSE THE
PROPOSED R-4DT INNER CITY RESIDENTIAL ZONING IS MORE
APPROPRIATE THAN THE CURRENT B-4 GENERAL BUSINESS
ZONE;

2. THE SUBJECT PROPERTY IS LOCATED IN A
BUSINESS PLAN AREA, WHERE URBAN LOW-DENSITY
RESIDENTIAL USES ARE APPROPRIATE IN VERY-LIMITED
LOCATIONS;

3. THE SUBJECT PROPERTY HAS BEEN USED AS A
RESIDENCE FOR MORE THAN 70 YEARS;

4. THE R-4DT ZONING IS AN EXPANSION OF
RESIDENTIAL USE TO THE WEST AND SOUTH; AND,

5. THE PROPOSED ZONING CHANGE WILL BRING THE
PROPERTY USE THAT HAS EXISTED ON THE SITE SINCE 1939
INTO CONFORMANCE WITH THE ZONING ORDINANCE.

MS. EVANS:  WE WOULD LIKE TO ENTER THE STAFF
REPORT INTO THE RECORD AS EXHIBIT D.

CHAIRMAN:  IS THE APPLICANT HERE?

APPLICANT REP:  YES.

CHAIRMAN:  DOES ANYBODY HAVE ANY QUESTIONS OF
THE APPLICANT?

(NO RESPONSE)

CHAIRMAN: ANYBODY FROM THE COMMISSION?

(NO RESPONSE)

CHAIRMAN: IF NOT THE CHAIR IS READY FOR A MOTION.

MR. APPLEBY: MOTION FOR APPROVAL BASED ON STAFF'S RECOMMENDATIONS WITH THE SINGLE CONDITION AND FINDINGS OF FACT 1 THROUGH 5.

CHAIRMAN: MOTION FOR APPROVAL BY MR. APPLEBY.

MR. ALLEN: SECOND.

CHAIRMAN: SECOND BY MR. ALLEN. ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

NEXT ITEM, PLEASE.

ITEM 7

3750 RALPH AVENUE, 17.297 ACRES (POSTPONED AT DECEMBER 13, 2012 MEETING) CONSIDER ZONING CHANGE: FROM A-U URBAN AGRICULTURE TO R-3MF MULTI-FAMILY RESIDENTIAL APPLICANT: CHANDLER PROPERTY MANAGEMENT, INVISION, LLC

MR. SILVERT: WOULD YOU STATE YOUR NAME, PLEASE?

MR. HOWARD: BRIAN HOWARD.

(BRIAN HOWARD SWORN BY ATTORNEY.)
MR. HOWARD: THIS IS A STAFF REPORT FOR DENIAL
SO I WILL READ THE ENTIRE STAFF REPORT INTO THE
RECORD.

PROPOSED ZONE & LAND USE PLAN

THE APPLICANT IS SEEKING AN R-3MF MULTI-FAMILY
ZONE. THE SUBJECT PROPERTY IS LOCATED IN A BUSINESS
PLAN AREA WHERE URBAN MID-DENSITY RESIDENTIAL USES ARE
APPROPRIATE IN LIMITED LOCATIONS.

SPECIFIC LAND USE CRITERIA

(A) BUILDING AND LOT PATTERNS – BUILDING AND
LOT PATTERNS SHOULD CONFORM TO THE CRITERIA FOR “URBAN
RESIDENTIAL DEVELOPMENT” (D6).

(B) EXISTING, EXPANDED OR NEW SANITARY SEWERS
- URBAN MID-DENSITY RESIDENTIAL USES SHOULD OCCUR ONLY
WHERE SANITARY SEWER SYSTEMS EXIST OR MAY BE EXPANDED,
OR WHERE NEW SYSTEMS MAY BE PROPERLY ESTABLISHED.

(C) LOGICAL EXPANSION – EXISTING AREAS OF
URBAN MID-DENSITY RESIDENTIAL USES MAY BE EXPANDED
ONTO CONTIGUOUS LAND. AN EXPANSION OF THIS USE SHOULD
NOT OVERTAX THE CAPACITY OF ROADWAYS AND OTHER
NECESSARY URBAN SERVICES THAT ARE AVAILABLE IN THE
AFFECTED AREA.

(D) NEW LOCATIONS NEAR MAJOR STREETS – IN
BUSINESS PLAN AREAS, NEW LOCATIONS OF URBAN
MID-DENSITY RESIDENTIAL USE SHOULD BE
"MAJOR-STREET-ORIENTED" (D2).

PLANNING STAFF REVIEW

GENERAL LAND USE CRITERIA

ENVIRONMENT

IT APPEARS THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A WETLANDS AREA PER THE US DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE MAP DATED MARCH 6, 1990.

- THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA PER FIRM MAP 21059C0281 D.
- IT APPEARS THAT THE SUBJECT PROPERTY IS NOT WITHIN THE OWENSBORO WELLHEAD PROTECTION AREA PER THE GRADD MAP DATED MARCH 1999.
- THE DEVELOPER IS RESPONSIBLE FOR OBTAINING PERMITS FROM THE DIVISION OF WATER, THE ARMY CORP OF ENGINEERS, FEMA OR OTHER STATE AND FEDERAL AGENCIES AS MAY BE APPLICABLE.

URBAN SERVICES

ALL URBAN SERVICES, INCLUDING SANITARY SEWERS, ARE AVAILABLE TO THE SITE.

DEVELOPMENT PATTERNS

THE SUBJECT PROPERTY IS CURRENTLY USED AS THE SPLASH SWIM CLUB WITH A LARGE PORTION OF THE PARCEL TO THE SOUTH UNDEVELOPED. THE PARCELS TO THE WEST AND EAST ARE PRIMARILY UNDEVELOPED WHILE THE PROPERTY TO
THE NORTH IS COMMERCIAL AND THE PROPERTY TO THE SOUTH
IS AN EXISTING SINGLE-FAMILY RESIDENTIAL SUBDIVISION.

AS PART OF THE REZONING PROCESS, THE APPLICANT
SUBMITTED A TRAFFIC IMPACT STUDY (TIS) TO DETERMINE
THE IMPACT IT MAY HAVE ON THE SURROUNDING
TRANSPORTATION NETWORK. BASED ON THE RECOMMENDATIONS
OF THE TIS, SUFFICIENT ROOM SHOULD BE PROVIDED AT THE
TERMINUS OF RALPH AVENUE TO ALLOW ACCESS FOR EMERGENCY
VEHICLES AND FOR OTHER VEHICLES TO TURN AROUND.

COMMENTS RECEIVED FROM THE CITY ENGINEER REINFORCE THE
NEED FOR A CUL-DE-SAC AT THE TERMINUS OF RALPH AVENUE.
HE STATES THE CUL-DE-SAC SHOULD BE A PUBLIC STREET ON
PUBLIC RIGHT-OF-WAY. ALTHOUGH NO DISCUSSION OF THE
NEED FOR A RIGHT-TURN LANE ON KENTUCKY HIGHWAY 54 AT
RALPH AVENUE IS INCLUDED IN THE TIS, THE KENTUCKY
TRANSPORTATION CABINET PLOTTED THE 2014 OPENING DAY
FUTURE TRAFFIC, AND BASED ON THOSE NUMBERS, A
RIGHT-TURN LANE IS WARRANTED. THE STATE WILL REQUIRE
THE INSTALLATION OF A RIGHT-TURN LANE. ALL ROADWAY
IMPROVEMENTS MUST BE COMPLETED AT THE EXPENSE OF THE
DEVELOPER.

WHEN REZONED TO R-3MF MULTI-FAMILY RESIDENTIAL
IN 2009, THE PROPERTY TO THE WEST WAS REQUIRED TO
PROVIDE A CONNECTION TO THE SUBJECT PROPERTY. THE
ADJOINING PROPERTY HAS NOT DEVELOPED AT THIS POINT,
BUT THE CONDITION WAS MADE PART OF THE REZONING APPROVAL AND SHOWN ON THE PRELIMINARY DEVELOPMENT PLAN. A PRELIMINARY DEVELOPMENT PLAN WAS SUBMITTED IN CONJUNCTION WITH THE ZONING CHANGE AND THE APPLICANT’S PROPOSAL DOES NOT INCLUDE CONNECTION TO THE ADJOINING PROPERTY. BASED ON CONVERSATIONS WITH THE APPLICANTS, THE INTENT OF THE DEVELOPMENT IS TO BE A GATED, SECLUDED ENVIRONMENT AND THE CONNECTION WILL DEFEAT THE INTENDED PURPOSE. HOWEVER, FROM A TRANSPORTATION PLANNING PERSPECTIVE, THE POTENTIAL CONNECTION OF ADJOINING PROPERTIES IS SUPPORTED IN THE COMPREHENSIVE PLAN, SUBDIVISION REGULATIONS AND ZONING ORDINANCE. THE PROPERTY TO THE EAST IS CURRENTLY A LARGE TRACT WITH ONLY A SINGLE RESIDENCE, BUT THERE ARE STREETS STUBBED TO THE PROPERTY LINE FROM BOTH LAKE FOREST AND THE WOODLANDS. WITH THE CONNECTIONS COMPLETED AS PLANNED, A PERSON COULD TRAVEL FROM MILLERS MILL ROAD TO FAIRVIEW DRIVE WITHOUT THE NEED TO BE ON HIGHWAY 54. GRANTED, THE ROUTE IS CIRCUITOUS, AND WHILE IT MAY NOT CARRY ENOUGH TRAFFIC TO HAVE AN APPRECIABLE IMPACT TO IMPROVE HIGHWAY 54, IT GIVES MOTORISTS ANOTHER OPTION. CONNECTING THE NEIGHBORHOODS WILL ALSO PROVIDE ANOTHER OPTION FOR PEDESTRIAN AND VEHICULAR CONNECTIONS FOR THOSE WISHING TO TRAVEL FROM ONE SUBDIVISION TO THE OTHER AND FROM A SUBDIVISION TO
THE RETAIL ON VILLA POINT.

THE CONNECTIONS ALSO PROVIDE A MEANS FOR EMERGENCY VEHICLES TO ACCESS THE SITE IN THE EVENT THAT RALPH AVENUE IS BLOCKED. AS PROPOSED, EMERGENCY VEHICLES WOULD NOT HAVE AN ALTERNATIVE WAY TO ACCESS THE SITE WITH JUST A SINGLE ACCESS. THE PRELIMINARY DEVELOPMENT PLAN SHOWS A PROPOSED GATED ACCESS TO THE EAST BUT THERE IS NO GUARANTEE IF, OR WHEN, THAT SITE WILL DEVELOP AND THE SECONDARY ACCESS WILL BE AVAILABLE FOR USE. IF A PUBLIC CONNECTION IS MADE TO THE EAST AS PLANNED AND PROVISION FOR CONNECTION TO THE WEST IS INCLUDED IN THE DESIGN OF THE SITE, IT WILL PROVIDE FOR INTERCONNECTION OF ADJOINING PROPERTIES AND PROVIDE AN ALTERNATIVE ACCESS FOR EMERGENCY VEHICLES.

THE OMPC STAFF HAS BEEN WORKING WITH BOTH THE CITY AND COUNTY ENGINEERS AND THE GRADD TRANSPORTATION PLANNER FOR THE PAST YEAR TO DEVELOP A POLICY ON SECONDARY ACCESS POINTS FOR ALL DEVELOPMENT WITHIN DAVIESS COUNTY. THE MOST RECENT VERSION SUBMITTED TO THE GROUP IN LATE OCTOBER 2012, READS AS FOLLOWS:

ANY RESIDENTIAL DEVELOPMENT OF GREATER THAN 75 LOTS/DWELLING UNITS AND ANY COMMERCIAL/INDUSTRIAL DEVELOPMENT WITH A PROJECTED AADT GREATER THAN 1,000 VEHICLES PER DAY WILL BE REQUIRED TO HAVE AT LEAST TWO
FULL ACCESS POINTS THAT ARE OPEN AND OPERABLE TO THE PUBLIC. LARGER RESIDENTIAL DEVELOPMENTS (300+ LOTS/DWELLING UNITS) WILL BE REVIEWED ON A CASE BY CASE BASIS FOR ADDITIONAL ROADWAY CONNECTIONS AND MAY REQUIRE A TRAFFIC IMPACT STUDY. STUB STREETS, WHILE VITAL FOR THE FUTURE CONNECTIVITY OF THE TRANSPORTATION NETWORK IN A DEVELOPING AREA, DO NOT COUNT TOWARDS THE REQUIREMENT. STUB STREETS WILL BE REQUIRED TO EXTEND TO THE PROPERTY LINE OF ADJOINING TRACTS WITH THE POTENTIAL FOR FUTURE DEVELOPMENT. AT THE TIME OF FINAL PLATTING, THE RIGHT-OF-WAY SHALL BE DEDICATED AND SURETY SHALL BE POSTED FOR ALL STREETS, INCLUDING STUB STREETS.

ALTHOUGH NOT FORMALLY ADOPTED AT THIS TIME, THE PROPOSED DEVELOPMENT CERTAINLY MEETS THE MINIMUM THRESHOLD FOR TWO ACCESS POINTS AND FALLS UNDER THE CASE BY CASE BASIS FOR ADDITIONAL CONNECTIONS. WITH A PLANNED CONNECTION ON THE APPROVED PRELIMINARY DEVELOPMENT PLAN ON THE PROPERTY TO THE WEST AND STREETS STUBBED TO THE PROPERTY TO THE EAST, THE ROADWAY NETWORK IN THE VICINITY SHOULD CONNECT AS PLANNED.

SPECIFIC LAND USE CRITERIA

THE APPLICANT’S PROPOSAL IS NOT IN COMPLIANCE WITH THE COMPREHENSIVE PLAN. SANITARY SEWER SERVICE
IS CURRENTLY AVAILABLE AND THE PROPOSAL FOR
MULTI-FAMILY RESIDENTIAL USE IS CONSISTENT WITH THE
CRITERIA FOR URBAN RESIDENTIAL DEVELOPMENT. HOWEVER,
THE PROPOSAL IS NOT A LOGICAL EXPANSION OF EXISTING
R-3MF MULTI-FAMILY RESIDENTIAL ZONING. WITH NO
PROVISION FOR STREET CONNECTION TO THE R-3MF PROPERTY
TO THE WEST, THE PROPOSAL IS AN ISOLATED PARCEL
PROPOSED FOR MULTI-FAMILY DEVELOPMENT. THE ADJOINING
PROPERTY HAS ACCESS TO PROFESSIONAL PLAZA DRIVE AND
FAIRVIEW DRIVE. THE CURRENT PROPOSAL WILL HAVE ONLY
ACCESS TO RALPH AVENUE. RALPH AVENUE IS NOT
CLASSIFIED AS A MAJOR STREET SO THE PROPOSAL DOES NOT
MEET THE CRITERIA FOR A NEW LOCATION. THE PROPOSAL
ALSO DOES NOT CONFORM TO 5.1.3 OF THE TRANSPORTATION
SECTION OF THE COMPREHENSIVE PLAN THAT ENCOURAGES THE
LOGICAL EXTENSION, EXPANSION AND MAINTENANCE OF OUR
PRESENT TRANSPORTATION SYSTEM. THE PROPOSAL IS NOT A
LOGICAL EXTENSION OR EXPANSION OF THE PRESENT OR
PLANNED ROADWAY NETWORK.

THE PROPOSAL FALLS UNDER ARTICLE 10 PLANNED
RESIDENTIAL DEVELOPMENT PROJECT OF THE ZONING
ORDINANCE. UNDER “STREETS” THE ORDINANCE STATES “THE
STREET SYSTEM SHALL ACCOMMODATE THE NEEDS OF THE
NEIGHBORING AREA STREET CLASSIFICATION SYSTEM AS
DESCRIBED IN 5.22 OF THE OWENSBORO METROPOLITAN

OHIO VALLEY REPORTING
(270) 683-7383
SUBDIVISION REGULATIONS. " THE SUBDIVISION REGULATIONS IN 5.22 STATE "BECAUSE THE TRANSPORTATION SYSTEM IS THE FRAMEWORK ON WHICH OUR COMMUNITY IS BUILT, IT IS IMPORTANT THAT STREETS FUNCTION WELL AND PROPERLY CHARACTERIZE THE MOVEMENT AND ACCESS NEEDS OF COMMUNITY RESIDENTS. THE STREET SYSTEM FOR A PROPOSED SUBDIVISION; THEREFORE, MUST CONFORM WITH A CLASSIFICATION PLAN THAT CAN ACCOMMODATE THE EXISTING PATTERNS OF STREETS AS WELL AS EXISTING AND PROPOSED LAND USES FOR THE ENTIRE NEIGHBORING AREA. SECTION 5.222 FURTHER STATES "COLLECTION AND DISTRIBUTION OF LOCAL TRAFFIC WITHIN A NEIGHBORHOOD, AS WELL AS ACCESS TO ABUTTING PROPERTY, SHALL BE PROVIDED BY A MINOR COLLECTOR STREET SYSTEM WHICH INTERCONNECTS ARTERIALS AND MAJOR COLLECTORS WITH LOCAL ACCESS STREETS." AND SECTION 5.223 STATES "A PROPOSED SUBDIVISION’S STREET SYSTEM SHALL INTEGRATE AND ALIGN WITH EXISTING STREETS OR SURETY-POSTED PLANNED STREETS WITHIN ITS VICINITY."

PLANNING STAFF RECOMMENDATIONS

THE PLANNING STAFF RECOMMENDS DENIAL SUBJECT TO THE FINDINGS OF FACT THAT FOLLOW:

FINDINGS OF FACT:

1. STAFF RECOMMENDS DENIAL BECAUSE THE PROPOSAL IS NOT IN COMPLIANCE WITH THE COMMUNITY’S ADOPTED COMPREHENSIVE PLAN;
2. THE SUBJECT PROPERTY IS LOCATED IN A BUSINESS PLAN AREA WHERE URBAN MID-DENSITY RESIDENTIAL USES ARE APPROPRIATE IN LIMITED LOCATIONS;

3. THE PROPOSAL IS NOT A LOGICAL EXPANSION OF EXISTING R-3MF MULTI-FAMILY RESIDENTIAL ZONING SINCE THE SUBJECT PROPERTY WILL NOT HAVE A PUBLIC STREET CONNECTION WITH THE PROPERTY TO THE WEST CURRENTLY ZONED R-3MF;

4. THE PROPOSAL DOES NOT CONFORM TO 5.1.3 OF THE TRANSPORTATION SECTION OF THE COMPREHENSIVE PLAN THAT ENCOURAGES THE LOGICAL EXTENSION, EXPANSION AND MAINTENANCE OF OUR PRESENT TRANSPORTATION SYSTEM; AND,

5. THE PROPOSAL DOES NOT MEET THE INTENT OF “STREETS” SECTION OF ARTICLE 10 OF THE ZONING ORDINANCE THAT STATES THE STREET SYSTEM OF A PLANNED RESIDENTIAL DEVELOPMENT SHALL ACCOMMODATE THE NEEDS OF THE NEIGHBORING AREA STREET CLASSIFICATION SYSTEM AS DESCRIBED IN 5.22 OF THE OWENSBORO METROPOLITAN SUBDIVISION REGULATIONS.

MR. HOWARD: WE WOULD LIKE TO ENTER THE STAFF REPORT INTO THE RECORD AS EXHIBIT E.

CHAIRMAN: THANK YOU, MR. HOWARD. YOU DID AN OUTSTANDING JOB.

YES, SIR, MR. ALLEN.
MR. ALLEN: I HAVE ONE CORRECTION. IT SAYS
UNDER FINDINGS OF FACT IT IS IN COMPLIANCE. I THINK
IT SHOULD READ "IT'S NOT IN COMPLIANCE;" IS THAT
CORRECT?

MR. HOWARD: THAT WAS AN ADMISSION ON THE
AMENDED STAFF REPORT THAT I HANDED OUT. I DID THAT
TODAY. THAT WAS JUST SOMETHING THAT WAS LEFT OUT, BUT
THE APPLICANTS ARE AWARE OF THAT AND THAT'S WHY I
ENTERED THE STAFF REPORT.

CHAIRMAN: THANK YOU.

DOES THE CORRECTION NEED TO BE MADE OR ARE WE
OKAY?

MR. SILVERT: IT WAS CORRECTED AS HE READ IT.

CHAIRMAN: IS THE APPLICANT HERE?

MR. KAMUF: YES, SIR.

MR. SILVERT: STATE YOUR NAME, PLEASE.

MR. KAMUF: CHARLES KAMUF.

MR. SILVERT: YOU'RE SWORN AS AN ATTORNEY, MR.

KAMUF.

CHAIRMAN: MR. KAMUF, WOULD YOU LIKE TO MAKE A
COMMENT?

MR. KAMUF: YES, I WOULD.

FIRST OF ALL, WE HAVE THREE ITEMS HERE TONIGHT
TO TALK ABOUT. WE HAVE THE REZONING THE PRELIMINARY
DEVELOPMENT PLAN AND THE VARIANCE. ARE WE GOING TO
TALK ABOUT ALL OF THAT AT ONE TIME OR ARE WE GOING TO
HAVE IT SEPARATELY? WHATEVER THE PLEASURE OF THE
BOARD. WE'RE WELCOME TO DO ANYTHING.
CHAIRMAN: MR. KAMUF, IF IT'S OKAY WITH YOU,
I'D JUST SOON DO THEM ALL AT ONCE.
MR. KAMUF: I DON'T HAVE ANY OBJECTION.
CHAIRMAN: DOES ANYBODY ON THE COMMISSION HAVE
ANY PROBLEM WITH DOING THEM ALL AT ONE TIME?
MR. REEVES: WELL, IT SEEMS TO ME LIKE IF WE
FOLLOW STAFF'S RECOMMENDATION, THAT THE TWO VARIANCES
ARE IRRELEVANT, AREN'T THEY?
CHAIRMAN: THAT'S WHY I WAS GOING TO TRY TO DO
THEM ALL.
MR. REEVES: THEN WHY WOULD WE NOT JUST FOCUS
ON THE ISSUE OF THE REZONING AND DEAL WITH THE
VARIANCES WHEN WE DECIDE THAT ISSUE. THAT WOULD MAKE
IT CLEAR FOR ME.
MR. KAMUF: THAT'S FINE WITH ME, FRED. I
UNDERSTAND. I JUST THREW THAT OUT BECAUSE YOU HAD
THOSE OTHER TWO ISSUES.
I THINK WHAT FRED IS SAYING, IF WE LOSE THE
FIRST ONE, WE'RE GOING TO LOSE THE OTHER TWO. IF WE
WIN THE FIRST ONE, WE'LL WIN THE OTHER TWO.
CHAIRMAN: I WAS GOING TO GIVE IT TO YOU AND
LET YOU MAKE THE DECISION. AS FAR AS THE BOARD WILL
RULE EITHER WAY.

MR. KAMUF:  I'LL DO AS MR. REEVES AS

INDICATED. WE'LL TAKE THEM ONE AT A TIME.

CHAIRMAN: YOU'RE GOING TO TAKE THEM ONE AT A

TIME. OKAY.

MR. KAMUF:  MRS. CAMBRON AND GENTLEMEN, I

REPRESENT CHANDLER PROPERTY MANAGEMENT, WHICH IS A

REAL ESTATE DEVELOPMENT FIRM OUT OF BOWLING GREEN.

THE COMPANY IS OWNED BY DAVID CHANDLER WHO SITS HERE

AND ALSO BY MIKE SIMPSON.

MIKE SIMPSON HAS SOME CONNECTIONS HERE IN

OWENSBORO. HE WAS BORN IN HANCOCK COUNTY AND HAS BEEN

VERY ACTIVE AT WESLEYAN COLLEGE.

THE COMPANY MANAGES 1200 RENTAL UNITS IN

BOWLING GREEN AND OWN APPROXIMATELY 1,000 APARTMENTS

IN BOWLING GREEN. CHANDLER'S PAST RECORD IN BOWLING

GREEN IS GOOD. THEY HAVE BUILT ONE-GATED COMMUNITY

JUST AS WE'VE TALKED ABOUT HERE TODAY OF 320 UNITS.

THE DEVELOPMENT IS DOING VERY WELL. THE UNITS ARE 97

PERCENT OCCUPIED. CHANDLER HAS 11 APARTMENT

COMMUNITIES IN BOWLING GREEN. ALL HAVE ONE ENTRANCE

FOR INGRESS AND EGRESS. TEN OF THESE DEVELOPMENTS

HAVE BEEN BUILT IN THE LAST TEN YEARS ILLUSTRATING THE

TREND TO LIMIT ACCESS TO THESE TYPE OF COMPLEXES TO

ONE ENTRANCE.
IN THE UNITED STATES, IN EARLY 1970 THERE WERE 2000 GATED COMMUNITIES. BY EARLY 2000 THERE ARE MORE THAN 50,000 GATED COMMUNITIES. PROBABLY TODAY THERE ARE OVER 100,000.

AS YOU CAN SEE, THIS IS SORT OF A REPLICA OF WHAT THE ONE IS IN BOWLING GREEN. IT'S AN UPGRADED TYPE OF DEVELOPMENT.

NOW, I HAVE A PACKET FOR EACH OF YOU. WE HAVE SO MANY EXHIBITS AND I'LL GIVE EACH OF YOU A PACKET.

THE FIRST EXHIBIT THAT WE HAVE IS THIS ONE HERE. IT SHOWS A 17 ACRE TRACT WHICH IS TO BE ZONED MULTI-FAMILY. TO THE WEST OF THE PROPERTY IT'S ZONED MULTI-FAMILY, AND THEREFORE AS A RESULT OF THAT WHEN I FILED MY APPLICATION FOR REZONING I STATED THAT THE REZONING OF THE SUBJECT PROPERTY IS IN ACCORD WITH THE COMPREHENSIVE PLAN AND IS A LOGICAL EXPANSION OF R-3 MULTI-ZONING ONTO CONTIGUOUS LAND. I WILL DO THOSE ONE AT A TIME.

THE FIRST EXHIBIT, THE ONE WE'RE TALKING ABOUT NOW IS THE ONE THAT YOU HAVE AND AS WE GO ALONG JUST TO KEEP THINGS FLOWING GOOD, THE FIRST EXHIBIT IS THE WHITE PIECE OF PAPER.

ONE OF THE MAIN REASONS THAT WE CHOSE THIS PARTICULAR PIECE OF PROPERTY IS BECAUSE OF THE LOCATION TO RETAIL.
THE SECOND, IF YOU CAN SEE ON THE PINK ON THE
DIAGRAM, WHICH IS TO THE REAR OF THE PROPERTY, THERE
IS A WALKWAY TO THE REAR OF THE PROPERTY.

THE THIRD REASON, MAJOR REASON THAT WE PUT THE
PROPOSED PROJECT IS THAT IT'S NEAR THE WENDELL FORD
EXPRESSWAY.

LET'S TALK ABOUT A PLAN UNIT DEVELOPMENT. A
PLAN UNIT DEVELOPMENT IN THIS CASE IS OWNED BY A
SINGLE ENTITY. IT'S THE FIRST ONE OF ITS TYPE IN
OWENSBORO, KENTUCKY. I CHECKED THAT OUT AND I FOUND
THAT TO BE TRUE.

THE DEFINING ATTRIBUTE OF THIS PLAN UNIT
DEVELOPMENT IS THAT IT IS GATED, SECURE AND DOES NOT
HAVE PUBLIC STREETS. THAT'S CRITICAL TO WHAT WE'RE
GOING TO TALK ABOUT AS TO WHAT THE PLANNING STAFF HAS
COME UP WITH AS FAR AS DENIAL.

THIS WILL BE A $25 MILLION PROJECT. IT WILL
BE A GREAT ASSET TO OWENSBORO. I THINK ALONG WITH THE
NEW HOSPITAL AND THE DOWNTOWN DEVELOPMENT THIS WILL BE
GREAT UPSCALE APARTMENT BUILDING FOR OWENSBORO,
KENTUCKY. I MIGHT SAY THAT VERY FEW PEOPLE OR VERY
FEW DEVELOPERS COULD COME UP WITH $25 MILLION TO MAKE
A DEVELOPMENT LIKE THIS. SO I THINK WE'RE PRETTY WELL
BLESSSED TO HAVE SOMEBODY FROM BOWLING GREEN THAT HAS
AN EXCELLENT TRACT RECORD TO COME UP WITH A PROPOSAL
OF THIS NATURE.

IT WILL BE A PRIVATE DEVELOPMENT WITH NO PUBLIC STREETS. IT WILL BE AN APARTMENT COMPLEX WITH ONE OWNER.

NOW, IF WE WERE DIVIDING THE PROPERTY UP INTO PARCELS, WE WOULD HAVE TO HAVE STREETS, BUT WE DON'T. ALL DRIVES WE CALL THOSE INSIDE OF THE APARTMENT DEVELOPMENT WILL BE OWNED BY THE DEVELOPER AND PAID FOR BY THE DEVELOPER. THE DEVELOPMENT WILL BE GATED AND FENCED. THE INTENT OF THE DEVELOPMENT IS TO BE GATED IN A SECLUDED ENVIRONMENT. THERE WILL NOT BE A PUBLIC STREET THROUGH THE DEVELOPMENT. A CONNECTOR STREET, AS REQUESTED BY THE STAFF, WOULD DEFEAT THE WHOLE INTENDED PURPOSE OF THIS PROJECT.

WE WILL HAVE 320 UNITS; 118 ONE-BEDROOM, 160 TWO-BEDROOM UNITS, AND 42 THREE-BEDROOM UNITS.

CHANDLER LOOKED IN OWENSBORO FOR SEVERAL YEARS TO FIND THIS PROPERTY AND IT FIT BECAUSE OF THE REASONS THAT I TALKED TO. ONE OF THE MAIN REASON IS BECAUSE OF THE WALKWAY TO THE REAR.

NOW, THE STAFF, THE FIRST ISSUE I TAKE WITH THE STAFF IS THEY HAVE RECOMMENDED DENIAL BECAUSE THE PROPOSAL IS NOT A LOGICAL EXPANSION OF MULTI-FAMILY, SINCE THE SUBJECT PROPERTY WILL NOT HAVE PUBLIC STREET CONNECTION WITHIN THE PROPERTY. WE'RE NOT GOING TO
HAVE PUBLIC STREETS AND SO THEREFORE THAT DOESN'T APPLY. THE FIRST PART THAT BRIAN READ, THE LOGICAL EXPANSION DOES NOT SAY ANYTHING ABOUT STREETS. IF YOU LOOK UNDER SPECIFIC CRITERIA NUMBER C IN THE FINDINGS, "EXISTING AREAS OF URBAN MID-DENSITY RESIDENTIAL USES MAY BE EXTENDED ONTO CONTIGUOUS LAND." THERE IS NO MENTION IN THERE ABOUT ANY STREET.

NOW, WHEN WE STARTED THIS REZONING ALONG WITH OUR GROUP, WE MET WITH THE PLANNING STAFF AND ASKED IF THERE WAS A WRITTEN REGULATION OR POLICY ON THIS MATTER. I WAS TOLD, WE HAVE NO WRITTEN POLICY OR REGULATION. IT'S AN UNWRITTEN GUIDELINE.

WHEN THERE IS NOTHING IN BLACK AND WHITE, IT ALLOWS FOR A LOT OF DISCRETION AND INTERPRETATION. I WAS TOLD BY THE STAFF THAT THE OMPC UNWRITTEN POLICY WAS THAT NEW DEVELOPMENTS WERE REQUIRED TO HAVE STUB-OUT STREETS OR CONNECTOR STREETS IF THERE WAS UNDEVELOPED LAND AROUND THE PROPOSED DEVELOPMENT.

AFTER MUCH RESEARCH, I FOUND OUT THAT THE OMPC UNWRITTEN POLICY TO HAVE STUB-OUT STREETS OR CONNECTOR STREETS TO PROPOSED DEVELOPMENT WAS INCONSISTENTLY APPLIED.

I'LL SHOW YOU FIVE DIFFERENT ILLUSTRATIONS.

THIS WILL BE THE FIRST COPY THAT YOU HAVE THERE.
THIS PROPERTY HERE IS A 2012 SUBDIVISION IN FEBRUARY THAT WAS APPROVED BY THIS BOARD. THIS IS FAIRVIEW DRIVE THAT YOU HAVE HERE. AS YOU CAN SEE, THIS SUBDIVISION WHICH IS CALLED FAIRHAVEN IS NOT CONNECTED TO ANY. DOESN'T HAVE A STUB-OUT AND IT'S NOT -- ALL OF THIS IS DEVELOPABLE LAND AND IT WAS NOT REQUIRED TO BE CONNECTED.

SECOND OF ALL, ON COMMONWEALTH COURT, THIS IS OUT ON HIGHWAY 54. IT WAS A COMMERCIAL DEVELOPMENT. AS YOU CAN SEE, THERE WAS NOT A STUB-OUT ALONG THIS LINE AND TO THE REAR THERE'S A LARGE TRACT OF LAND, UNDEVELOPED LAND WHICH WAS NOT CONNECTED.

THE THIRD ILLUSTRATION IS ON EASTGATE. THE EASTGATE PROPERTY IS NEAR THE PROPERTY. IT'S OUT ON THURSTON DERMONT ROAD. THE STAFF DID NOT REQUIRE -- LOOK AT THE UNDEVELOPED PROPERTY AROUND IT. THEY DID NOT REQUIRE A STUB-OUT NOR DID THEY REQUIRE A CONNECTOR STREET.

THE FOURTH ONE THAT WE HAVE IS CRESCENT HILLS. WHY THAT ILLUSTRATION IS IMPORTANT, AS YOU CAN SEE THIS IS CRESCENT HILLS. HERE IS ANOTHER STREET THAT COMES IN FROM THIS SUBDIVISION OVER HERE AND THIS STREET WAS NOT REQUIRED TO BE CONNECTED. THAT'S ANOTHER TYPE OF ILLUSTRATION. EVEN THOUGH THIS WAS A PROFESSIONAL DEVELOPMENT.
THE FIFTH ONE IS REALLY AN UNUSUAL ONE. IT'S TERRY WOODWARD'S PROPERTY. THIS IS THE PROPERTY WHICH MOST OF YOU WILL KNOW. IT'S OUT ON -- THIS IS THE BELT LINE THAT COMES AROUND. I THINK RWRA LIFT STATION IS OVER HERE TO THE WEST.

MR. REEVES: WHERE IS THAT, MR. KAMUF, PLEASE?

MR. KAMUF: THE LIFT STATION RIGHT ABOUT HERE.

MR. REEVES: SO THE TERRY WOODWARD PROPERTY IS SOUTH.

MR. KAMUF: THIS IS TERRY WOODWARD'S PROPERTY. IT'S ABOUT A 30 ACRE TRACT OF GROUND. THIS IS THE SUBDIVISION THAT BERNIE ALVEY DEVELOPED CALLED SPRING BANK. OVER TO THE RIGHT IS ONE THAT OZ SNYDER DEVELOPED CALLED FOREST HILLS.

THE PLANNING AND ZONING DID NOT REQUIRE SPRING BANK, AS YOU SEE THIS STREET COME IN, THEY DID NOT REQUIRE AN EXTENSION OF THAT STREET. OVER HERE WHEN YOU FIND OZ SNYDER'S SUBDIVISION, YOU HAVE WOODWARD AND IT WAS NOT STUBBED OUT. SO TERRY WOODWARD OWNS A PIECE OF PROPERTY OUT THERE. IN OTHER WORDS, THE STUB-OUTS, THEY WERE NOT EXTENDED TO HIS SUBDIVISION.

WHY DID I TALK ABOUT THAT?

AS YOU CAN SEE, THE STAFF FOUND THAT ACCESS POINTS WERE NOT NEEDED IN THESE FIVE INSTANCES. IF STUB-OUTS OR CONNECTER STREETS ARE SO IMPORTANT, WHY
WEREN'T THEY REQUIRED IN THESE ILLUSTRATIONS?

I MIGHT POINT OUT THAT THE NEIGHBOR THAT WE
HAVE TO THE WEST DOES NOT WANT A CONNECTOR.
WE WILL HAVE HERE TONIGHT --

CHAIRMAN: MR. KAMUF, EXCUSE ME. JUST FOR THE
RECORD AND THE FLUID THAT WE'RE GOING IN, IS THAT
NEIGHBOR HERE?

MR. KAMUF: NO. THESE GENTLEMEN TALKED TO
HIM.

CHAIRMAN: DO YOU HAVE ANYTHING AT THIS TIME
THAT STATES --

MR. KAMUF: NO. YOU CAN RELY ON -- YOU'LL
HEAR FROM --

CHAIRMAN: I JUST THOUGHT AT THIS TIME WOULD
BE A GOOD TIME IF YOU HAVE SOMETHING.

MR. KAMUF: NO. I DIDN'T GET IT IN WRITING.
HE TALKED TO HIM AND HE DOESN'T WANT IT.

NOW, THE COUNTY ENGINEER IS HERE TONIGHT TO
TESTIFY FOR THE APPLICANT. HE'S YOUR REPRESENTATIVE.
HE'S PAID TO LOOK OUT AFTER COUNTY BUSINESS. HIS JOB
IS TO RENEW TRAFFIC PLANS. HE ADVISES THE OMPC STAFF
AND THE COUNTY GOVERNMENT. HIS QUALIFICATIONS: HE'S
A LICENSED ENGINEER WITH A DEGREE FROM THE UNIVERSITY
OF KENTUCKY. HE WORKED FOR HIGHWAY DEPARTMENT AS A
TRAFFIC ENGINEER AND HIS JOB THERE WAS TO REVIEW
TRAFFIC PLANS FOR THE HIGHWAY DEPARTMENT.

FOR AN EXAMPLE, THE HIGHWAY DEPARTMENT IS NOT HERE TONIGHT, BUT IT WOULD HAVE BEEN HIS JOB TO COME HERE IF HE WAS REQUESTED AND REVIEW THIS TRAFFIC PLAN AND HE’D BE THE ONE REVIEWING IT.

HE WORKED FOR THE CITY OF OWENSBORO AS A TRAFFIC ENGINEER FOR FOUR YEARS AND REVIEWED TRAFFIC IMPACT STUDIES. HE THEN WENT BACK TO WORK FOR THE HIGHWAY DEPARTMENT, AND AS OF LATE HE’S YOUR COUNTY ENGINEER. HE’S MY COUNTY ENGINEER.

AS TO THE ISSUES IN THIS STAFF REPORT, THE COUNTY ENGINEER WILL TELL YOU THAT THE STAFF REQUIREMENT THAT A PUBLIC STREET THROUGH THE DEVELOPMENT IS NOT NECESSARY AND NOT CRITICAL FOR THIS PROPOSED DEVELOPMENT. HE WILL TESTIFY THAT HE HAS READ THE STAFF REPORT. THAT HE HAS MET WITH THE STAFF. THAT HE HAS TALKED TO THE TRAFFIC ENGINEER. WE TALKED ABOUT A TRAFFIC IMPACT STUDY. HE HAS TALKED TO THE PEOPLE WHO MADE THE TRAFFIC IMPACT STUDY. THAT HE HAS TALKED TO THE TRAFFIC ENGINEERS WITH THE KENTUCKY DEPARTMENT OF HIGHWAYS AND THEY'RE FAMILIAR WITH THIS DEVELOPMENT TO THEIR SYSTEM.

BRIAN WHEN HE READ THERE WERE CERTAIN REQUIREMENTS IN THE IMPACT STUDY.

NUMBER ONE WAS THE RIGHT TURN LANE. WE AGREE
TO CONSTRUCT A RIGHT TURN LANE AT 54 AND RALPH AVENUE.

WE AGREE TO PROVIDE A TURN AROUND AT THE END
OF RALPH AVENUE.

THREE, WE AGREE TO HAVE A GATED VEHICULAR
ACCESS POINT ON THE EAST OF THE PROPERTY IN CASE OF
AND AN EMERGENCY.

OTHER ISSUES: A BIG TO DO WAS MADE ABOUT THIS
PROPOSED POLICY THAT WOULD COVER A SITUATION LIKE
THIS. IT'S FUNNY, THAT WAS DATED OCTOBER 12TH, I
BELIEVE.

THE PROPOSED ACCESS POLICY MENTIONED IN THE
STAFF REPORT IS NOT LOGGED. IT'S NEVER BEEN ADOPTED.
IT DOES NOT APPLY TO A GATED COMMUNITY WITH SINGLE
OWNERSHIP.

THE COUNTY ENGINEER WHO SITS OVER THERE WILL
STATE THAT HE WAS PRESENT WHEN THE STAFF WENT THERE --

CHAIRMAN: MR. KAMUF, LET'S LET THE COUNTY
ENGINEER MAKE HIS OWN STATEMENTS, IF HE COULD. HE'S
HERE, RIGHT?

MR. KAMUF: RIGHT. HE'S HERE.

CHAIRMAN: LET'S LET HIM MAKE HIS OWN
STATEMENTS.

MR. KAMUF: THAT WILL BE FINE.

NOW, THE SUBJECT PROPERTY IS THE FIRST OF ITS
KIND IN OWENSBORO, KENTUCKY. THE OMPC HAS NO RULES OR
POLICIES THAT ARE IN PLACE FOR THIS TYPE OF PROJECT.

YOU DON'T HAVE A COPY OF THIS ONE. WHAT THIS IS, THIS IS A SITE, IT SHOWS THE SITE AND IT ALSO IF YOU RECALL IN THE STAFF REPORT, IF YOU RECALL IN THE STAFF REPORT THEY SAID THAT IT WOULD BE A GOOD IDEA TO RUN TRAFFIC FROM MILLERS MILL ROAD THROUGH THIS AREA TO THE SUBJECT SITE. THERE'S SEVERAL REASONS THAT THIS IS NOT REASONABLE.

FIRST OF ALL, YOU ALREADY HAVE MANY PEOPLE THAT LIVE OUT IN THE WOODLANDS IN THOSE SUBDIVISIONS. THEY DON'T USE HIGHWAY 54. THEY TRAVEL THROUGH LAKE FOREST ROAD AND GO TO SETTLES ROAD OR THEY CAN ALSO TRAVEL, IF YOU SEE, WHERE IT COMES OUT TO THIS POINT AND GO OVER TO FAIRVIEW DRIVE THROUGH A STREET I THINK IT'S CALLED WATERFORD.

NOW, NOT ONLY DOES IT CREATE A SAFETY ISSUE, WHEN YOU HAVE TRAFFIC GOING THROUGH WINDING SUBDIVISIONS, I DON'T THINK THAT WOULD BE BENEFICIAL TO THE PUBLIC.

THE NEXT ISSUE THERE THAT YOU SEE, IF YOU SEE ON THE FAR SIDE THERE'S A RED, THIS RED AREA HERE. I MIGHT POINT OUT IN THE STAFF REPORT THAT RAISES AN ISSUE THAT THE CURRENT PROPOSAL SHOULD BE DENIED BECAUSE RALPH AVENUE IS NOT CLASSIFIED AS A MAJOR STREET; THEREFORE, THE PROPOSAL DOES NOT MEET CRITERIA

OHIO VALLEY REPORTING
(270) 683-7383
OF A NEW LOCATION OF THE ZONING ORDINANCES. THIS
PROPERTY HERE IS A STONE THROW FROM THE SUBJECT
PROPERTY OR THE SITE. TO SUPPORT OUR POSITION THAT
RALPH AVENUE MEETS THE NEW LOCATION CRITERIA FOR THE
ZONING ORDINANCE WE GIVE YOU THIS ILLUSTRATION.

THE STAFF RECOMMENDED AND THIS BOARD APPROVED
ON DECEMBER 8, 2011, RIGHT HERE, A ZONING CHANGE OF
3.81 ACRE IN THE LAKE FOREST COMMUNITY.

CHAIRMAN: THEY'RE ASKING IF YOU WOULD JUST
SPEAK INTO THE MIKE. MANY PEOPLE ARE MISSING THIS.
THANK YOU.

MR. KAMUF: THANK YOU.

TO SUPPORT OUR POSITION THAT THE RALPH AVENUE
MEETS NEW THE LOCATION CRITERIA FOR THE ZONING
ORDINANCE WE GIVE YOU THIS ILLUSTRATION. THAT'S WHAT
WE WERE TALKING ABOUT.

CHAIRMAN: MR. KAMUF, IF YOU WANT TO MOVE
AROUND, YOU CAN TAKE THE MIKE.

MR. KAMUF: I'M FINE.

HOWEVER, THE STAFF RECOMMENDED THAT THE OMPC
BOARD APPROVE AND REZONE THIS 3.18 ACRES AND THAT IT
WAS A NEW LOCATION BECAUSE IT WAS, WHAT, NEAR MAJOR
STREETS. THE SUBJECT PROPERTY, THE CHANDLER REZONING,
QUALIFIES AS A LOCATION BECAUSE IT IS NEAR MAJOR
STREETS WITH INDIRECT ACCESS TO 54. THE SAME AS THIS
TRACT HERE THAT WE TALKED ABOUT IN THE LAKE FOREST COMMUNITY, THE SAME AS IT QUALIFIED. SO THAT'S NOT AN ISSUE. THE ISSUES THAT WE HAVE GO BACK TO ANOTHER ISSUE THAT WE HAVEN'T TALKED ABOUT. THAT'S SECTION 5.1.3.

SECTION 5.1.3 IS MENTIONED BY THE STAFF REPORT. 5.1.3 IS MENTIONED IN THE STAFF REPORT DOES NOT APPLY TO THIS PROJECT. IN THAT IT'S NOT A LOGICAL EXPANSION AS DESCRIBED OR DEFINED IN 5.1.3 OF THE TRANSPORTATION SECTION OF THE COMPREHENSIVE PLAN BECAUSE IT'S A PRIVATELY OWNED DEVELOPMENT. IT'S NOT COVERED.

THEY ALSO MENTION ARTICLE 10 OF THE ZONING ORDINANCE. ARTICLE 10 IS MENTIONED IN THE STAFF REPORT DOES NOT APPLY. THE SECTION REFERS TO A STREET SYSTEM IN A PLANNED UNIT DEVELOPMENT. IT DOES TALK ABOUT A PLANNED UNIT DEVELOPMENT. I THINK IT SAYS, IT -- THAT'S THE OTHER ONE ON 5.1.3. IT TALKS ABOUT A PLANNED UNIT DEVELOPMENT, BUT THIS IS A PLANNED UNIT DEVELOPMENT WITH NO STREETS AND THEREFORE ARTICLE 10 DOES NOT APPLY.

I WON'T TOUCH ON THE PRELIMINARY PLAN AND ALSO ON THE VARIANCE, BUT THE COUNTY ENGINEER -- FIRST OF ALL, I GUESS WE NEED TO TALK ABOUT MIKE.

WHY DON'T YOU GET UP AND JUST TELL US A LITTLE
BIT ABOUT THE PROPOSED DEVELOPMENT AND WHAT YOU EXPECT TO DO AND A LITTLE HISTORY ABOUT IT, PLEASE.

MR. SILVERT: COULD YOU STATE YOUR NAME, PLEASE.

MR. SIMPSON: MIKE SIMPSON.

(MIKE SIMPSON SWORN BY ATTORNEY.)

MR. SIMPSON: MR. CHAIRMAN, MEMBERS OF THE COMMISSION, THANK YOU FOR HAVING US HERE TONIGHT.

TO BE QUITE CANDID MOST OF WHAT I WAS GOING TO TELL YOU I THINK COUNSEL HAS ALREADY STOLEN AND PROVIDED FOR YOU. I DO WANT TO JUST EXPAND A LITTLE BIT ON THE RATIONALE FOR THE GATED COMMUNITY.

WE'RE MEMBERS AND ACTIVE IN THE NATIONAL APARTMENT ASSOCIATION. WE ARE AFFILIATES OF THE NASHVILLE APARTMENT ASSOCIATION.

AS I'M SURE YOU'RE AWARE, GATED COMMUNITIES ARE COMMONLY DEFINED AS RESIDENTIAL AREAS. THEY'RE ENCLOSED BY WALLS, FENCES OR LANDSCAPING THAT PHYSICALLY PREVENTS ENTRY, ENTRY POINTS OF THE PEDESTRIAN OR VEHICULAR OR CONTROLLED ACCESS OR RESTRICTED ACCESS.

THE TRANSIT MULTI-FAMILY, AS MR. KAMUF HAS ALREADY ALLUDED TO, HAVE EVOLVED. IN THE 1970'S THERE WERE 2,000 OF THESE TYPES OF COMMUNITIES. BY THE EARLY 2000'S THERE WERE 50,000. THERE'S A REASON FOR
THAT. THE TASTE OF THE CONSUMER EVOLVED.

I LIVE IN A BRANCH HOME IN BOWLING GREEN,

KENTUCKY, BUT I RECOGNIZED THAT WHEN I GET READY TO
SELL THE TASTE OF THE HOMEOWNER HAVE EVOLVED AND
THEY'RE PROBABLY NOT GOING TO LIKE A PRODUCT TYPE HOME
THAT I LIVE IN. AND THE SAME IS TRUE FOR THE CONSUMER
OF MULTI-FAMILY.

ONE OF THE MOST SALEABLE FEATURES IN
MULTI-FAMILY AS IT HAS EVOLVED IS RESTRICTED ACCESS.
THAT WOULD BE VITAL TO THE SUCCESS OF THIS COMMUNITY.

CHAIRMAN: MR. SIMPSON, OBVIOUSLY MR. KAMUF
HAS DONE A VERY NICE JOB WITH HIS CHARTS AND MAKING
SURE THAT I GOT IT.

I HAVE A FEW QUESTIONS AND SINCE YOU'RE FIRST
UP, IF YOU DON'T MIND I'D LIKE TO ASK YOU THE
QUESTIONS THAT I HAVE AND THEN YOU ALL COULD GO BACK
AND FORTH, IF YOU'RE AT A POINT WHERE YOU'RE AGREEABLE
TO TAKE QUESTIONS?

MR. SIMPSON: YES, SIR.

CHAIRMAN: COMING TO OWENSBORO, WE DEFINITELY
APPRECIATE YOU COMING AND CHOOSING OWENSBORO. IN WHAT
TIME FRAME DO YOU EXPECT, IF YOU GET THIS PROJECT
APPROVED, WHAT WOULD BE THE BUILDING TIME FRAME, HOW
LONG WILL IT TAKE YOU TO FILL OUT THE COMMUNITY AND
WHAT SORT OF IMPACT WOULD IT HAVE? ARE YOU GOING TO
DO THREE UNITS, FIVE UNITS OR TRY TO DO ALL OF THE
UNITS AT ONE TIME AND THEN SELL AS THE AS THE MARKET
WILL BEAR? WHAT IS YOUR OVERALL PLAN?

MR. SIMPSON: WELL, I BELIEVE THE PLAN SHOWS
17 BUILDINGS, 12 BUILDINGS. TYPICALLY WE WOULD DO
THIS IN TWO PHASES. WE WOULD DO A FIRST PHASE AROUND
THE CLUBHOUSE, CONTINUE IN CONSTRUCTION, BUT BEGIN
PRELEASING THE FIRST PHASE, BUT THAT SECOND PHASE
WOULD BE RIGHT ON THE HEELS OF THAT.

I EXPECT THAT WE WOULD BEGIN CONSTRUCTION, IF
THIS IS APPROVED, ONCE WE CAN GET PERMITS PULLED AND
GET ALL THE NECESSARY APPROVALS BY COUNTY AND BEGIN
CONSTRUCTION, ONCE THAT FIRST PHASE HAS RECEIVED
CERTIFICATE OF OCCUPANCY WE WOULD BEGIN LEASING THOSE.

CHAIRMAN: NOW, WHEN YOU SAY "LEASES," WHAT
SORT OF LEASES? WOULD THESE BE LONG-TERM, SHORT-TERM?
WHAT PERIOD OF TIME.

MR. SIMPSON: GOOD QUESTION. TYPICALLY IT'S A
12-MONTH LEASE FOR RESIDENTIAL MULTI-FAMILY. WE WOULD
OFFER SOME SHORTER TERMS FOR FOLKS THAT MAY NEED
HOUSING FOR A SHORTER SPAN. WE MAY OFFER A LONGER
TERM IF SOMEBODY DESIRES SUCH A LEASE.

CHAIRMAN: YOUR MARKET, YOU SAY YOU'RE GOING
TO HAVE SINGLE AND UP TO THREE BEDROOMS; IS THAT
CORRECT?
MR. SIMPSON: WE WOULD OFFER A ONE, TWO AND
THREE BEDROOM PRODUCT TYPES, YES. THE COMMUNITY WILL
BE FULLY AMENITIZED.

CHAIRMAN: YOUR HOPEFUL SPAN OF DEVELOPMENT,
IF ALL GOES WELL, TIME-WISE.

MR. SIMPSON: I WOULD SAY TWO YEARS. TWO
YEARS.

CHAIRMAN: SO YOUR ECONOMIC IMPACT OF
OWENSBORO WILL BE FROM ONE YEAR, LIKE IF YOU STARTED
TOMORROW YOU'D BE LIKE '13 AND '14 AND HOPE TO BE
FINISHED AT THAT POINT IN TIME.

MR. SIMPSON: THAT'S CORRECT. AND WE HOPE
THAT THE ECONOMIC IMPACT WILL CONTINUE. AGAIN, I'M
EXCITED TO BE HOME. THIS IS HOME FOR ME. I'VE BEEN
UP HERE DRIVING AROUND FOR TEN YEARS AND FINALLY DROVE
MY BUSINESS PARTNERS UP HERE KICKING AND SCREAMING TO
OWENSBORO TO SAY, PLEASE COME UP HERE AND LOOK. I
THINK WE HAVE AN OPPORTUNITY NOT ONLY FROM A BUSINESS
STANDPOINT BUT TO DO SOMETHING THAT I THINK OWENSBORO
IS POISED FOR. THERE ARE 95 GATED, RENTAL GATED
COMMUNITIES IN NASHVILLE, TENNESSEE. THERE IS ZERO
HERE. SO THE ECONOMIC IMPACT WOULD NOT ONLY BE
THROUGH CONSTRUCTION, TAXES, BUT ONE REASON THIS SITE
IS SO APPEALING TO US IS THAT THERE'S SIDEWALK ACCESS
TO RESTAURANTS, TO RETAIL. WE HOPE THAT WE CAN IMPACT
THOSE BUSINESSES AS WELL.

CHAIRMAN: DOES ANYBODY ELSE HAVE ANY QUESTIONS WHILE WE'VE GOT MR. SIMPSON UP THERE?

MR. PEDLEY: YES, I DO.

CHAIRMAN: MR. PEDLEY.

MR. PEDLEY: THE RIGHT TURN LANE OFF OF 54 ON RALPH AVENUE AND ALSO THE CUL-DE-SAC AT THE END OF RALPH AVENUE, DEVELOPING THE CUL-DE-SAC, ARE YOU IN AGREEMENT WITH THAT?

MR. SIMPSON: YES, SIR.

MR. PEDLEY: MR. KAMUF STATED THAT YOU ARE AGREEING.

MR. SIMPSON: YES, SIR.

MR. PEDLEY: AND YOU'RE WILLING TO PUT THAT ON YOUR DEVELOPMENT PLAN AND GET MR. HAMILTON TO MAKE THAT AMENDMENT TO THE DEVELOPMENT PLAN?

MR. SIMPSON: THAT IS CORRECT.

MR. PEDLEY: THANK YOU, SIR.

MR. SIMPSON: OTHER QUESTIONS?

MR. ALLEN: I HAVE ONE. HE MENTIONED A GATED EASEMENT FOR VEHICULAR ACCESS OUT ON I BELIEVE HE SAID THE EAST SIDE OF THE PROPERTY. CAN YOU DESCRIBE THAT A LITTLE BIT?

MR. SIMPSON: WELL, WHAT WE ARE PROPOSING THERE WOULD BE A GATE WITH A KNOX BOX FOR LACK OF A
BETTER TERM. YOU ALL MAY USE A DIFFERENT TERMINOLOGY HERE. A GATE WHEREBY EMERGENCY VEHICLES, IF THAT LAND WERE EVER DEVELOPED COULD PULL TO THAT SITE AND THEY WOULD HAVE A KEY TO THAT GATE AND WE WOULD KEEP ONE IN A KNOX BOX LIKE WE DO IN OUR COMMUNITY IN BOWLING GREEN WHERE THEY COULD ACCESS FROM THAT POINT.

MR. ALLEN: THANK YOU.

MR. KAZLAUSKAS: MAYBE MR. KAMUF CAN ANSWER THIS FOR ME.

IN REVIEWING THIS INFORMATION, I READ SOMEWHERE IN HERE WHERE THE COUNTY AND THE CITY HAD A MUTUAL AID PACK AS FAR AS THE FIRE DEPARTMENT WAS CONCERNED. IS THAT VERBAL OR IS THAT WRITTEN? A COUPLE OF YEARS AGO I KNOW THAT THAT WASN'T THE CASE.

HAS SOMETHING CHANGED THERE?

MR. SIMPSON: I'LL DEFER TO MR. KAMUF ON THAT.

MR. KAMUF: I CAN'T ANSWER THAT. MAYBE THE COUNTY -- THE COUNTY ENGINEER IS HERE. I DON'T KNOW.

MR. KAZLAUSKAS: THAT'S IN SOME OF THIS INFORMATION SOMEWHERE. IT REFERRED TO A MUTUAL AID PACK BETWEEN THE DAVIESS COUNTY FIRE DEPARTMENT AND THE OWENSBORO FIRE DEPARTMENT BECAUSE OF THE HEIGHT OF THE BUILDINGS THAT YOU WERE TALKING ABOUT. I'M GETTING A LITTLE BIT FURTHER HERE, BUT THIS LEADS INTO SOMETHING ELSE.
CHAIRMAN: MR. KAZLAUSKAS, I THINK MR. HOWARD IS GOING TO ADDRESS PART OF THAT.

MR. HOWARD: YES. THAT INFORMATION IS ACTUALLY IN THE VARIANCE STAFF REPORT.

IN REVIEWING HAD THE VARIANCE APPLICATION, THE PROPERTY IS CURRENTLY IN THE COUNTY. THERE COULD BE POTENTIAL THAT THEY ANNEX IT. WE DON’T KNOW IF THEY DO OR NOT. REGULATIONS ARE THE SAME. SO WE CONTACTED BOTH THE CITY AND COUNTY FIRE DEPARTMENTS TO MAKE SURE THAT THEY WOULD NOT HAVE A CONCERN BECAUSE ONE OF THE VARIANCE REQUEST IS FOR A 49-FOOT STRUCTURE. WE WANTED TO MAKE SURE THAT THEY WOULD HAVE EQUIPMENT THAT COULD REACH THAT. SO I CALLED THE CITY FIRE CHIEF. HE SAID THEY WOULD HAVE NO PROBLEM WITH THAT. CALLED THE COUNTY FIRE AND SPOKE WITH HARVEY HENDERSON. HE SAID THAT THERE WAS A MUTUAL AID AGREEMENT WITH THE CITY AND THE COUNTY AND THEY COULD NOTE THAT IN THE SYSTEM AND IF THERE WAS AN EVENT THERE THAT THE CITY FIRE WITH THE LARGER VEHICLES COULD RESPOND TO THAT SITE. THAT'S A VERBAL STATEMENT FROM HARVEY HENDERSON WITH THE COUNTY FIRE DEPARTMENT.

MR. KAZLAUSKAS: SO WE KNOW WE'VE GOT IT VERBALLY. WE DON’T KNOW IF WE'VE IT IN WRITING THOUGH, RIGHT?

MR. HOWARD: THAT'S THE INFORMATION HE
PROVIDED ME, THAT'S CORRECT.

MR. KAZLAUSKAS: IT WOULD BE NICE TO KNOW IF

THAT IS IN WRITING. I THINK THAT WOULD BE VERY

IMPORTANT.

BECAUSE IT LEADS TO SOMETHING ELSE, MR. KAMUF.

YOU SAID SOMETHING ABOUT THAT THESE WEREN'T PUBLIC

STREETS. THAT THEY WERE GOING TO MAINTAINED BY THE

PROPERTY OWNER.

MR. KAMUF: YES, SIR.

MR. KAZLAUSKAS: MY CONCERN IS WOULD BE IF YOU

GET A LADDER TRUCK IN THERE, I'VE BEEN TO SOME

APARTMENT COMPLEXES THAT THE STREETS ARE VERY NARROW.

SEE FIRE TRUCKS UP IN LEXINGTON RESPOND TO SOME OF

THOSE APARTMENT COMPLEXES WHERE IT REALLY WAS

DIFFICULT. I KNOW IF YOU TRY TO GET A HOOK AND LADDER

TRUCK, OWENSBORO DOES HAVE A LADDER TRUCK, MAYBE TWO

OF THEM NOW, IN HERE, IF THESE AREN'T STREETS THAT

MEET THE CRITERIA OF A PUBLIC STREET, JUST HOW WIDE

ARE THEY GOING TO BE AND ARE WE GOING TO HAVE A

PROBLEM WITH GETTING A TRUCK IN THERE THAT MIGHT

CREATE ANOTHER PROBLEM IF THE STREETS --

MR. KAMUF: I'M SORRY, YOU UNDERSTAND, I DON'T

GET A COPY OF THE STAFF REPORT ON THE VARIANCE.

THAT'S THE REASON I DON'T KNOW THAT. I THINK THAT YOU

CAN -- I'M TRYING TO GET SOME ANSWERS FOR YOU.
MR. KAZLAUSKAS: THIS IS IMPORTANT FOR YOU.
MR. SILVERT: COULD YOU STATE YOUR NAME, PLEASE.
MR. HAMILTON: GREG HAMILTON.
(GREG HAMILTON SWORN BY ATTORNEY.)
MR. HAMILTON: AS FAR AS THE ACCESS ON THE SITE --
CHAIRMAN: MR. HAMILTON, JUST TO GO OFF OF MR. KAZLAUSKAS'S QUESTION A LITTLE. HOW HIGH ARE THESE UNITS GOING TO BE?
MR. HAMILTON: A MAJORITY OF THE BUILDINGS WILL BE THREE-STORIES. SOME WILL BE MORE LIKE A SPLIT LEVEL TYPE BUILDING. THE FRONTS WILL BE THREE-STORY. THE REAR WILL BE 49 FEET, BE FOUR- STORY.
RIGHT NOW APPROXIMATELY EIGHT BUILDINGS COULD BE THE THREE/FOUR SPLIT DEPENDING ON LAY OF THE GROUND.
AS FAR AS THE ACCESS POINTS, THE NILES BOLTON FIRM, ARCHITECT FIRM, THEY'RE THE ONES WHO PREPARED THIS PLAN. IT'S SIMILAR TO WHAT THEY HAVE IN BOWLING GREEN.
THERE ARE SOME RIGHT ANGLE CORNERS. THE ROADS LOOK LIKE THEY'RE LAID OUT AS 24-FOOT DRIVES WITH PARKING DIRECTLY OFF OF THOSE. THERE ARE SOME LARGER RADIUS TURNS. THIS IS SIMILAR TO BOWLING GREEN. I
DON'T KNOW IF THERE'S BEEN AN ISSUE IN BOWLING GREEN AS FAR AS TRAFFIC.

MR. SIMPSON: I WOULD SHARE WITH YOU THAT AT OUR CHANDLER PARK APARTMENT IN BOWLING GREEN, WHICH WAS CONSTRUCTED IN 2005, IN 2006 WE HAD A SIGNIFICANT FIRE AT ONE BUILDING THAT WAS AT THE FURTHERMOST POINT FROM THE ENTRANCE AND ALL VEHICLES FROM THE FIRE DEPARTMENT WERE ABLE TO GET TO THAT BUILDING.

CHAIRMAN: WERE THE STREET OF THE SAME WIDTH OR WIDER?

MR. SIMPSON: YES, SIR. SAME WIDTH.

CHAIRMAN: WHAT ABOUT THE CONSTRUCTION OF THE STREETS AND THE CURVATURES AND OTHER THINGS THAT MR. KAMUF MENTIONED EARLIER, WERE THEY SIMILAR?

MR. SIMPSON: YES. IDENTICAL. SAME, YES.

CHAIRMAN: MR. KAMUF, DO YOU KNOW AT WHAT STAGE THE LADDER TRUCKS COME INTO BEING AS FAR AS THE HEIGHT OF THE BUILDING?

MR. KAZLAUSKAS: I'M NOT MR. KAMUF.

CHAIRMAN: I'M SORRY, MR. KAZLAUSKAS. MY FAULT.

MR. KAZLAUSKAS, DO YOU KNOW WHAT STAGE THE LADDER TRUCKS COME INTO BEING?

MR. KAZLAUSKAS: NO. I LOOKED AT A PHOTOGRAPH IN HERE AND IT LOOKED LIKE MAYBE ONE OF THE SMALLER
LADDER TRUCKS MIGHT GET TO A THREE OR FOUR-STORY. I KNOW THAT THE OWENSBORO FIRE DEPARTMENT HAS THE LARGER TRUCK BECAUSE THEY HAD TO HAVE IT WHEN THE EXECUTIVE INN WAS BUILT.

MR. REEVES: EIGHT FEET IS WHAT IT IS, MR. KIRKLAND.

MR. KAZLAUSKAS: IS IT 80 FEET?

MR. REEVES: EIGHTY FEET.

CHAIRMAN: EIGHTY FOOT IS --

MR. REEVES: TO REACH IT WITH A LADDER IT HAD TO BE 80 FEET TO THE WINDOW SEAL.

CHAIRMAN: DO WE HAVE TWO STAGES? IN OTHER WORDS, WE HAVE ONE LADDER TRUCK THAT GETS IN THERE. WE DON'T HAVE THE SMALLER OR LARGER ONE. IT'S EITHER THE --

MR. KAZLAUSKAS: I KNOW THERE'S TWO TYPES. I THINK THE OWENSBORO FIRE DEPARTMENT HAS TWO TYPES OF LADDER TRUCKS. THEY'RE BIG, YOU KNOW. IF THIS ROAD ISN'T THE SAME SIZE WIDTH OF A CITY STREET, I THINK YOU SHOULD BE CONCERNED ESPECIALLY IF THERE'S PARKING ON BOTH SIDES. IF THERE'S A LOT OF PARKING IN THERE AND YOU TRY TO GET A BIG TRUCK DOWN THROUGH THERE, ARE YOU GOING TO BE ABLE TO DO THAT? THAT'S MY CONCERN.

MR. HAMILTON: THIS WOULD BE SIMILAR TO QUITE A FEW OTHER APARTMENT COMPLEXES IN OWENSBORO. THE
APARTMENT COMPLEX OUT ON 231, IT'S PRIVATELY OWNED.

THE STREETS ARE 24 FOOT WIDE WITH 18 FOOT PARKING
SPACE. IT'S SIMILAR TO THIS VERY LAYOUT. THIS IS NOT
THE ONLY CASE IN OWENSBORO WHERE YOU HAVE PRIVATELY
OWNED APARTMENT COMPLEX THAT MAY REQUIRE FIRE
PROTECTION, AS FAR AS LADDER TRUCKS.

MR. KAZLAUSKAS: ARE YOU SAYING 24-FEET?

MR. HAMILTON: YES.

MR. KAZLAUSKAS: THAT WOULD BE REALLY NICE TO
KNOW, IF THE FIRE DEPARTMENT CAN TELL US THAT THAT IS
WIDE ENOUGH FOR THEIR VEHICLE.

MR. HAMILTON: I ASSUME IT WOULD BE SINCE THE
OTHER --

MR. KAZLAUSKAS: WELL, I'M NOT GOING TO
ASSUME. I'VE GOT TO KNOW IF THEY CAN GET DOWN THERE
OR NOT.

MR. APPLEBY: IT'S A 24 FOOT DRIVE LANE WITH
18 FOOT PARKING ON EITHER SIDE OF IT, AND IN
COMMERCIAL DEVELOPMENT, YOU KNOW, YOU DON'T HAVE TO
HAVE A 24 FOOT DRIVE LANE TO PERMIT A TRUCK TO GET ALL
THE WAY AROUND THE BUILDING. IN SOME CASES WE'VE GOT
20 OR LESS IN THE REAR. THAT PROVIDES ACCESS ALL THE
WAY AROUND THE BUILDING.

MR. KAZLAUSKAS: SINCE THERE'S ONLY ONE WAY IN
AND ONE WAY OUT, IF A BUILDING CAUGHT ON FIRE YOU
DON'T WANT TO GET A BOTTLENECK OR A ROAD BLOCK.

CHAIRMAN: YES, SIR.

MR. SILVERT: STATE YOUR NAME, PLEASE.

MR. CHANDLER: DAVID CHANDLER.

(DAVID CHANDLER SWORN BY ATTORNEY.)

MR. CHANDLER: JUST A BRIEF POINT. NILES BOLTON, THE ARCHITECT THAT WILL BE DESIGNING THIS PROJECT IS THE LARGEST APARTMENT MULTI-FAMILY ARCHITECT IN THE SOUTHEAST REGION. DOES ALL THE POST WORK. THOSE PLANS ALONE ARE ABOUT $350,000. THEY ARE DESIGNED TO ACCOMMODATE FIRE SAFETY. AS A MATTER OF FACT, WE ACCOMMODATE FULL SIZE ATLAS VAN LINE MOVING VEHICLES ON A DAILY BASIS.

I THINK ALL OF THAT CAN BE SUBSTANTIATED. ACTUALLY, THE ARCHITECT FIRM IS IN ATLANTA.

CHAIRMAN: THANK YOU.

MR. KAZLAUSKAS, ARE YOU FINISHED?

MR. KAZLAUSKAS: YES, SIR.

MR. KAMUF: THAT'S THE BEST I CAN DO RIGHT NOW.

CHAIRMAN: MR. KAMUF, ARE YOU READY AT THIS POINT IN TIME WHERE WE COULD HAVE ACCESS TO THE ENGINEER?

MR. KAMUF: YES, I'M READY FOR MARK BRASHER, IF YOU WILL. I HAVEN'T FINISHED WITH THIS ONE, BUT I
THINK HE'LL CURE EVERYTHING AND MAYBE WE'LL CUT IT SHORT.

CHAIRMAN: WE'RE JUST TRYING TO PUT A BIG BOW ON ALL OF THIS.

MR. KAMUF: I UNDERSTAND.

MARK, IF YOU WILL, IF YOU'LL GIVE US AN OUTLAY OF WHAT'S TAKING PLACE AND YOUR COMMENTS CONCERNING THE REVIEWS THAT HAVE TAKEN PLACE, YOUR MEETINGS WITH THE PLANNING STAFF, AND WHAT YOUR OPINIONS ARE, ESPECIALLY AS TO THAT SECTION ARTICLE 10 AND ARTICLE 5.1.3, AND ALSO AS TO THE PROPOSED POLICY. I'LL PUT THE EXHIBIT BACK UP HERE CONCERNING THE TRAVEL THROUGH, THIS ONE, IF YOU HAVE ANY COMMENTS ON THAT.

MR. SILVERT: COULD YOU STATE YOUR NAME, PLEASE?

MR. BRASHER: MARK BRASHER.

(MARK BRASHER SWORN BY ATTORNEY.)

CHAIRMAN: MR. BRASHER, BEFORE YOU GET STARTED, I JUST HAVE SEVERAL QUESTIONS.

MR. KAMUF HAD EARLIER ALLUDED TO QUITE A FEW STATEMENTS INVOLVING YOU AND ACTIONS AND THOUGHTS, ETCETERA. WOULD YOU SORT OF BRIEFLY SORT OF REITERATE THOSE STATEMENTS VERY BRIEFLY? YOU'RE FAMILIAR WITH WHAT I'M ALLUDING TO?

MR. BRASHER: SURE.
CHAIRMAN: THANK YOU.

MR. BRASHER: I'LL DO MY BEST.

I WAS PRESENTED THIS DEVELOPMENT PLAN AND ASKED TO REVIEW IT IN REGARDS TO DETERMINE ITS IMPACT ON THE SURROUNDING PUBLIC TRANSPORTATION SYSTEM.

OBVIOUSLY, AS THE COUNTY ENGINEER AND THE HISTORY IN TRAFFIC ENGINEERING, I LOOKED AT THIS SPECIFIC SITE, THIS SPECIFIC DEVELOPMENT.

GOT A COUPLE OF KEY NOTES. THIS SYSTEM, THIS AREA, THIS NETWORK ALREADY HAS A CERTAIN AMOUNT OF REDUNDANCY. THERE'S ALREADY, AS I BELIEVE WAS POINTED OUT, THERE'S ALREADY A LINK BETWEEN MILLERS MILL AND FAIRVIEW DRIVE AND THAT IS THROUGH LAKE FOREST AND THE BROOKS, ALONG LAKE FOREST DRIVE, WATERSIDE WAY, BROOKS PARKWAY. SO THERE IS SOME REDUNDANCIES. THERE'S SEVERAL OPTIONS FOR RESIDENCE IN MULTIPLE SUBDIVISION TO GET TO SETTLES ROAD, MILLERS MILL, KENTUCKY 54 AND FAIRVIEW DRIVE.

THE GOAL OF PUBLIC TRANSPORTATION NETWORK IS TO MINIMIZE TO A CERTAIN EXTENT THE AMOUNT OF TRAFFIC THAT'S ON A LOCAL STREET. OUR INTENTION WOULD BE TO GET TRAFFIC, GET PEOPLE TO COLLECTORS AND ARTERIAL STREETS AS SOON AS POSSIBLE WHERE THEY CAN MAKE THE MAJORITY OF THEIR TRIPS ON THESE HIGHER CLASS ROADS, IF THAT'S WHAT THEY'RE THERE FOR. 54 IS THERE TO
CARRY TRAFFIC AS EFFICIENTLY AND EFFECTIVELY AS POSSIBLE FROM EAST TO WEST.

THE IDEA OF IT BEING A GOOD THING TO A CERTAIN EXTENT TO BRING TRAFFIC OFF OF 54 OR KEEPING IT OFF OF 54 AND TAKING IT DOWN PLANNED RESIDENTIAL LOCAL STREETS WHERE THERE'S DRIVeways AT EVERY LOT, WOODLANDS SUBDIVISION DOESN'T HAVE SIDEWALKS SO THERE'S A CERTAIN AMOUNT OF EXPECTATIONS OF PEOPLE IN THE STREET.

THE GOAL FOR NETWORK IS TO MOVE THE TRAFFIC AS EFFICIENTLY AND AS EFFECTIVELY AS POSSIBLE. THAT TYPICALLY WILL GO FROM LOCAL STREETS, GET THEM TO COLLECTOR STREETS, AND GET THEM TO ARTERIAL STREETS.

THIS DEVELOPER IS PROPOSING NO PUBLIC INFRASTRUCTURE. THE PLAN INDICATES, I KNOW IT'S BEEN DISCUSSED SEVERAL TIMES, IT REFLECTS MORE OF NOT EVEN PRIVATE ROADS, BUT A PRIVATE PARKING LOT. SIMILAR TO, THE BEST ONE I CAN THINK OF IS ROYAL ARMS APARTMENT. THERE'S PARKING ALONG THE STREET OR THE DRIVE LANES.

THE COMPLEX, THE PUBLIC STREET WOULD BE, WHAT OBVIOUSLY BE CONTRADICTORY TO THIS TYPE OF DEVELOPMENT.

MY POINT IS REVIEWING THIS NETWORK THIS IS SPECIFIC LOCATION AND THIS DEVELOPMENT, I DON'T BELIEVE THIS LINK THROUGH A DEVELOPMENT IS CRITICAL TO
THE PUBLIC NETWORK. THERE IS SEVERAL OPTIONS FOR
PEOPLE TO DRIVE THROUGH. YOU'VE GOT 54. YOU'VE GOT
FAIRVIEW DRIVE. YOU'VE GOT LAKE FOREST DRIVE, THE
BROOKS. IF ANYTHING TO A CERTAIN EXTENT IT WOULD BE
TIED TO A COMMERCIAL DEVELOPMENT ALSO. THIS LINK BE
SEVERAL SUBDIVISIONS, RESIDENTIAL SUBDIVISIONS. SO
THERE IS ALSO THE POSSIBILITY OF THE PASS-THRU TRAFFIC
THAT IS NOT A GOOD IDEA DOWN LOCAL RESIDENTIAL
STREETS.

CHAIRMAN: AS THE COUNTY ENGINEER, COULD YOU
GIVE US YOUR ASSESSMENT? OBVIOUSLY YOU DO NOT THINK
IT'S NECESSARY TO HAVE A THROUGH STREET THROUGH THIS
AREA, BUT AS THE COUNTY ENGINEER, I'M NOT SPEAKING,
I'M NOT PUTTING WORDS IN YOUR MOUTH. I'M JUST TAKING
FROM YOUR TESTIMONY THAT THAT'S WHERE I BELIEVE I
GAINED, THAT YOU DON'T FEEL.

YOU DON'T THINK THAT WE NEED A THROUGH STREET
THROUGH THIS PROPERTY, BUT ARE THERE ANY OTHER THINGS
THAT YOU SEE IN REVIEWING THIS PLAN THAT YOU WOULD
RECOMMEND TO THIS COMMISSION THAT SHOULD BE ADDED THAT
MAY NOT BE ADDED AND THAT WE MAY, AS JUST NOT BEING
ENGINEERS, NOT BE ABLE TO PICK UP ON, THAT YOU WOULD
RECOMMEND AND THINK WOULD BE BEST FOR DAVIESS COUNTY,
THE CITY OF OWENSBORO AND WHITESVILLE?

MR. BRASHER: I DO NOT IN -- I'M ASSUMING
YOU'RE TALKING IN REGARDS TO THE TRANSPORTATION NETWORK?

CHAIRMAN: WELL, THE TRANSPORTATION AND THE DEVELOPMENT IN GENERAL. I'M GIVING YOU A PRETTY BROAD APPROACH.

MR. BRASHER: EXACTLY. I HAVE NOT SEEN A DRAIN REPORT OR ANYTHING OF THOSE NATURES YET. I'VE JUST SEEN THIS VERY PRELIMINARY, THIS PLAN. SO I WILL RESERVE THAT FOR WHEN I REVIEW.

CHAIRMAN: I UNDERSTAND.

MR. BRASHER: IN REGARDS TO TRANSPORTATION, I THINK ANYONE THAT'S BEEN OUT ON 54 AND FAIRVIEW DRIVE AND SETTLES ROAD, THRUSTON DERMONT AND SO FORTH, OBVIOUSLY THERE'S TRAFFIC ISSUES THERE. I BELIEVE WITHIN THE LAST MONTH THE HIGHWAY DEPARTMENT HAS ACTUALLY PUT OUT THE BID AND I BELIEVE THEY'RE GRANTING A CONTRACT, AN ENGINEERING FIRM TO SEE WHAT THEY CAN DO TO HELP 54. THE HIGHWAY DEPARTMENT ALSO HAS A PLAN TO DO IMPROVEMENTS ON FAIRVIEW DRIVE IN THE VICINITY OF VILLA POINT. SO A LOT OF WHAT'S GOING ON OUT HERE IS A STATE HIGHWAY DEPARTMENT ISSUES.

IN REGARDS TO THIS DEVELOPMENT, THEIR TRAFFIC ENGINEER SUBMITTED A TRAFFIC IMPACT STUDY DIDN'T FIND ANYTHING. OBVIOUSLY, THE HIGHWAY DEPARTMENT IS REQUIRING A RIGHT TURN LANE ON 54. I DO NOT KNOW,
BASED ON THE INFORMATION I'VE GOT, ANYTHING ELSE THAT
WOULD BE NECESSARY.

CHAIRMAN: BUT IT IS AN ASSUMPTION THAT YOU
HAVE NO PROBLEM WITH NOT HAVING STREET THROUGH?

MR. BRASHER: THAT IS MY POINT. I DON'T
BELIEVE IT IS CRITICAL TO THIS TRANSPORTATION NETWORK,
THIS VICINITY.

CHAIRMAN: THANK YOU.

DOES ANYBODY ELSE HAVE ANY QUESTIONS?

MR. KAZLAUSKAS: MARK, WITH THE NUMBER OF
PEOPLE THAT'S GOING TO BE GOING UP RALPH AVENUE THERE,
THERE'S GOING TO BE A LOT OF CARS IN THERE, WOULD YOU
ENVISION A STOP AND GO LIGHT BEING PLACED THERE AT ONE
TIME? I MEAN THE RIGHT TURN LANE TO GET IN MAKES IT
NICE, BUT ALL OF US KNOWS THE TRAFFIC PROBLEM OUT
THERE. WHAT ABOUT ALL OF THESE PEOPLE THAT ARE GOING
TO COME OUT OF THERE AT 8:00 IN THE MORNING?

MR. BRASHER: COULD I ENVISION IT? OBVIOUSLY,
IN THE FUTURE THERE COULD BE. I KNOW THERE'S BEEN,
ALWAYS BEEN A WANT FOR A TRAFFIC LIGHT AT
COMMONWEALTH, BUT THOSE DECISIONS WILL BE MADE BY THE
STATE HIGHWAY. THEY REVIEW THESE INTERSECTIONS
PERIODICALLY TO SEE IF THEY MEET NATIONAL GUIDELINES
FOR WARRANTING A SIGNAL. SO I DON'T KNOW. THE
DEVELOPER'S TRAFFIC ENGINEER LOOKED AT RALPH AND 54
AND VILLA POINT. I THINK HE MADE SOME RECOMMENDATIONS
ABOUT A FUTURE STOPLIGHT AT COMMONWEALTH, BUT UNTIL
THE HIGHWAY DEPARTMENT REVIEWS IT AND MAKES THAT
RECOMMENDATION.

MR. KAZLAUSKAS: THANK YOU.

CHAIRMAN: DOES ANYBODY ELSE, ANYBODY FROM THE
AUDIENCE OR ANYBODY ELSE ON THE COMMISSION HAVE ANY
QUESTIONS?

MR. KAMUF: I JUST HAVE A COUPLE OF QUESTIONS.
YOU LOOKED AT ARTICLE 5.1.3 AND IT WAS YOUR
OPINION THAT THAT DID NOT APPLY BECAUSE IT WAS A
PRIVATELY OWNED DEVELOPMENT; IS THAT CORRECT?

MR. BRASHER: IF YOU WOULD, REFRESH MY MEMORY
ON 5.1.3.

MR. KAMUF: THIS IS THE ONE THAT STAFF SAYS,
"THE PROPOSAL DOES NOT CONFORM TO 5.1.3 OF THE
TRANSPORTATION SECTION OF THE COMPREHENSIVE PLAN THAT
ENCOURAGES THE LOGICAL EXTENSION, EXPANSION AND
MAINTENANCE OF OUR PRESENT TRANSPORTATION SYSTEM."
IS IT YOUR OPINION THAT THAT DOES NOT APPLY
SINCE THIS IS A PRIVATE DEVELOPMENT?

MR. BRASHER: YES. AS FAR AS THIS IS STRICTLY
PRIVATE, NO STREETS ARE BEING DEVELOPED. OBVIOUSLY
LOGICAL TO PUT A ROAD THROUGH HERE, IT WOULD NOT BE
WITH THIS PROPOSED DEVELOPMENT.
MR. KAMUF: THEN I HAVE ONE QUESTION ABOUT ARTICLE 10. IT TALKS ABOUT THE STREET SECTION.

IS IT YOUR OPINION THAT THE STREET SECTION OF ARTICLE 10 DOES NOT APPLY BECAUSE WE'RE TALKING ABOUT, THE SUBJECT PROPERTY DOES NOT PROVIDE FOR PUBLIC STREETS. IS THAT YOUR OPINION?

MR. BRASHER: SAY THAT AGAIN, PLEASE.

MR. KAMUF: SINCE THIS SUBJECT PROPERTY DOES NOT PROVIDE FOR PUBLIC STREETS, IS IT YOUR OPINION THAT ARTICLE 10 DOES NOT APPLY?

MR. BRASHER: I WOULD HAVE TO READ IN FULL CONTEXT, BUT AGAIN, THIS IS ALL PRIVATE PROPERTY AND IT'S PRETTY MUCH A PARKING LOT.

MR. KAMUF: THERE WAS SOME ISSUE I THINK THAT THEY TALK ABOUT A PROPOSED ACCESS POLICY. WERE YOU THERE WHEN THAT PROPOSED ACCESS POLICY WAS TALKED ABOUT?

MR. BRASHER: I'VE HAD DISCUSSIONS WITH PLANNING STAFF IN REGARDS TO IT.

MR. KAMUF: WAS THERE ANY MENTION WHATSOEVER OR ANY ENVISION THAT THAT POLICY WOULD COVER A GATED COMMUNITY?

MR. BRASHER: NOT FROM MY POINT OF VIEW. I HAD NOT SEEN THIS DEVELOPMENT AT THAT TIME SO I DID NOT ENVISION IT ADDRESSING A GATED COMMUNITY.
MR. KAMUF: THEN THE LAST QUESTION.

IT'S YOUR OPINION TO TELL THIS BOARD THAT A
WINDING CONNECTOR FROM MILLERS MILL ROAD TO THE
SUBJECT PROPERTY FROM THE EAST WOULD NOT BE ADVISABLE
GOING THROUGH TANGLEWOOD PARK, WOODLANDS AND LAKE
FOREST; IS THAT CORRECT?

MR. BRASHER: I WOULD NOT ENCOURAGE TRAFFIC TO
USE THAT LINK. I WOULD NOT ENCOURAGE TRAFFIC THAT IS
NOT IN THOSE SUBDIVISIONS TO USE THAT PATH TO GET AWAY
FROM 54, TO STAY OFF OF 54. IT'S RESIDENTIAL. THERE
ARE LOCAL STREETS. ENVIRONMENT. THAT POSES A
POTENTIAL SAFETY ISSUE.

CHAIRMAN: YOU FINISHED WITH THIS WITNESS, MR.
KAMUF?

MR. KAMUF: YES, SIR.

CHAIRMAN: DO YOU HAVE ANYTHING ELSE THAT YOU
WOULD LIKE TO PRESENT?

MR. KAMUF: I JUST WANT TO LET YOU KNOW ONE
THING, AND THAT'S THESE GUYS ARE EXPERTS AT WHAT THEY
DO. THEY'VE DEVELOPED 11 OF THESE OVER IN BOWLING
GREEN. I'M FINISHED.

CHAIRMAN: THANK YOU, MR. KAMUF.

NOW, ANYBODY IN THE AUDIENCE HAVE ANY
QUESTIONS?

(NO RESPONSE)
CHAIRMAN: IF NOBODY IN THE AUDIENCE, MR.

PEDLEY.

MR. PEDLEY: MR. BRASHER, I HAVE A COUPLE OF
QUESTIONS.

IN YOUR OPINION WILL RALPH AVENUE, VILLA POINT
DRIVE AND COMMONWEALTH ALLOW ACCESS TO THIS
DEVELOPMENT WITH 320 UNITS, PLUS WE'RE TALKING ABOUT
320 AUTOMOBILES DAILY, RALPH AVENUE WITH THE RIGHT
TURN LANE AND THE CUL-DE-SAC AND VILLA POINT DRIVE,
AND POSSIBLY COMMONWEALTH COURT, IN YOUR OPINION WILL
IT HANDLE THE TRAFFIC COMING IN AND OUT OF THAT
DEVELOPMENT WITHOUT OVERBURDEN HIGHWAY 54, VILLA POINT
DRIVE, COMMONWEALTH AND RALPH AVENUE? IN YOUR
OPINION, IS IT ADEQUATE TO HANDLE THAT?

MR. BRASHER: MR. PEDLEY, I WOULD HAVE TO BASE
MY OPINION ON THE TRAFFIC IMPACT STUDY THAT WAS DONE
BY A DIFFERENT TRAFFIC ENGINEER. I DID NOT MODEL LIKE
HE DID. I DID NOT MODEL THE SYSTEM. AS AN ENGINEER,
I PUT MY FAITH AT ANOTHER LICENSED ENGINEER THAT'S
BEEN DOING THIS FOR A LONG TIME. MADE THE APPROPRIATE
ASSUMPTIONS AND ANALYZED AND LOGGED THIS NETWORK, AND
HIS REPORT I BELIEVE INDICATES THAT.

I WISH I COULD GIVE YOU AN OPINION, BUT I DID
NOT DO THE MODEL. I DID NOT SIT DOWN AND RUN THE
NUMBERS. I DON'T HAVE THAT CAPABILITY IN MY OFFICE.
MR. PEDLEY: THAT'S AN ISSUE WE HAVE TO THINK ABOUT.

RALPH AVENUE HAS BEEN UPGRADED. IT'S VERY WIDE. IT COULD BE THREE LANES. IT'S GOT COMMERCIAL CURVES. IT WAS UPGRADED WHEN WOODLAND PLAZA WAS BUILT. IT'S A VERY GOOD STREET. IT CAN HAVE, IN MY OPINION, HAVE A CENTER TURN LANE. I JUST WANTED YOUR OPINION ON THAT.

CHAIRMAN: MR. KAZLAUSKAS, I'LL GET TO YOU. I THINK MR. WALKER WANTS TO SPEAK. DID YOU HAVE ANOTHER QUESTION FOR THE ENGINEER, MR. KAZLAUSKAS?

MR. KAZLAUSKAS: NO.

MR. SILVERT: COULD YOU STATE YOUR NAME, PLEASE?

MR. WALKER: MARTY WALKER.

(MARTY WALKER SWORN BY ATTORNEY.)

MR. WALKER: KIND OF IN REFERENCE TO YOUR QUESTION. I OWN SPLASH SWIM CLUB OR DID. ON AVERAGE WE PROBABLY HAD 350 INDIVIDUALS, MAINLY KIDS, COME OUT THERE EVERY DAY. THEY NORMALLY GOT DROPPED OFF. SO WE WERE PROBABLY TURNING 300 CARS A DAY TWO TIMES. SO 700 CARS A DAY, IF THAT GIVES YOU HAVE ANY REFERENCE. YOU KNOW, THAT'S JUNE, JULY, AUGUST. IN MY OPINION IT'S SOMEWHAT COMPARABLE.

CHAIRMAN: WHILE WE HAVE MR. WALKER UP HERE,
DOES ANYBODY ELSE HAVE ANY QUESTIONS OF MR. WALKER
WHILE HE'S WITH US?
(NO RESPONSE)
CHAIRMAN: ANYBODY HAVE ANY FURTHER QUESTIONS
OF HIM?
(NO RESPONSE)
CHAIRMAN: ANYBODY FROM THE AUDIENCE?
(NO RESPONSE)
CHAIRMAN: IF THERE ARE NO OTHER STATEMENTS,
NO OTHER QUESTIONS, THE CHAIR IS READY FOR A MOTION.
MR. NOFFSINGER: THE STAFF WOULD LIKE TO SAY A
FEW WORDS AND WE DO HAVE A PRESENTATION THAT WE WOULD
LIKE TO TALK ABOUT. MUCH HAS BEEN TALKED ABOUT THE
STAFF REPORT. WE HAVEN'T HAD AN OPPORTUNITY TO
DISCUSS IT.
MR. KAZLAUSKAS: MR. KIRKLAND, I WAS GOING TO
ASK THAT QUESTION. IF THE STAFF WOULD HAVE THE
OPPORTUNITY TO RESPOND TO THIS FAIR HAVEN,
COMMONWEALTH COURT? IS THAT WHAT YOU'RE TALKING
ABOUT, MR. NOFFSINGER?
MR. NOFFSINGER: YES.
CHAIRMAN: THAT'S WHY I ASKED ARE THERE ANY
MORE. I'M SORRY. STAFF IS READY.
MR. NOFFSINGER: THANK YOU, MR. CHAIRMAN.
FIRST OF ALL, I WOULD JUST LIKE TO STATE TO
THE APPLICANT THAT THE STAFF CERTAINLY APPRECIATES YOUR APPLICATION AND YOUR WILLINGNESS TO COME TO OWENSBORO AND DO BUSINESS. I DO KNOW MY STAFF HAS BEEN WORKING WITH YOU VERY DILIGENTLY FOR SEVERAL MONTHS NOW IN TERMS OF HOW THIS PROPERTY COULD BE DEVELOPED AND HOW IT FITS INTO OUR ADOPTED COMPREHENSIVE PLAN AND ZONING ORDINANCE AND SUBDIVISION REGULATIONS. IT IS A VERY IMPORTANT PROJECT FOR OUR COMMUNITY. IT'S A LOTS OF DOLLARS. WHEN YOU HEAR $25 MILLION THAT MAKES SOME FACES LIGHT UP AND WE GET VERY EXCITED ABOUT THAT.

THE STAFF OBVIOUSLY IN THEIR RECOMMENDATION FOR DENIAL PREPARED THAT BASED UPON SOUND PLANNING PRINCIPLES THAT WE HAVE APPLIED IN THIS COMMUNITY FOR MANY YEARS.

I SIT HERE AND I LOOK OUT ACROSS THE ROOM AND I CAN SEE PEOPLE THAT I HAVE SPENT A CAREER WORKING WITH TO MAKE SURE NEIGHBORHOODS CONNECT. WE'VE HAD SOME REAL BATTLES OVER THE YEARS. I SEE SOME OF THESE FOLKS OUT HERE IN THE AUDIENCE THAT DIDN'T WANT STREETS TO CONNECT.

WE HAD A SITUATION WHERE THE FOLKS IN WOODLANDS SUBDIVISION DIDN'T WANT LAKE FOREST TO CONNECT INTO THEIR DEVELOPMENT. THIS PLANNING COMMISSION REQUIRE THAT THEY CONNECT.
THE FOLKS IN THE STEEPLE CHASE SUBDIVISION

WANTED TO TIE INTO THE LAKE FOREST DEVELOPMENT.
WE HAVE A CONNECTION THERE PROPOSED, AS WELL AS
TANGLEWOOD PARK. WE HAVE A CONNECTION THERE. THAT'S
JUST AREAS IN CLOSE PROXIMITY HERE WHERE SINCE I HAVE
BEEN HERE WE HAVE MADE A CONSCIOUS EFFORT TO MAKE SURE
NEIGHBORHOODS CONNECT. WE'RE TRYING TO BUILD A
COMMUNITY. WE'RE TRYING TO BUILD A COMMUNITY
TRANSPORTATION NETWORK, BUT WE'RE ALSO TRYING TO BUILD
NEIGHBORHOODS THAT FUNCTION TOGETHER. OUR
COMPREHENSIVE PLAN PROMOTES A VARIETY OF HOUSING TYPES
WITHIN A DEVELOPMENT. WE DO NOT PRACTICE EXCLUSIVE
DEVELOPMENT IN THIS COMMUNITY. WHAT I MEAN BY THAT,
AND IT TAKES PLACE IN SOME PLACES LIKE LOUISVILLE
WHERE YOU HAVE HOUSING TYPES OF ONLY A CERTAIN DOLLAR
VALUE AND THEY DON'T WANT ANY LOWER DOLLAR VALUE
HOMES. THEY DON'T WANT ANY SMALLER HOMES. THEY WANT
LARGE HOMES. WE'VE NEVER DONE THAT IN THIS COMMUNITY.
THE BEAUTY OF THIS COMMUNITY IS THAT IF YOU HAVE ONE
ACRE OF LAND THAT'S ZONED RESIDENTIAL, YOU CAN DO A
PLANNED RESIDENTIAL DEVELOPMENT PROJECT JUST LIKE
THOSE FOLKS ARE DOING. YOU CAN DO IT SINGLE-FAMILY OR
MULTI-FAMILY. IT CAN BE ZONED SINGLE-FAMILY, BUT YOU
CAN ALSO DO MULTI-FAMILY IF YOU HAVE AT LEAST ONE
ACRE. SO WE'VE VERY FLEXIBLE.
I look around and I see folks like Mr. Walker that entered into our office asking when the adjoining property was being proposed for development to making sure that he had a stub street from that adjoining property going to this particular piece of property because he realized it would be important for access to his property.

Now, we agree with the county engineer. We're not looking for an arterial street or major collector street to move traffic throughout that area of the community. We don't want that. We don't think that is appropriate. What we do think is appropriate is for somewhere on this property, whether it be in the middle, whether it be to the rear, or whether it be to the front of this property near the current termination of Ralph Avenue, that there be a connection to the adjoining properties on either side. That be a public connection so that kids from this development, kids from other developments can go back and forth via sidewalks, via their bicycle so that friends can visit friends via their vehicle if they need to. That is what we're promoting. We have the greenbelt park that's to the rear of this property. We should have a greenbelt connection. I don't know. I don't believe that one is being proposed.
MR. HOWARD: YES.

MR. NOFFSINGER: THEY ARE PROPOSING ONE.

CHAIRMAN: MR. KAMUF, WOULD YOU COME TO THE MIKE AND JUST ADDRESS THAT? A SIMPLE YES WOULD BE FINE.

MR. KAMUF: I THINK MIKE WOULD BE THE BETTER ONE.

CHAIRMAN: OKAY. MR. SIMPSON.

MR. SIMPSON: WE ARE PROPOSING PEDESTRIAN ACCESS TO THE GREENBELT.

WITH ALL DO RESPECT, MR. NOFFSINGER, ALL OF YOUR REFERENCES HAVE BEEN TO SUBDIVISIONS, AND I JUST WANT TO REITERATE WE ARE PROPOSING A SUBDIVISION. THANK YOU.

MR. NOFFSINGER: WHEN I SPEAK OF SUBDIVISIONS -- I REALIZE THAT. I'M SPEAKING OF THE ADJOINING SUBDIVISIONS SUCH AS LAKE FOREST AND THE WOODLANDS.

WE'RE NOT LOOKING FOR A THROUGH STREET. WE'RE LOOKING FOR THAT LOCAL CONNECTION.

NOW, WHEN WE TALK ABOUT BAD EXAMPLES OF PLANNING THAT HAPPEN PRE SAY 1980, MANY OF THESE THAT MR. KAMUF SPOKE TO SUCH AS COMMONWEALTH COURT, I POINT TO YOU, YES, WE HAVE A BAD SITUATION THERE. WE HAVE A STREET THERE THAT'S A CUL-DE-SAC WHERE WE HAVE
INDUSTRIAL DEVELOPMENT, COMMERCIAL DEVELOPMENT. WE DO
NOT HAVE THAT SECONDARY OUTLET. THIS HAPPENED MANY,
MANY YEARS AGO PRIOR TO US PROMOTING THAT
NEIGHBORHOODS CONNECT.

WE HAVE ALSO LOOKED AT THE GATEWAY
DEVELOPMENT. THE GATEWAY DEVELOPMENT HAS TWO MEANS OF
INGRESS/EGRESS OFF OF 54. ONE ON 54, ONE ON THRUSTON
DERMONT ROAD. IT IS A COMMERCIAL DEVELOPMENT THAT DID
NOT HAVE CONNECTIONS TO THE ADJOINING DEVELOPMENTS
BECAUSE ONE PROPERTY TO THE EAST OF IT, I BELIEVE, WAS
ALREADY DEVELOPED IN A RESIDENTIAL MANNER.

WE ALSO, I WAS LOOKING AT AN ARTICLE TODAY
THAT WAS SENT TO ME ABOUT PARRISH AVENUE. IN 1966 WE
WERE PROMOTING, WE NEEDED A CROSS TOWN STREET BECAUSE
WE HAD POOR ACCESS FROM FREDERICA STREET OUT TO THE
BELT LINE. THAT WAS BEING PROMOTED AS A PLANNING
PROJECT IN THE COMMUNITY TO MOVE TRAFFIC THROUGHOUT
THE TWO SIDES OF TOWN.

WHAT WE IN PLANNING TRY TO ANTICIPATE IS THE
FUTURE CONNECTION NEEDS AND THEN MOBILITY OF ALL
ADJOINING DEVELOPMENTS IN A PARTICULAR AREA AND IN
TRANSPORTATION NETWORK. I RESPECT THE ENGINEERS.
THEM LOOK AT THE DESIGN. I RESPECT THE ATTORNEYS.
THERE'S A NEED FOR THEM. THERE'S ALSO A NEED FOR
PLANNERS. FROM A PLANNING PERSPECTIVE, WE BELIEVE
THAT THIS PROJECT WOULD BE BETTER SUITED TO THIS AREA AND WOULD BETTER SERVE THIS AREA AND WOULD WORK WITH THAT AREA IF WE HAD A PUBLIC STREET CONNECTION TO THE TWO ADJOINING SIDES.

BRIAN HOWARD DOES HAVE A HANDOUT THAT SHOWS SOME POSSIBILITIES IN TERMS OF WHERE THAT STREET WOULD BE. WE'RE NOT LOCKED IN, BUT WE WOULD LIKE TO SEE THAT STREET GO THROUGH.

MR. HOWARD: IF I COULD, JUST TO KIND OF GET YOU BACK ON WHAT YOU WERE SAYING. THAT WAS ONE OF THE NOTES I HAD.

THE EXAMPLES ABOUT THE POOR CONNECTIVITY. IF YOU LOOK AT THE COMMONWEALTH COURT EXAMPLE --

MR. KAMUF: MR. CHAIRMAN, MAY I JUST INTERRUPT. IF THEY WERE GOING TO INTRODUCE THESE -- WE SHOULD HAVE AN OPPORTUNITY TO SEE THESE AHEAD OF TIME IF HE WAS GOING TO TALK ABOUT OTHER PROPOSALS AND OTHER IDEAS. WE HAVEN'T HAD AN ENGINEER TO LOOK AT THEM.

CHAIRMAN: MR. KAMUF, LET'S LET THEM PROCEED AND THEN WE'LL COME BACK TO YOUR -- LET'S LET THEM GO AHEAD AND PROCEED WITH THAT.

MR. HOWARD: WHAT I WAS GOING TO MENTION ON THE COMMONWEALTH COURT EXAMPLE, THERE IS A LARGE PARCEL TO THE REAR; HOWEVER, AS THEY WERE TALKING
ABOUT, I PULL THEM UP ON GOOGLE MAP, THERE ARE STUB
STREETS IN THE DOWNS AND THOROUGHBRED EAST THAT'S
STUBBED TO THAT LARGE PARCEL THAT COULD BE DEVELOPED
IN A RESIDENTIAL NEIGHBOR. SO THERE'S STUBS THERE.

ONE OF THE OTHER EXAMPLES WAS FAIR HAVEN WHICH
IS A NEW DEVELOPMENT. AGAIN, LOOKING AT GOOGLE MAPS,
THAT WAS A SMALL SUBDIVISION. IF YOU LOOK AT ALL THE
PARCELS AROUND IT, THEY ALREADY ARE DEVELOPED IN SOME
CAPACITY. THEY MAY BE LARGER PARCELS, BUT THERE ISN'T
A VACANT PARCEL OF TEN ACRES NEXT-DOOR THAT WOULD BE
OPEN FOR A STUB.

CHAIRMAN: MR. HOWARD, DO YOU HAVE A MAP
YOU'RE GOING TO GO AHEAD AND ATTACH?

MR. HOWARD: YES. WHAT I DID, I DREW THESE UP
BASICALLY TODAY. WHAT I LOOKED AT WAS SOME POTENTIAL
OR WAYS THAT THE NEIGHBORHOODS MAY BE ABLE TO CONNECT.
SO WHAT YOU HAVE, I'VE GOT THREE EXAMPLES.

AS MR. NOFFSINGER POINTED OUT, WE'RE NOT
SAYING THAT ONE HAS GOT TO BE DONE EXACTLY THIS WAY.
WE'RE JUST LOOKING AT THE POSSIBILITIES.

THE PROPERTY TO WEST IS OUTLINED IN BLUE.

THAT IS, AND I DREW THESE FREEHAND. I DIDN'T HAVE ANY
CAD DRAWINGS OR ANYTHING. BASICALLY THEY HAD THREE
AREAS THAT WERE IN THE PROXIMITY OF THE SUBJECT
PROPERTY.
SO THE FIRST EXAMPLE IS THAT MIDDLE STREET

WHICH WAS THE ONE SHOWN ON THE PRELIMINARY DEVELOPMENT

PLAN THAT WAS APPROVED PREVIOUSLY THAT WAS STUBBED TO

THE PROPERTY LINE FOR FUTURE CONNECTION. THIS IS ONE

WAY. THIS WOULD PROBABLY SET THE PROPERTY. IT MAY

NOT BE THE MOST DESIRABLE. IT SHOWS THE CUL-DE-SAC

THERE AT THE END OF RALPH AVENUE, AS INDICATED IN THE

TRAFFIC IMPACT STUDY AND AS REQUESTED BY THE STATE.

IT'S HARD TO SEE, BUT UP AT RALPH AVENUE AND HIGHWAY

54 THERE'S A LITTLE GREEN TRIANGLE UP THERE THAT WILL

REPRESENT THE RIGHT TURN LANE.

ON THE ADJOINING PROPERTY THEN TO THE EAST,

YOU ALREADY HAVE THE STUB FROM THE WOODLANDS. YOU

HAVE A STUB FROM LAKE FOREST. WE WOULD ANTICIPATE IF

AND WHEN THAT PROPERTY DEVELOPS THAT YOU WOULD SEE A

STREET THAT WOULD CONNECT THE CONNECTOR FROM LAKE

FOREST TO HIGHWAY 54 AND ALIGN WITH THOROUGHBRED EAST

STREET INTERSECTION THERE. POTENTIALLY A TRAFFIC

SIGNAL AT THAT LOCATION, BUT IT WOULD HAVE TO MEET

STATE WARRANT CERTAINLY, BUT YOU HAVE A LOT OF HOMES

IN THOROUGHBRED EAST. THIS IS ONE POSSIBILITY.

ANOTHER POSSIBILITY WOULD BE SHIFTING THAT

STREET TO THE SOUTH END OF THE PROPERTY. THEY HAVE A

BUILDING THERE ON THE SOUTH SIDE AND A RETENTION

BASIN, BUT POTENTIALLY EXTENDING THE CUL-DE-SAC ON THE
ADJOINING PROPERTY TO THE WEST CONNECTING OVER. YOU DON'T HAVE THE THROUGH NETWORK THAT YOU MIGHT HAVE HAD. IT'S A LITTLE MORE SECURE TO THIS ROUTE. IT'S NOT DIRECT THROUGH TRAFFIC. AGAIN, WITH THE CUL-DE-SAC ON RALPH AVENUE, THE RIGHT TURN LANE IMPROVEMENT ON HIGHWAY 54 AND CONNECTION POTENTIALLY TO 54 IN ALIGNMENT WITH THOROUGHBRED EAST.

ANOTHER OPTION WOULD BE CONNECTING THE FRONT STREETS BY EXTENDING RALPH AVENUE A SHORT DISTANCE. PROVIDING A THROUGH STREET OVER AND PROVIDING A CONNECTION THAT WAY.

WE'RE NOT SOLD ON ANY ONE IDEA. THERE MAY BE MANY OTHER OPTIONS AND MANY OTHER IDEAS, BUT WE JUST TRY TO PUT ON PAPER USING THE AERIAL PHOTOGRAPHY SOME POSSIBILITIES TO SHOW WHAT'S BEEN DONE IN THE PAST.

THE BROOKS SUBDIVISION CONNECTS WITH LAKE FOREST. LAKE FOREST HAS A STUB TO THE PROPERTY TO THE EAST. SO WOODLANDS CONNECTS TO LAKE FOREST. LAKE FOREST CONNECTS TO STEEPLE CHASE. SO ALL OF THESE SUBDIVISIONS CONNECT. TANGLEWOOD GOES OUT. ALL OF THESE SUBDIVISIONS IN THIS VICINITY CONNECT. WE'RE NOT PROMOTING, WE DON'T THINK IT WOULD CARRY A SIGNIFICANT AMOUNT OF TRAFFIC. IN OUR STAFF REPORT WE NOTED THAT WE KNOW THAT IT'S NOT GOING TO HAVE AN APPRECIABLE IMPACT ON THE TRAFFIC ON HIGHWAY 54, BUT
IT WOULD GIVE PEOPLE THE OPPORTUNITY TO GET THROUGH
SOME OF THESE STREETS. IT'S NOT A STRAIGHT PATH.
IT'S NOT GOING TO BE A SPEEDWAY TO GET THROUGH THERE.
WHEN YOU HAVE STRAIGHT ROADS, THEY ARE WIDE, PEOPLE
TEND TO SPEED. WHEN YOU HAVE TO MAKE TURNS AND
VARIOUS MOVEMENTS LIKE THAT, IT TENDS TO SLOW TRAFFIC
DOWN. IT MAKES IT LESS APPEALING. IF YOU GO LAKE
FOREST TO HIGHWAY 54, AS MENTIONED, YOU COULD GO LAKE
FOREST DRIVE TO SETTLES ROAD, IF YOU WANT TO.

CHAIRMAN: MR. HOWARD, LET ME SEE IF WE CAN
BRING BACK OUR COUNTY ENGINEER.

OBVIOUSLY, YOU KEPT UP WITH THE THREE
PROPOSALS. WOULD YOU GIVE US YOUR EXPERT OPINION ON
THESE THREE THROUGH ROADS AND WHAT AFFECT THEY WOULD
HAVE, IF ANY. YOU KNOW WHERE I'M HEADED WITH THIS.

MR. BRASHER: COULD YOU ASK THE QUESTION
AGAIN? ARE YOU ASKING ME TO MAKE A REVIEW OF THE
COMMENTS?

CHAIRMAN: COMMENT ON THE THREE PROPOSALS THAT
THEY HAVE. WHAT AFFECT YOU THINK IT WOULD HAVE ON THE
DAVISS COUNTY TRANSPORTATION? WOULD IT BE POSITIVE,
NEGATIVE OR WOULD IT REALLY NOT HAVE ANY AFFECT AT
ALL, IN YOUR PROFESSIONAL OPINION?

MR. BRASHER: WITH MOST OPTIONS THERE'S PROS
AND CONS. OBVIOUSLY, I'D HAVE TO LOOK AT IT WITH A
LITTLE MORE DETAIL THAN WHAT WE'VE GOT. BRIAN DOES A
WELL JOB WITH FREEHAND, BUT I WOULD HAVE TO TAKE A
HARDER LOOK THAN TO GIVE YOU SOMETHING AS FAR AS, YES,
I WOULD APPROVE IT OR NO, I WOULD DISAPPROVE IT.

CHAIRMAN: WOULD IT STILL FALL UNDER YOUR
ORIGINAL STATEMENT THAT, YOU DON'T HAVE A STRONG
DESIRE TO HAVE ANY KIND OF THROUGH STREET THROUGH?
I'M NOT TRYING TO LEAD YOU ON. MAYBE I SHOULD PHRASE
THAT IN A QUESTION.

MR. BRASHER: I KNOW WHAT YOU'RE ASKING. I
BELIEVE I KNOW WHAT YOU'RE ASKING.

OBVIOUSLY, IF THIS IS SOMETHING THAT THE
DEVELOPER PROPOSED, TO MY UNDERSTANDING --

CHAIRMAN: WE'RE GOING TO GIVE HIM A CHANCE.
I'M SURE MR. KAMUF IS JUST SITTING OVER THERE ON THE
EDGE READY TO MOVE. YES, I WANT TO GO AHEAD AND GET
YOUR OPINION FIRST.

MR. BRASHER: IF IT WAS A PUBLIC STREET AND A
DEVELOPER PROPOSED THAT, I DO NOT SEE ANYTHING WRONG
WITH ANY OF THOSE STREETS, THOSE CONNECTIONS. THERE'S
PROS AND CONS LIKE I TALKED ABOUT AS FAR AS THE PASS
THROUGH TRAFFIC, BUT THE PLANNING COMMISSION OR
PLANNING STAFF, INNER-CONNECTION IS A GOOD THING ALSO.
MY POINT IS THAT'S NOT WHAT WAS PROPOSED AND I
DID NOT FIND IT CRITICAL WITH THAT PROPOSAL.
CHAIRMAN: MR. KAMUF, I THINK YOU WERE WANTING TO MAKE A STATEMENT.

I'M SORRY, MR. HOWARD, WERE YOU FINISHED AT THAT POINT? I'M SORRY.

MR. ALLEN: I'VE GOT A QUESTION FOR BRIAN REAL QUICK.

JUST LOOKING AT THIS. LET'S SAY YOU CONNECTED IN THE FUTURE WOODLANDS PLAZA OVER TO RALPH AVENUE AND THEN IN FRONT OF THIS PROPERTY, NOT INSIDE THE DEVELOPMENT, CONNECT IT ACROSS TO THE WOODLANDS. WHAT IS THAT? FOXTAIL PLACE OR SOMETHING LIKE THAT. WOULD THAT BE SIGNIFICANTLY WORSE IN TERMS OF TRAFFIC THROUGH THAN ACTUALLY RUNNING IT THROUGH A DEVELOPMENT?

MR. HOWARD: ARE YOU SAYING EXTENSION OF VILLA POINT OR JUST SOME CONNECTION ALONG RALPH AVENUE?

MR. ALLEN: YES. YOU SAY WOODLAND PLAZA JUST COMES ON ACROSS WHERE IT MEETS RALPH AVENUE, AND THEN BASICALLY SOMEWHERE ALONG RALPH AVENUE CUT ACROSS THAT ADJOINING PROPERTY OVER TO THE WOODLANDS. WOULD THAT BE SIGNIFICANTLY DIFFERENT? NOW, I KNOW IT LEAVES OUT THIS PROPOSED DEVELOPMENT.

MR. HOWARD: RIGHT. THAT'S THE THING. IT DOES. IT DOESN'T PROVIDE CONNECTION TO THAT PROPERTY TO THE WEST. IT WOULD ALLOW BOTH THIS DEVELOPMENT AND
ANY OF THE SURROUNDING NEIGHBORHOODS ACCESS TO VILLA POINTE WHICH WAS VIA ACCESS TO COMMERCIAL DEVELOPMENT AND WOODLAND PLAZA.

MR. ALLEN: THAT PROPERTY TO THE WEST, IT ALSO HAS AN ACCESS TO THE GREENBELT FOR FOOT TRAFFIC. IT HAS VEHICULAR ACCESS TO BOTH THE WOODLAND PLAZA AREA AND THEN ALSO OVER TO FAIRVIEW.

MR. HOWARD: RIGHT. I WILL SAY ONE OF THE REASONS WE THINK THAT THE CONNECTION TO THE ADJOINING PROPERTY TO THE WEST WOULD BE GOOD; ONE, IT'S BEEN PROVIDED FOR ON THIS PROPERTY TO START WITH. TWO, AND MARK CAN ADDRESS THIS IN GREATER DETAIL IF HE'D LIKE, BUT IN THE TRAFFIC IMPACT STUDY THIS HAS BEEN TALKED ABOUT FOR A WHILE. THE STATE IS ACTUALLY LOOKING FOR THIS AS FAR AS WHAT MAY HAPPEN ON THE 54 CORRIDOR. THERE'S BEEN DISCUSSION OR TALK AND IT'S MENTIONED IN THE TRAFFIC IMPACT STUDY THAT REALLY AT VILLA POINT AND FAIRVIEW DRIVE, THAT THAT INTERSECTION IS TOO CLOSE TO HIGHWAY 54. THAT REALLY THERE SHOULD BE A BARRIER MEDIAN, WHICH WOULD NOT ALLOW TRAFFIC TO CROSS VILLA POINT AND FAIRVIEW DRIVE.

SO PART OF THE CONCERN WOULD BE THEN IF THERE'S NOT A CONNECTION TO THE WEST, WHICH WOULD ALLOW YOU TO GET OUT ON FAIRVIEW DRIVE AT A DIFFERENT LOCATION SO YOU COULD TURN AND GO SOUTH, THE ONLY WAY
YOU COULD DO THAT WOULD BE PROVIDED YOUR CONNECTION IS THERE OVER TO RALPH. YOU COULD GO RALPH TO VILLA POINT. VILLA POINT THEN YOU WOULD HAVE TO TRAVEL ON THAT ALLEY. THE ALLEY THAT CONNECTS THE PROFESSIONAL PLAZA DRIVE AND VILLA POINT TO GET OUT, AND I'M NOT SURE THAT IT WOULD BE GREAT TO FUNNEL MORE TRAFFIC ON THAT ALLEY INSTEAD OF GOING THROUGH AN ADJOINING PROPERTY THAT'S ZONED FOR MULTI-FAMILY. THE PORTION OF THE PROPERTY THERE IN THE FRONT IS PROFESSIONAL SERVICE. ON THE SOUTH SIDE OF THAT PROPERTY AND A SMALL BIT ON THE NORTH SIDE IS GENERAL BUSINESS COMMERCIAL.

THAT'S ONE OF THE THINGS THAT WHEN I WAS LOOKING AT IT, DO WE WANT TO FUNNEL TRAFFIC ON THAT PUBLIC ALLEY IF IN FACT AT SOME POINT IN THE FUTURE ON FAIRVIEW DRIVE THERE'S A BARRIER MEDIAN WHICH WOULD NOT ALLOW PEOPLE ON VILLA POINT TO CROSS. YOU'D WANT A RIGHT TURN ZONE AT THIS POINT. THIS WOULD GIVE AN OPPORTUNITY TO GET OUT ON FAIRVIEW DRIVE SOMEWHERE ELSE. ON A PUBLIC STREET AND NOT HAVING TO TRAVEL PUBLIC ALLEY.

SO THAT'S ONE OF THE REASONS WHY WE JUST FEEL THAT IT'S GOOD TO MAKE THAT CONNECTION.

MR. REEVES: MR. CHAIRMAN, IT SEEMS TO ME LIKE THAT WHAT WE'RE DOING HERE IS TRYING TO PROPOSE SOME
SOLUTIONS THAT ARE ABSOLUTELY CONTRARY TO THE KIND OF
DEVELOPMENT THAT THIS PARTY IS ASKING FOR. SEEM TO ME
LIKE THE QUESTION FOR US IS, IS THIS DEVELOPMENT WITH
THOSE ISSUES THAT WE GENERALLY HAD, DOES IT FIT AND IT
SHOULD BE APPROVED IN THE COMMUNITY AS OPPOSED TO US
TRYING TO REDEVELOP THIS PROJECT FOR THE INDIVIDUAL.

CHAIRMAN: I THINK YOU'RE ABSOLUTELY RIGHT,

BUT WE NEEDED TO LET THE STAFF PROPOSE THE ROADS AND
THEN WE'LL GET A RESPONSE FROM THEM. IF WE CAN PUT
SOMETHING TOGETHER WITH ROADS, EVERYBODY IS HAPPY, AND
WE'VE GOT A THROUGH STREET.

MR. REEVES: I THINK FOR EVERYBODY TO BE HAPPY
IT'S CONTRARY TO THE KIND OF DEVELOPMENT THEY'RE
PROPOSING. THAT'S WHAT I'M SAYING.

CHAIRMAN: I UNDERSTAND.

MR. REEVES: THAT DEVELOPMENT ISSUE IS UNIQUE
IN THAT IT DOES NOT HAVE THROUGH STREETS. THAT'S PART
OF THE SUPPOSED ATTRACTIVENESS TO IT. I THINK FOR US
TO TRY TO FIX THAT, THAT'S NOT OUR JOB I DON'T THINK.

CHAIRMAN: I'M GOING TO LET MR. SIMPSON
RESPOND.

MR. SIMPSON: THANK YOU. JUST A COUPLE OF
POINTS ABOUT THE PROPOSALS.

ONE, OBVIOUSLY A THROUGH STREET, AND THAT IS
NOT OUR DESIRE. THAT DOES NOT FIT THE CONCEPT OF WHAT
WE'RE TRYING TO BRING TO OWENSBORO. IN THEORY, IF YOU DID PUT IT IN, WE WOULD LOSE APPROXIMATELY 15 PERCENT OF OUR UNITS BECAUSE OF SETBACKS AND DIRT THAT WOULD BE TAKEN FOR THAT ROAD. WE HAVE A BUSINESS MODEL, A PROFORMA, IF YOU WILL, THAT WE TAKE TO OUR PARTNERS AND FINANCE, AND THIS WOULD SIGNIFICANTLY IMPACT OUR ABILITY TO DO THIS DEAL HERE.

MOST IMPORTANTLY, AS MR. REEVES HAS ALLUED TO, WE'RE TALKING HYPOTHETICALLY HERE. THIS IS A SINGLE PARCEL DEVELOPMENT THAT WE DESIRE TO HAVE ONE INGRESS AND EGRESS POINT TO. THAT'S WHAT WE'VE COME HERE TONIGHT TO APPLY FOR. THANK YOU.

CHAIRMAN: THANK YOU.

ARE THERE ANY FURTHER QUESTIONS?

MR. PEDLEY: MR. CHAIRMAN, I WOULD LIKE TO CLARIFY A COUPLE OF THINGS SINCE THE APPLICANT IS USING COMMONWEALTH COURT AND SOME OTHER LOCATIONS TO SHOW THAT OTHER AREAS ARE NOT.

COMMONWEALTH COURT, I'VE OWNED THAT LAND FOR 43 YEARS. I CONSTRUCTED THAT STREET 37 YEARS AGO AT MY OWN EXPENSE. HIGHWAY 54 WAS TWO LANE AT THAT TIME. ME AND MY PARTNER MIKE MARTIN BUILT ALL THE BUILDINGS ON THAT ENTIRE STREET EXCEPT OLD SOUTH BARBECUE.

WHEN THE STATE COME THROUGH WITH A FIVE LANE HIGHWAY 54, THAT GAVE ME ACCESS POINT TO COMMONWEALTH
COURT IN THE MANNER THAT THEY WANTED TO DO IT.

IT'S A CRITICISM THAT COMMONWEALTH COURT DOESN'T HAVE A TURN LANE. WELL, THE STATE INSTRUCTED THAT THE WAY THEY WANTED IT AND WHAT THEY WANTED ME TO HAVE. THAT DEVELOPMENT IN THAT STREET IS NEARLY 40 YEARS OLD.

THE COMPREHENSIVE PLAN HAS BEEN UPDATED EVERY FIVE YEARS FOR QUITE SOME TIME. THE PUBLIC IMPROVEMENT SPECIFICATIONS ADDRESS THESE STREETS AND CLASSIFICATION STREETS AND IT'S UPDATED ON A REGULAR BASIS. WE'RE DOING IT NOW. THERE'S SEVERAL THINGS. IT'S UPDATED EVERY YEAR. YOU CAN'T GO BACK 40 YEARS AND LOOK WHAT HAPPENED THEN. I JUST WANT TO CLARIFY THAT BECAUSE BOTH SIDES KEEPS USING COMMONWEALTH COURT, LAKE FOREST AND SOME OTHER DEVELOPMENTS. IT'S NOT A REAL GOOD COMP. I JUST WANT TO CLARIFY THAT ISSUE.

CHAIRMAN: THANK YOU.

MR. NOFFSINGER, I THINK WE'VE GOT AN EXCELLENT PROPOSAL OF A PROPOSED PROPERTY IN THE COUNTY. DO YOU FORESEE ANYTHING THAT WE COULD DO TO PUT THIS AND MAKE AN ACCEPTABLE RECOMMENDATION?

MR. NOFFSINGER: CERTAINLY. YOU KNOW, AGAIN, IT GOES BACK TO STAFF SUPPORTS THE DEVELOPMENT WITH A PUBLIC STREET CONNECTION TO THE ADJOINING PROPERTIES.
ON EITHER SIDE. WHERE THAT OCCURS, IT DOESN'T MATTER.

THAT IS CERTAINLY WHAT WE WOULD LIKE TO SEE SO THAT WE
CAN SAY THAT THIS PROPOSAL IS IN COMPLIANCE WITH THE
COMMUNITY'S ADOPTED COMPREHENSIVE PLAN. WE FEEL IT
CAN BE DONE OUT FRONT. THAT WOULD TAKE THE LEAST
AMOUNT OF PROPERTY, BUT THE DEVELOPER HAS SAID, THAT'S
NOT THEIR PROPOSAL. WITHOUT THE STREET CONNECTIONS
STAFF WOULD NOT MAKE A RECOMMENDATION FOR APPROVAL.

MR. KAZLAUSKAS: MR. KIRKLAND, DOES STAFF HAVE
ANY CRITERIA ON FILE AS TO HOW TO ADDRESS GATED
COMMUNITIES? HAS THIS COME BEFORE THE BOARD BEFORE
WITH JUST ONE ENTRANCE?

MR. NOFFSINGER: NO. NO, WE DON'T IN
PARTICULAR BECAUSE -- THIS IS BEING CALLED A GATED
COMMUNITY. NOW, I DON'T KNOW THAT IT IS TRULY A GATED
COMMUNITY FROM WHAT STAFF HAS TOLD ME. STAFF HAS TOLD
ME YOU WOULD BE ABLE TO GO AND COME AS YOU CHOOSE
WITHOUT A GATE AND WITHOUT A GUARDHOUSE. THAT THERE
WOULD BE SECURITY CAMERAS THERE. SO TO ME THAT'S NOT
WHAT I ENVISION AS A GATED COMMUNITY. A GATED
COMMUNITY IS GOING TO HAVE A LOCKED GATE OR A
GUARDHOUSE WITH SECURITY TELLING PEOPLE TO GO OR NOT.
NO, WE DON'T. BECAUSE WE THINK THAT GATED COMMUNITIES
CAN BE INTEGRATED INTO OUR ADOPTED COMPREHENSIVE PLAN
AND OUR REGULATIONS. WE MAKE PROVISIONS FOR THOSE AND
HAVE FOR MANY, MANY YEARS SINCE EARLY 1980 BECAUSE WE DO THAT PLAN RESIDENTIAL DEVELOPMENT PROJECT THAT THEY'RE COMING IN ON. SO OUR PLAN RECOGNIZES THAT, BUT IT ALSO, THE COMPREHENSIVE PLAN GOES BEYOND JUST SINGLE LOT DEVELOPMENT AND LOOKS AT DEVELOPING NEIGHBORHOODS. NOT JUST A SINGLE PIECE OF PROPERTY THAT THEY DEVELOP IN CONJUNCTION WITH ONE ANOTHER. WE BELIEVE THAT THIS DEVELOPMENT CAN HAPPEN. IT CAN HAPPEN AS A GATED COMMUNITY, BUT IT NEEDS TO HAVE THAT PUBLIC STREET CONNECTION BETWEEN THE ADJOINING PROPERTIES SO THAT THE NEIGHBORHOOD NETWORK CAN COME TOGETHER, STREET NETWORK.

CHAIRMAN: ARE THERE ANY FURTHER QUESTIONS?

MS. CAMBRON.

MS. CAMBRON: MAY I MAKE A COMMENT?

CHAIRMAN: ABSOLUTELY, AND POSSIBLY A SOLUTION.

MS. CAMBRON: WELL, I DON'T KNOW ABOUT THAT. THIS IS A NEW CONCEPT FOR OWENSBORO. WE HAVE MANY OTHER COMMUNITIES THAT ARE SIMILAR TO THIS IN THAT THEY HAVE ONE EGRESS/INGRESS. I BELIEVE FIELDCREST, FIELDCREST CROSSING, FIDDLE STICKS, MALLARD, CHUCK GRAY. SOME ARE OLD. SOME ARE NEW, BUT THIS IS SOMETHING THAT IS EVOLVING. IT IS SOMETHING THAT'S BECOMING MORE AND MORE POPULAR ACROSS THE
NATION.

WE TALK ABOUT CONNECTING THE NEIGHBORHOODS.
IT WILL BE CONNECTED IN A BIKE AND WALKING PATH, BUT
FOR THIS PARTICULAR NEW CONCEPT WITHOUT REDUCING THEIR
AMOUNT OF DEVELOPMENT, BY A SIGNIFICANT AMOUNT, IS
THIS NOT SOMETHING THAT WE CAN -- THEY'VE ALREADY SAID
THAT IT WILL BE APPROPRIATE FOR SAFETY VEHICLES, FIRE
AND POLICE. THEY'VE ALREADY SAID THAT THEY WOULD
OFFER A SITE WHERE THERE WOULD BE ACCESS FOR EMERGENCY
VEHICLES WHICH IS THE ACCEPTED WAY FOR GATED
COMMUNITIES IN OTHER COMMUNITIES. IT IS CONNECTED TO
BIKE AND WALKING. YOU CAN GET FROM MILLERS MILL TO
FAIRVIEW VIA ANOTHER ROUTE THROUGH A RESIDENTIAL AREA.
I THINK WE NEED TO A) START THINKING ABOUT
MORE GATED COMMUNITIES. IF THEY HAVE ADDRESSED ALL OF
THE OTHER ISSUES, SUCH AS A RIGHT-HAND TURNING LANE
AND A LARGER CUL-DE-SAC FOR EMERGENCY VEHICLES, AND I
DON'T REMEMBER THE OTHER CONCERN, I WOULD LIKE TO BE
ABLE TO CONSIDER THIS.

CHAIRMAN: ARE YOU MOVING IN THE WAY OF A
MOTION, MRS. CAMBRON?

MS. CAMBRON: I CAN DO THAT, YES.

CHAIRMAN: LET ME MAKE SURE.

ARE THERE ANY OTHER COMMENT OR QUESTION?

MR. KAZLAUSKAS: ONE MORE QUESTION.
MR. SIMPSON, MR. NOFFSINGER SAID IT WAS HIS UNDERSTANDING THAT THERE WASN'T GOING TO BE A GATE.

MR. SIMPSON: THERE WILL BE GATES.

MR. KAZLAUSKAS: THERE WILL BE GATES.

MR. SIMPSON: THAT'S CORRECT.

MR. KAZLAUSKAS: WILL THE TENANTS HAVE TO USE A CARD OR PUNCH A KEY CODE TO GET IN AND OUT?

MR. SIMPSON: IT WOULD BE THROUGH A REMOTE.

MR. KAZLAUSKAS: THEY WOULD HAVE A REMOTE?

MR. SIMPSON: YES.

MR. KAZLAUSKAS: SO THIS IS A GATED COMMUNITY WITH CLOSED GATES?

MR. SIMPSON: IT IS GATED. DURING THE DAY, PROBABLY EIGHT TO FIVE, THEY WOULD BE ON STAND OPEN JUST BECAUSE THERE'S SO MUCH INGRESS AND EGRESS DURING THE DAY SO THAT GATE IS JUST NOT CONSTANTLY SWINGING WIDE OPEN, BUT AT 5:00 THEY WOULD GO TO CLOSE.

MR. KAZLAUSKAS: OKAY. THANK YOU.

MS. CAMBRON: THIS IS ALSO A VERY NICE SAFETY FEATURE FOR PEOPLE THAT HAVE CHILDREN. NOT TO HAVE CARS COMING THROUGH THIS COMMUNITY AT ALL TIMES. I WOULD LIKE TO MAKE THAT MOTION, YES.

CHAIRMAN: MS. CAMBRON, IF YOU'RE GOING TO MAKE A MOTION, YOU'LL HAVE TO MAKE A MOTION WITH SOME FINDINGS OF FACTS BECAUSE I ASSUME THAT YOUR MOTION
WOULD BE FOR APPROVAL?

MS. CAMBRON: YES.

MR. REEVES: MR. CHAIRMAN, IF MS. CAMBRON WOULD ALLOW, I AGREE WITH YOUR PERSPECTIVE AND I WOULD BE PREPARE TO MAKE A MOTION WITH FINDINGS OF FACT, IF YOU'D LIKE.

MS. CAMBRON: PLEASE DO THAT BECAUSE I'M NOT AT THIS MOMENT.

CHAIRMAN: WAIT JUST A MINUTE, MR. REEVES.

MR. NOFFSINGER SEEMS LIKE YOU HAVE SOMETHING.

MR. NOFFSINGER: YES. WE DO HAVE FINDINGS OF FACT THAT YOU MAY WANT TO TAKE A LOOK AT IN TERMS OF IF YOU CHOOSE TO MAKE A FAVORABLE MOTION THAT YOU MAY WANT TO CONSIDER. NOW, YOU MAY WISH TO TAKE AWAY FROM ANY OF THOSE CONDITIONS OR FINDINGS OF FACT. THOSE FINDINGS OF FACT WERE PREPARED BASED FOR A RECOMMENDATION FOR APPROVAL WITH FOUR CONDITIONS. ONE OF THE CONDITIONS WOULD BE PUBLIC STREETS BECAUSE STAFF ANTICIPATED THAT WE MIGHT BE ABLE TO GO THERE. NOW, I'LL GIVE THOSE TO MS. CAMBRON. SHE'S WELCOME TO USE ANY OR ALL OF THOSE OR NONE OF THOSE THAT SHE WOULD LIKE.

MR. KAMUF: I ALSO HAVE A FINDING THAT I COULD SHOWS MS. CAMBRON THAT I HAVE PREPARED IN CASE THERE WAS AN APPROVAL.
CHAIRMAN: LET'S GIVE MS. CAMBRON JUST A
MOMENT TO WORK THROUGH THESE RIGHT NOW, MR. KAMUF.
WHY DON'T YOU GO AHEAD AND BRING THESE UP ALSO IF YOU
WOULD AND THEN THEY CAN LOOK AT BOTH OF THEM.
MR. KAMUF: I HAVE A COPY FOR EVERYBODY.
MR. KAZLAUSKAS: MR. KIRKLAND, WHILE SHE'S
READING THAT, MAYBE MR. SIMPSON CAN TELL US HOW MANY
OF THE GATED COMMUNITIES IN BOWLING GREEN ACTUALLY
HAVE ONE, ONE ENTRANCE AND EXIT? CAN BE ANSWER THAT
AND HOW MANY HAVE TWO?
MR. CHANDLER: THE PICTURE IS A TWIN SISTER OF
WHAT WE'RE PROPOSING HERE. THAT'S AN ACTUAL
PHOTOGRAPH I'M RENDERING. IT IS ONE ACCESS POINT, 320
UPPER SCALE UNITS.
MR. KAZLAUSKAS: HOW MANY DID YOU SAY YOU
HAVE?
MR. CHANDLER: THERE'S JUST ONE ACCESS.
MR. KAZLAUSKAS: JUST ONE ACCESS. HOW MANY OF
YOUR DEVELOPMENTS HAVE JUST ONE ACCESS? THE MAJORITY
OF THEM?
MR. CHANDLER: IT'S MIXED.
MR. KAZLAUSKAS: IT'S MIXED.
MR. CHANDLER: YES, SIR. A PERIMETER
SURROUNDING FENCE GATED COMMUNITY, AGAIN, A SELLING
POINT TO THE CONSUMER IS THAT THERE'S LIMITED ACCESS.
MR. KAZLAUSKAS: THANK YOU.

CHAIRMAN: MS. CAMBRON.

MS. CAMBRON: I THINK I'M READY.

CHAIRMAN: YES, MA'AM.

MR. WALKER: CAN I MAKE ONE COMMENT?

CHAIRMAN: YES, SIR. MR. WALKER.

MR. WALKER: I PROMISE THIS IS MY LAST ONE.

I WANT TO CLARIFY SOMETHING. GARY WAS ABSOLUTELY RIGHT. I WAS LOOKING FOR CONNECTIONS WHEN I OWNED SPLASH. IT WAS A COMMERCIAL DEVELOPMENT. THE MORE CONNECTIONS THE BETTER BECAUSE IT BROUGHT MORE PEOPLE TO MY FACILITY AND I WAS TRYING TO DEVELOP THE PROPERTY COMMERCIALLY. THESE GUYS AREN'T LOOKING COMMERCIALLY. THEY'RE LOOKING AT IT FROM A RESIDENTIAL STANDPOINT.

THE PROPERTIES ON THE EAST AND WEST, THEY BOTH MAY GO COMMERCIAL AT SOME POINT. THERE'S NO SAYING THEY'RE GOING TO BE SUBDIVISIONS. SO NOW ALL OF A SUDDEN YOU'RE PUSHING COMMERCIAL TRAFFIC POTENTIALLY THROUGH.

CHAIRMAN: MR. WALKER, WOULD YOU HOLD YOUR THOUGHTS JUST A MOMENT. YOU CAN COME BACK AND I'LL COME BACK TO YOU BECAUSE MS. CAMBRON IS GETTING READY TO MAKE A MOTION. AFTER SHE MAKES THIS MOTION, IF YOU WANT TO COME BACK, BECAUSE YOU'RE GOING TO HAVE TO
AGREE TO IT ANYWAY.

MR. WALKER: I THINK IT'S A BIG POINT THAT THE
PROPERTIES ON BOTH SIDES, WE KEEP TALKING ABOUT
CONNECTING NEIGHBORHOODS. WHOSE TO SAY IT'S NOT GOING
TO BE COMMERCIAL THE WAY 54 IS GOING. I DON'T HAVE
ANYTHING ELSE.

CHAIRMAN: THANK YOU.

MR. NOFFSINGER: MR. CHAIRMAN, THE THING ABOUT
THAT IS THAT IF THIS IS APPROVED, AND I UNDERSTAND
WHAT HE'S SAYING, IT OPENS THE DOOR FOR A GATED
COMMUNITY NEXT-DOOR AND THEN WE LOSE ALL NEIGHBORHOOD
CONNECTIONS THERE. THAT'S OUR CONCERN. NOT JUST A
SINGLE PIECE OF PROPERTY. WE'RE TRYING TO LOOK AT THE
BIGGER PICTURE FOR DEVELOPMENT IN SOUND PLANNING IN
THE COMMUNITY. NOT JUST ON AN ISOLATED SINGLE PIECE
OF PROPERTY BECAUSE WE KNOW WHAT HAPPENS HERE WILL
HAVE AN IMPACT ON THE PROPERTY ADJOINING THAT.

CHAIRMAN: MS. CAMBRON, I THINK WE HAVE MAYBE
ONE MORE.

MR. SILVERT: WOULD YOU STATE YOUR NAME,
PLEASE?

MR. STALLINGS: RICHARD STALLINGS.

(RICHARD STALLINGS SWORN BY ATTORNEY.)

MR. STALLINGS: I'M NOT HERE IN A PROFESSIONAL
CAPACITY BUT MORE AS A FRIEND OF DEVELOPMENT. OF
COURSE, RESPECT FOR DESIRES OF LANDOWNERS TO USE THEIR
LAND AS THEY SEE FIT. I HAVE JUST A QUESTION AND
MAYBE A COMMENT.

WILL THE PEDESTRIAN TRAFFIC BE LIMITED OR
CONTROLLED ACCESS SPECIFICALLY TO HORSE FORK TRAIL?
WILL THAT BE A CONTROLLED POINT WHERE OTHER
NEIGHBORHOODS COULD ACTUALLY HAVE WALKABILITY OR A
BICYCLE ACCESS THROUGH THE NEIGHBORHOOD? AGAIN,
LOOKING AT THE FACT THAT YOU WOULD HAVE TO CROSS A
BRIDGE THERE TO GET TO HORSE FORK TRAIL THAT'S NOT
PRESENTLY IN PLACE.

MR. CHANDLER: IT'S A PRE-MANUFACTURED VERY
ESTHETIC KIND OF HISTORICAL LOOKING BRIDGE THAT'S
BROUGHT IN ON A TRUCK. THERE'S NO GATED CAPACITY AT
THIS TIME. IT'S OPEN TO BOTH PEDESTRIANS AND --

MR. STALLINGS: SO ALL NEIGHBORHOODS WOULD
HAVE ACCESS?

MR. CHANDLER: YES, SIR.

MR. STALLINGS: THANK YOU FOR THAT.

THE OTHER IS MORE OF THE QUESTION TO EMERGENCY
ACCESS. AGAIN, THIS IS JUST MORE OF, AGAIN, PERSONAL
OPINION.

COULD THAT POINT BE ON THE WEST SIDE OF THE
PROPOSED DEVELOPMENT SINCE THAT IS ALREADY A PLANNED
MIXED USE, APPROVED DEVELOPMENT TO THE WEST, ACCESS TO
THE WEST TO FAIRVIEW, WHEREAS THE PROPERTY TO THE
EAST. I BELIEVE YOU ALL MENTIONED THAT YOU ALL WERE
LOOKING AT EMERGENCY ACCESS. POTENTIALLY HAVING AN
ACCESS TO THE EAST WHERE THERE IS NO CURRENT PLAN
DEVELOPMENT. IT'S CURRENTLY FARM USE.

CHAIRMAN: MR. SIMPSON.

MR. SIMPSON: WE WOULD NOT BE OPPOSED TO THAT.

MR. STALLINGS: I THINK THAT WOULD BE VERY
ACCEPTABLE FROM WHERE I'M STANDING. THANK YOU.

CHAIRMAN: MR. STALLINGS, JUST A MOMENT.

MS. CAMBRON, IS THIS SOMETHING THAT YOU WOULD
WANT TO INCORPORATE IN YOUR MOTION AS A CONDITION?

MR. STALLINGS, WOULD YOU MAYBE RESTATE THAT,
PLEASE.

MS. CAMBRON: THE BRIDGE OR THE SAFETY, THE
ADDITIONAL ENTRANCE?

MR. STALLINGS: THE FIRST QUESTION WAS THE
PEDESTRIAN ACCESS TO -- THE HORSE FORK TRAIL I THINK
WAS MENTIONED AND, AGAIN, HE MENTIONED THAT THERE
WOULD BE A BRIDGE. MY QUESTION WAS, AGAIN,
INNER-CONNECTIVITY OF NEIGHBORHOODS, WHETHER IT WOULD
BE WALKABLE. OF COURSE, NOT HAVING A VEHICULAR
ACCESS, BUT WALKABILITY. SO WOULD OTHER NEIGHBORHOODS
BE ABLE TO ACCESS INTO THE PLANNED COMMUNITY.

THE SECOND WAS EMERGENCY ACCESS. INSTEAD OF
-- THEY STATED TO THE EAST, WHICH HAS NO PLANNED
DEVELOPMENT TO MY KNOWLEDGE RIGHT NOW, BUT TO THE WEST
DEFINITELY DOES, WHETHER THAT WOULD BE A MORE LOGICAL
POINT FOR EMERGENCY ACCESS IF NEEDED.

CHAIRMAN: INCORPORATE THEM. MS. CAMBRON, IF
YOU WOULD LIKE, YOU CAN INCORPORATE THAT INTO YOUR --

MR. APPLEBY: I WANT TO ASK HIM A QUESTION
BEFORE YOU DO THAT.

DID I UNDERSTAND YOU TO SAY YOU DIDN'T HAVE A
PROBLEM WITH PUTTING THE EMERGENCY ACCESS ON THE WEST
AS OPPOSED TO THE EAST?

MR. SIMPSON: THAT IS CORRECT. WE WOULD NOT
BE OPPOSED TO MOVING THAT TO THE WEST.

MR. APPLEBY: WOULD YOU HAVE A PROBLEM WITH
HAVING AN EMERGENCY ACCESS ON THE WEST SIDE AS WELL AS
THE EAST SIDE? I MEAN THEY LINE UP RIGHT ACROSS FROM
EACH OTHER. JUST ONE OR THE OTHER?

MR. SIMPSON: OUR PREFERENCE WOULD BE TO THE
WEST.

MR. APPLEBY: IS THAT MORE ADVANTAGEOUS? THE
PROPERTY TO THE WEST IS DEVELOPING. IS THAT BETTER
THAN HAVING IT ON THE EAST WHERE IT'S AN UNKNOWN?

MR. NOFFSINGER: I DON'T KNOW THAT IT MAKES
ANY DIFFERENCE OR NOT. I DO KNOW THAT THE ADJOINING
PROPERTY, THE DEVELOPERS THERE, THE PRELIMINARY
DEVELOPMENT PLAN THEY'RE NOT SHOWING A CONNECTION AT THAT POINT, A PROPOSED CONNECTION. WE WOULD HAVE TO MAKE SURE THAT WHEREVER THIS PROPOSED ACCESS GOES THAT WE NEGOTIATE A CONNECTION IN THAT ADJOINING DEVELOPMENT. THE ADJOINING DEVELOPMENT THEIR CONNECTION HAS ALREADY BEEN NEGOTIATED WITH THE PRELIMINARY PLAN. I CAN'T SPEAK FOR THEM. I DON'T KNOW HOW IT WOULD ALTER THEIR PLANS.

MR. HAMILTON: ONE COMMENT.

IF WE DO SHIFT THE EMERGENCY ACCESS FROM THE EAST TO THE WEST, IT WOULD BE LOCATED NEAR AND BE ABLE TO TIE IN TO THE PROPOSED DEVELOPMENT PLAN THAT'S ALREADY HAS BEEN, PRELIMINARY APPROVED ON THAT PROPERTY TO THE WEST. THE PROPOSED ACCESS POINT WILL TIE IN OR BE LOCATED CLOSE TO THAT PROPOSED.

MR. APPLEBY: PROPOSED STUB STREET THERE?

MR. HAMILTON: YES.

MR. APPLEBY: YOU CAN LOCATE THE EMERGENCY ACCESS POINT SO THAT IT ALIGNS WITH THE PROPOSED SERVICE?

MR. HAMILTON: YES. THAT IS PRELIMINARY DEVELOPMENT PLAN. WHERE WE PROPOSE IT AND IF IT'S CONSTRUCTED AT THAT POINT, THEY WOULD PROBABLY TIE TO IT, BUT WE WOULD BE CLOSE WITHIN 40 OR 50 FEET MOST LIKELY.
MR. APPLEBY: THEY STILL HAVE, THEY'RE NOT --
THEIRS IS A PRELIMINARY PLAN NEXT-DOOR TOO. IT COULD
CHANGE.

MR. HAMILTON: THAT'S CORRECT.

CHAIRMAN: ARE THERE ANY OTHER FURTHER
COMMENTS?

(NO RESPONSE)

CHAIRMAN: IF NOT, MS. CAMBRON, DO YOU NEED A
MOMENT THERE OR ARE YOU READY FOR YOUR MOTION?

MS. CAMBRON: I'LL GIVE IT MY BEST SHOT AND
I'M OPEN FOR CORRECTION.

CHAIRMAN: YOU'LL DO A GREAT JOB. YOU'VE GOT
MR. APPLEBY THERE.

MS. CAMBRON: I APPRECIATE THAT.

I MAKE A MOTION TO APPROVE THE REZONING ON THE
GROUNDS THAT THE REZONING PROPOSAL IS IN ACCORD WITH
THE COMPREHENSIVE PLAN AND IS A LOGICAL EXPANSION OF
R-3MF MULTI-FAMILY RESIDENTIAL ZONE ON CONTIGUOUS
LAND, AND BASED UPON THE TESTIMONY OF THE COUNTY
ENGINEER, MARK BRASHER.

SUBJECT TO CONDITIONS:
1. TO INSTALL A RIGHT TURN LANE ON HIGHWAY 54
AT RALPH AVENUE PER SPECIFICATIONS OF THE KENTUCKY
TRANSPORTATION CABINET;
2. INSTALL A CUL-DE-SAC AT THE TURMINUS OF
RALPH AVENUE PER CITY ENGINEER RECOMMENDATIONS IN
COMPLIANCE WITH THE PUBLIC IMPROVEMENT SPECIFICATIONS;

3. SUBMISSION OF A COMBINED FINAL DEVELOPMENT
PLAN/PRELIMINARY SUBDIVISION PLAT.

IN AGREEMENT WITH FINDINGS OF FACT:

1. RECOMMEND APPROVAL BECAUSE THE PROPOSAL IS
IN COMPLIANCE WITH THE COMPREHENSIVE PLAN;

2. THE SUBJECT PROPERTY IS LOCATED IN A
BUSINESS PLAN AREA WHERE URBAN MID-DENSITY RESIDENTIAL
USES ARE APPROPRIATE IN LIMITED LOCATIONS;

3. ALTHOUGH NO DEVELOPMENT HAS TAKEN PLACE AT
THIS POINT, THE SUBJECT PROPERTY IS ADJACENT TO
EXISTING R-3MF MULTI-FAMILY ZONING TO THE WEST;

4. SANITARY SEWER SERVICE IS AVAILABLE TO THE
SITE;

5. WITH A PROPOSED GATED CONNECTION TO THE
PROPERTY TO THE EAST, AND WE TALKED ABOUT MAKING THAT
TO THE WEST, THE SITE WILL EVENTUALLY HAVE SECONDARY
ACCESS FOR EMERGENCY VEHICLES; AND,

6. WITH THE ROADWAY IMPROVEMENTS COMPLETED AS
REQUIRED BY REVIEW OF THE TRAFFIC IMPACT STUDY, THE
PROPOSED REZONING SHOULD NOT OVERBURDEN THE CAPACITY
OF ROADWAYS AND OTHER NECESSARY URBAN SERVICES THAT
ARE AVAILABLE IN THE AFFECTED AREA.

CHAIRMAN: LET ME ASK MR. SILVERT.
ON THE CHANGING OF THE ACCESS ROAD, SHOULD
THAT BE IN THE WORDING AT THAT TIME?

MR. SILVERT: YES. IT SHOULD BE CLEAR AS TO
WHICH SIDE YOU'RE REQUIRING IT ON, IF YOU ARE GOING TO
REQUIRE IT.

CHAIRMAN: MS. CAMBRON, WOULD YOU MIND JUST
RESTATING THAT PART RIGHT THERE?

MS. CAMBRON: NOT AT ALL.

THAT IS FINDINGS OF FACT NUMBER 3: ALTHOUGH
NO DEVELOPMENT HAS TAKEN PLACE AT THIS POINT, THE
SUBJECT PROPERTY IS ADJACENT TO EXISTING -- I'M SORRY.

FINDINGS OF FACT NUMBER 5: WITH A PROPOSED
GATED CONNECTION TO THE PROPERTY TO THE WEST, THE SITE
WILL EVENTUALLY HAVE SECONDARY ACCESS FOR EMERGENCY
VEHICLES.

CHAIRMAN: MR. SILVERT.

MR. SILVERT: OKAY.

CHAIRMAN: MR. KAMUF, DOES THE PARTY AGREE?

MR. HAMILTON: YOU WERE USING TERM ENDING
RALPH AVENUE IN A CUL-DE-SAC BASED ON THE CITY
ENGINEER RECOMMENDATIONS. WHAT WE'RE DOING NOW IS
PROVIDING, IT'S NOT A DEDICATED RIGHT-OF-WAY AT THAT
PORTION, BUT WHAT WE'RE PROVIDING IS ACTUALLY
APPROXIMATELY 10 FOOT WIDER THAN THE NORMAL STREET
WOULD BE. RATHER THAN DEDICATING THE RIGHT-OF-WAY AND
BUILDING A PUBLIC STREET AT THAT SECTION, WE'RE PROVIDING THAT ALREADY AS THE PLAN HAS SHOWN.

MR. APPLEBY: TURN AROUND.

MR. HAMILTON: EXACTLY. AND IT IS WIDER THAN YOUR NORMAL CUL-DE-SAC. IF WE BUILD A CUL-DE-SAC THERE BASED ON THE CITY STANDARD, IT WILL BE SMALLER THAN WHAT WE'RE PROPOSING NOW. THAT WILL HAVE PUBLIC ACCESS. WILL COME IN AND OUT THROUGH THAT TURN AROUND AS IT IS PROPOSED NOW.

CHAIRMAN: MS. CAMBRON, HOLD JUST A MOMENT BECAUSE WE JUST THREW IN SOME WORDING. YOU DID AN EXCELLENT JOB. THANK YOU. WE JUST NEED TO CLEAN UP THE WORDING THERE.

MR. HOWARD: THIS IS THE E-MAIL I RECEIVED FROM JOE SCHEPERS. I'LL READ IT INTO THE RECORD. I RECEIVED IT THURSDAY, DECEMBER 6, 2012, 3:41 P.M.

IT SAYS, "BRIAN, I'VE LOOKED AT THE TIS. WHILE I DEFER TO KENNY AND MARK ON THEIR EXPERTISE, I DO AGREE WITH WHAT BILL HAS TO SAY IN THE TIS AND HIS RECOMMENDATIONS. WOULD LIKE TO VOICE A STRONG OPINION ABOUT ONE TOPIC THOUGH. I FEEL STRONGLY THAT THERE NEEDS TO BE A VALID CUL-DE-SAC AT THE END OF RALPH AVENUE AT THE ENTRANCE TO THE PRIVATE COMMUNITY. I FEEL THIS CUL-DE-SAC SHOULD BE A PUBLIC STREET. IF THERE'S NOT ENOUGH EXISTING RIGHT-OF-WAY FOR THE
DEVELOPER TO BUILD A CUL-DE-SAC ON THE EXISTING
RIGHT-OF-WAY I WOULD HIM TO DEDICATE ENOUGH
RIGHT-OF-WAY TO BUILD A CUL-DE-SAC ON THEIR PROPERTY.
I WOULD LIKE TO EMPHASIZE THAT POINT. JOE."

SO BASED ON THE CITY ENGINEER'S COMMENTS, WHAT
HE TOOK OUT OF THE TRAFFIC IMPACT STUDY, THEY WANT A
PUBLICALLY DEDICATED CUL-DE-SAC.

MR. HAMILTON: THIS PROPERTY IS IN THE COUNTY.

MR. HOWARD: BUT RALPH AVENUE IS A CITY STREET.

MR. HAMILTON: RALPH AVENUE DEAD ENDS AT THIS
PROPERTY, WHICH THIS PROPERTY IS IN THE COUNTY. SO A
PORTION, IF HE'S TALKING ABOUT DEDICATING THE
RIGHT-OF-WAY, HE'S GOING TO BE TAKING COUNTY PROPERTY
AND HAVE TO ANNEX IT TO THE CITY TO BE ABLE TO DO
THAT. WE'RE PROVIDING THE TURN AROUND BASED ON THE
PLAN AS IT EXIST TO BE ABLE TO ACCOMMODATE TRAFFIC
THAT HE'S REFERRING TO. THE GATES THAT WILL BE
INSTALLED, THEY'LL BE INSTALLED ON EACH SIDE OF THE
TURNAROUND RADIUS WHERE THE PUBLIC CAN ACCESS THAT
PROPERTY, COME INTO THE CLUBHOUSE OR THE RENTAL OFFICE
AND BE ABLE TO EXIT WITHOUT HAVING TO GO THROUGH THE
GATED ACCESS POINT.

MR. HOWARD: I CAN'T SPEAK FOR THE CITY ENGINEER OTHER THAN WHAT HIS E-MAIL SAID AND HE WAS
PRETTY CLEAR THAT HE WANTED IT TO BE A PUBLIC STREET.
I'M SURE HE'S AWARE THAT IT'S CITY STREET AND COUNTY
PROPERTY.

CHAIRMAN: LET ME BRING MR. BRASHER, THE
COUNTY ENGINEER, BACK TO THE MIKE.

MR. BRASHER: YES, SIR.

CHAIRMAN: I WOULD LIKE, AND MAYBE THE OTHERS
OF THE COMMISSION WOULD ALSO. WOULD YOU CLARIFY THE
JURISDICTION. WHO HAS THAT DECISION, WHO CAN MAKE
THAT REQUIREMENT?

MR. BRASHER: I CAN'T SPEAK FOR THE CITY
ENGINEER. I BELIEVE WHAT HE'S SAYING IS HE WOULD LIKE
RALPH AVENUE, WHICH IS A CITY STREET, MODIFIED FOR A
TURN AROUND.

MR. HOWARD: IT SAYS CUL-DE-SAC.

MR. BRASHER: WHAT THE CITY ENGINEER IS SAYING
IS HE WOULD LIKE RALPH AVENUE MODIFIED AT THE END TO
PROVIDE A CUL-DE-SAC FOR VEHICLES TO TURN AROUND. IF
IT CANNOT BE DONE ON THE EXISTING PUBLIC RIGHT-OF-WAY,
HE WOULD EXPECT THE DEVELOPER TO DEDICATE RIGHT-OF-WAY
TO DO THAT WORK.

SO WHOSE JURISDICTION. IT DEPENDS ON IF IT
CAN BE DONE ON CITY RIGHT-OF-WAY THAT IS EXISTING OR
NOT.

CHAIRMAN: COUNSEL.
MR. HAMILTON: NO. RIGHT-OF-WAY WOULD HAVE TO BE DEDICATED ON THEIR PROPERTY TO BE ABLE TO PROVIDE A TURN AROUND. THAT'S WHY IT'S LAID OUT AS IT IS, TO PROVIDE THAT TURN AROUND.

MR. APPLEBY: WILL YOU SHOW US ON THAT EXHIBIT AGAIN WHERE THE TURN AROUND IS PROPOSED.

MR. HAMILTON: THIS IS THE PROPOSED TURN AROUND. ACTUALLY IT'S ABOUT 92 FOOT DIAMETER TURN AROUND AREA WHERE A NORMAL CUL-DE-SAC WOULD ONLY BE 81 FOOT APPROXIMATELY FROM BACK OF CURB TO BACK OF CURB. WE'RE ACTUALLY PROVIDING A LARGER TURN RADIUS THAN WOULD BE REQUIRED BY CITY STREET.

MR. APPLEBY: WHERE IS THE GATE?

MR. HAMILTON: THE GATE WOULD BE LOCATED HERE AND ON THIS SIDE.

MR. APPLEBY: SO THIS IS ACCESSIBLE TO THE PUBLIC?

MR. HAMILTON: ABSOLUTELY. THEY WANT IT THAT WAY TO PROVIDE THE PUBLIC TO BE ABLE TO COME IN FOR RENTAL UNITS AND FOR MAIL, DROP-OFF POINT FOR MAIL. SO IT DOES PROVIDE I THINK THE INTENT FOR THE CUL-DE-SAC.

CHAIRMAN: MS. CAMBRON, BASED ON ADVICE OF COUNSEL, WE'RE GOING TO TAKE YOUR MOTION AS YOU MADE IT.
MR. REEVES, YOU WERE IN THE PROCESS OF MAKING A SECOND.

MR. REEVES: CORRECT.

CHAIRMAN: YOU STAND WITH YOUR SECOND, CORRECT?

MR. REEVES: YES.

CHAIRMAN: WE HAVE A MOTION BY MS. CAMBRON.

WE'VE GOT A SECOND BY MR. REEVES. AT THIS POINT THE CHAIR WOULD LIKE ALL IN FAVOR --

MR. KAZLAUSKAS: I'M SORRY. I'VE GOT ONE MORE QUESTION BEFORE WE VOTE.

WHEN THE GATES ARE CLOSED, DO THEY CLOSE THAT CUL-DE-SAC, THAT TURN AROUND OFF?

MR. HAMILTON: NO. REMAIN OPEN FULL-TIME.

MR. KAZLAUSKAS: OKAY. THANK YOU.

MS. CAMBRON: MAY I ASK A QUESTION?

CHAIRMAN: YES, MA'AM.

MS. CAMBRON: SO DOES THE TERMINOLOGY, THEY'RE CALLING IT A TURN AROUND. WE'RE CALLING IT A CUL-DE-SAC. IT IS PUBLIC. IT DOESN'T GO INSIDE THEIR GATES. SO IS THE WORDING APPROPRIATE TO USE, A CUL-DE-SAC, IN THAT CONDITION?

CHAIRMAN: MR. SILVERT.

MR. SILVERT: THE ACCESS IS PUBLIC. THE MAINTENANCE IS NOT. THAT'S THE QUESTION THAT HAS BEEN
BROUGHT UP.

CHAIRMAN: MR. NOFFSINGER.

MR. NOFFSINGER: THE CITY ENGINEER IS REQUESTING A PUBLIC RIGHT-OF-WAY WITH A CUL-DE-SAC CONSTRUCTED TO THE PUBLIC IMPROVEMENTS SPECIFICATIONS. THAT IS WHAT THE CITY ENGINEER IS REQUESTING.

MR. HAMILTON: I THINK CUL-DE-SAC IS TERMINOLOGY. IT STILL PROVIDES THE TURN AROUND.

MS. CAMBRON: MAY I ASK ANOTHER QUESTION?

CHAIRMAN: YES, MA'AM.

MS. CAMBRON: THE TERMINOLOGY USED WAS ACCORDING TO CITY SPECIFICATIONS, CITY ENGINEER SPECIFICATIONS. SO SINCE THIS IS BEING BUILT ON PRIVATE PROPERTY, CAN WE MAKE THAT A STIPULATION THAT THAT'S PART OF IT WHEN THE FINAL PLAN REVISION SO THAT WE DO KNOW THAT IT IS APPROPRIATE AND ADHERES TO CITY ENGINEER?

CHAIRMAN: MR. NOFFSINGER.

MR. NOFFSINGER: IT WOULD BE STAFF'S RECOMMENDATION THAT YOU MAKE YOUR CONDITION BASED UPON THE APPROVAL OF THE CITY ENGINEER OR THE COUNTY ENGINEER, WHICHEVER HAS THE APPROPRIATE JURISDICTION. I DON'T THINK WE SHOULD BE MAKING, WE SHOULD BE NEGOTIATING OR MAKING DEALS REGARDING HOW A CITY STREET TERMINATES WITHOUT SOMETHING DIFFERENT FROM THE
CITY OR COUNTY ENGINEER.

MR. APPLEBY: THIS WILL BE ADDRESSED AT THE FINAL DEVELOPMENT PLAN STAGE, COULDN'T IT?

MR. HAMILTON: YES. WE WILL STILL HAVE TO COMMIT A FINAL DEVELOPMENT PLAN, AND IT WILL BE AS WHAT WE'RE SHOWING HERE. WE ACTUALLY PUSHED THAT BACK SLIGHTLY AND PULLED THE CLUBHOUSE BACK TO BE ABLE TO ACCOMMODATE A LARGER TURN RADIUS THAN WHAT WAS ORIGINALLY SHOWN ON THE DRAWING. WE WILL HAVE THE DIMENSIONS. IT WILL BE ON THE FINAL DEVELOPMENT PLAN WITH EXACT DIMENSIONS OF WHAT WILL BE CONSTRUCTED.

CHAIRMAN: MR. REEVES, IF YOU'RE COMFORTABLE WITH YOUR SECOND --

MS. CAMBRON: JUST REWORDING.

CHAIRMAN: MR. SILVERT, DOES MR. REEVES NEED TO WITHDRAW HIS SECOND?

MR. SILVERT: HE WOULD NEED TO WITHDRAW HIS SECOND IN ORDER FOR HER TO DO AN AUTHOR'S AMENDMENT TO HER MOTION.

MR. REEVES: THEN I WILL WITHDRAW MY SECOND GLADLY.

MS. CAMBRON: MR. CHAIR, I WOULD LIKE TO MAKE AN AMENDMENT TO CONDITION NUMBER 2 THAT THEY INSTALL A PROPER STREET TERMINUS OF RALPH AVENUE PER APPROVAL OF CITY OR COUNTY ENGINEER, WHICHER JURISDICTION, IN
COMPLIANCE WITH THE CITY AND COUNTY SPECIFICATIONS, DEPENDING UPON WHERE IT IS.

CHAIRMAN: THANK YOU.

MR. REEVES: I'LL SECOND THAT.

CHAIRMAN: MR. REEVES, YOU'RE COMFORTABLE WITH THAT?

MR. REEVES: YES.

CHAIRMAN: WITH THAT THE CHAIR HAS A MOTION BY MS. CAMBRON, A SECOND BY MR. REEVES. ALL IN FAVOR OF THE MOTION RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: THIS MOTION CARRIES UNANIMOUSLY.

THANK YOU.

MS. CAMBRON, I WOULD LIKE TO THANK YOU FOR WORKING WITH THAT. THAT WAS A VERY DIFFICULT MOTION AND I APPRECIATE THE EFFORT AND TIME THAT YOU GAVE. VERY GOOD JOB.

MR. REEVES, THANKS FOR ACCOMMODATING US WITH WITHDRAWING AND ADDING YOUR SECOND.

THERE WILL BE A TWO MINUTE BREAK.

- - - - (OFF THE RECORD) - - - -

CHAIRMAN: WE'RE BACK IN SESSION AFTER A SHORT RECESS.

RELATED ITEMS:

ITEM 7A
3750 RALPH AVENUE, PROPOSED R-3MF

CONSIDER A REQUEST FOR A VARIANCES IN CONJUNCTION WITH
AN APPLICATION FOR ZONING CHANGE TO REDUCE THE
REQUIRED SPILLOVER PARKING FROM 148 SPACES TO 62
SPACES AND TO INCREASE THE MAXIMUM BUILDING HEIGHT
FROM 36 FEET TO 38 FEET FOR THE THREE-STORY BUILDINGS
AND FROM 36 FEET TO 49 FEET FOR THE FOUR-STORY
BUILDINGS.
REFERENCE: ZONING ORDINANCE, ARTICLE 10,
SECTION 10.46 AND ARTICLE 8, SECTION 8.5.10(F)
APPLICANT: CHANDLER PROPERTY MANAGEMENT,
INVISION, LLC

MR. HOWARD: JUST TO START OUT WITH, GIVEN THE
COUNSEL, THE APPLICANT'S COUNSEL A COPY OF THE STAFF
REPORT. WE ARE RECOMMENDING APPROVAL OF BOTH OF THESE
VARIANCES. SO I'LL GO THROUGH THEM BRIEFLY.

UNDER SPECIAL CIRCUMSTANCES WE SAY, YES, THERE
ARE SOME SPECIAL CIRCUMSTANCES. THE SITE IS BASICALLY
A GREEN FIELD SITE WITH ONLY THE SPLASH SWIM CLUB ON
IT, BUT THE REAR PORTION IS MORE OR LESS A GREEN
FIELD; HOWEVER, THERE HAVE BEEN VARIANCES APPROVED FOR
SIMILAR TYPE DEVELOPMENTS IN A SIMILAR ZONE IN THE
VICINITY. IT WAS AT THE 3200 HIGHLAND POINTE DRIVE.
THEY'VE GOT A VARIANCE ON BOTH SPILLOVER PARKING AND
HEIGHT.

UNDER HARDSHIP WE SAY, YES. THE APPLICANT IS
PROVIDING THE REQUIRED PARKING AS DICTATED IN ZONING
ORDINANCE ARTICLE 13. THEY ARE PROVIDING A PORTION OF
THE SPILLOVER PARKING THAT'S REQUIRED. BASED ON
INFORMATION THEY SUBMITTED FROM NATIONAL INFORMATION

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FROM THE ARCHITECT, BASED ON INFORMATION I GATHERED FROM THE TRANSPORTATION ENGINEER, OR ITE, PARKING GENERATION MANUAL REQUIREMENTS, WE FEEL THAT THE AMOUNT OF PARKING THEY WILL PROVIDE WOULD NOT BE A CIRCUMVENTION OF THE ZONING ORDINANCE REQUIREMENTS. THAT THEY ARE SUFFICIENT TO MEET THE DEMAND ON SITE.


WITH THAT, WITH THE FACT THAT WE'VE GRANTED SIMILAR VARIANCE, 3200 HIGHLAND POINTE DRIVE, AGAIN, WE DON'T FEEL THAT IT'S A CIRCUMVENTION OF THE ZONING ORDINANCE REQUIREMENTS. THEY ARE TAKING ADVANTAGE OF THE TOPOGRAPHY OF THE LAND.

WHERE THEIR ACTIONS WILLFUL? NO.

FINDINGS OF FACT FOR GRANTING THE VARIANCE FOR SPILLOVER PARKING:

1. IT WILL NOT ADVERSELY AFFECT THE PUBLIC, HEALTH, SAFETY OR WELFARE BECAUSE SUFFICIENT ROOM
1. SHOULD EXIST ON SITE TO PARK AND MANEUVER VEHICLES;
2. WILL NOT ALTER THE ESSENTIAL CHARACTER OF
   THE GENERAL VICINITY BECAUSE THE SITE IS ADJACENT TO
   EXISTING COMMERCIAL AND PROPOSED MULTI-FAMILY
   RESIDENTIAL DEVELOPMENTS THAT HAVE SIMILAR PARKING
   REQUIREMENTS;
3. IT WILL NOT CAUSE A HAZARD OR A NUISANCE
   TO THE PUBLIC BECAUSE EVIDENCE PRESENTED INDICATES
   SUFFICIENT PARKING WILL BE PROVIDED FOR THE
   DEVELOPMENT;
4. WILL NOT ALLOW AN UNREASONABLE
   CIRCUMVENTION OF THE REQUIREMENTS OF THE ZONING
   ORDINANCE REGULATIONS BECAUSE THE PARKING PROPOSED
   MEETS THE MINIMUM PRESCRIBED PARKING REQUIREMENT,
   PROVES 42 PERCENT OF THE REQUIRED SPILLOVER PARKING,
   AND MEETS OR EXCEEDS NATIONAL PARKING AVERAGES FOR
   SIMILAR DEVELOPMENTS.

   FINDINGS OF FACT FOR GRANTING THE VARIANCE ON
   BUILDING HEIGHT:
1. IT WILL NOT ADVERSELY AFFECT THE PUBLIC
   HEALTH, SAFETY OR WELFARE BECAUSE EXISTING FIRE
   EQUIPMENT WITHIN THE COMMUNITY IS SUFFICIENT TO SERVE
   THE SITE;
2. IT WILL NOT ALTER THE ESSENTIAL CHARACTER
   OF THE GENERAL VICINITY BECAUSE THE SITE IS ADJACENT
TO EXISTING COMMERCIAL DEVELOPMENT WHICH DOES NOT HAVE
A MAXIMUM BUILDING HEIGHT AND PROPOSED MULTI-FAMILY
RESIDENTIAL ZONING WHICH COULD HAVE VERY SIMILAR
DEVELOPMENT PATTERNS;

3. IT WILL NOT CAUSE A HAZARD OR A NUISANCE
TO THE PUBLIC BECAUSE EXISTING FIRE EQUIPMENT WITHIN
THE COMMUNITY IS SUFFICIENT TO SERVE THE SITE;

4. WILL NOT ALLOW AN UNREASONABLE
CIRCUMVENTION OF THE REQUIREMENTS OF THE ZONING
REGULATIONS BECAUSE THE BUILDING HEIGHT IS CONSISTENT
WITH PREVIOUSLY APPROVED VARIANCES IN A SIMILAR ZONE.

WITH THAT STAFF WOULD RECOMMEND APPROVAL OF
BOTH VARIANCES WITH THE CONDITIONS THAT:

1. APPROVAL OF A REZONING AND MEETING ALL
CONDITIONS OF SAID ZONING CHANGE.

2. APPROVAL OF A FINAL DEVELOPMENT PLAN.

WE WOULD LIKE TO ENTER THE STAFF REPORT INTO
THE RECORD AS EXHIBIT F.

CHAIRMAN: I KNOW WE HAVE SOMEBODY HERE FOR
THE APPLICANT. IS THERE ANY OTHER QUESTIONS FROM
ANYONE IN THE AUDIENCE?

(NO RESPONSE)

CHAIRMAN: ANYBODY ON THE COMMISSION?

(NO RESPONSE)

CHAIRMAN: IF NOT THE CHAIR IS READY FOR A
MOTION.

MR. APPLEBY: MOVE TO APPROVE THE TWO VARIANCES BASED ON STAFF'S RECOMMENDATIONS WITH FINDINGS OF FACT 1 THROUGH 4 ON THE VARIANCE FOR SPILLOVER PARKING AND FINDINGS OF FACT 1 THROUGH 4 ON THE VARIANCE FOR THE BUILDING HEIGHT.

CHAIRMAN: WE'VE GOT A MOTION FOR APPROVAL BY MR. APPLEBY.

MR. ALLEN: SECOND.

CHAIRMAN: SECOND BY MR. ALLEN. ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

NEXT ITEM, PLEASE.

ITEM 7B

CHANDLER PARK APARTMENTS, 17.10 ACRES (POSTPONED AT DECEMBER 13, 2012 MEETING) CONSIDER APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN. APPLICANT: CHANDLER PROPERTY MANAGEMENT, INVISION, LLC

MR. NOFFSINGER: MR. CHAIRMAN, I DO NOT BELIEVE THAT APPLICATION IS IN ORDER BECAUSE THERE HAVE BEEN SEVERAL CONDITIONS ATTACHED TO THE REZONING HERE TONIGHT.

AM I CORRECT ON THAT, MR. HOWARD?

WE HAVE NOT RECEIVED A MARKUP COPY BACK FROM OUR ORIGINAL REVIEW. SO WITH THAT I WOULD RECOMMEND
THAT THE APPLICANT ASK FOR POSTPONEMENT UNTIL THE NEXT
MEETING SO THAT THEY CAN ADDRESS THEIR CONDITIONS TO
THE REZONING AND ADDRESS THE MARKUP THAT STAFF SENT.

MR. KAMUF: I'M FINE WITH THAT. YOU KNOW, WE
HAD IT CONTINUED ONCE. I'M OKAY WITH THAT, AS LONG AS
IT'S LEGAL. YOU UNDERSTAND?

MR. NOFFSINGER: YOU'RE FINE. IF WE PROCEED
STAFF WILL RECOMMEND DENIAL BECAUSE THE MARKUP WAS NOT
RETURNED TO US WITH VARIOUS QUESTIONS WE HAD.

MR. APPLEBY: I THINK HIS CONCERN IS TIMING
ISSUE. THERE'S NOT ONE ON A DEVELOPMENT PLAN.

MR. KAMUF: THAT WAS MY ONLY ISSUE. WE
CONTINUED IT ONE TIME. I DON'T WANT TO GET IN TROUBLE
WITH THAT.

CHAIRMAN: YOU'RE NOT GOING TO HAVE A PROBLEM
WITH THAT.

MR. HAMILTON: CLARIFICATION.

MR. NOFFSINGER, YOU'RE SPEAKING OF THE MARKUP.

NOW, WE'VE ADDRESSED SOME OF THOSE ISSUES WHICH WERE
RESUBMITTED, BUT ARE YOU REFERRING TO WHAT WAS BROUGHT
UP TONIGHT ABOUT SHIFTING ACCESS POINT?

MR. NOFFSINGER: THE CONDITIONS AND STAFF TOLD
ME THEY HAD NOT RECEIVED THE MARKUP.

MR. HOWARD: WE RECEIVED A MARKUP BACK. WE
SENT A MARKUP AND WE RECEIVED IT BACK. HOWEVER, THEY

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DIDN'T MAKE THE MAJORITY OF THE CHANGES BECAUSE WE WERE ASKING FOR STREET CONNECTIONS AND THAT TYPE OF THING. THEY ADDED SOME OF THE NOTES AND SOME OF THE SMALLER THINGS, BUT THE BULK OF WHAT WE ASKED FOR DID INCLUDE, TYPICALLY ON A PRELIMINARY DEVELOPMENT PLAN IT WOULD SHOW ANY TYPE OF ROADWAY IMPROVEMENT. IT DIDN'T SHOW A CUL-DE-SAC. DIDN'T SHOW RIGHT TURN LANE IMPROVE ON HIGHWAY 54, RALPH AVENUE, AND THOSE TYPE OF THINGS. IT'S DEFICIENT BECAUSE IT DOESN'T SHOW THE CONNECTION TO THE ADJOINING PROPERTY, SHIFTING FROM THE EAST SIDE TO THE WEST SIDE NOW. SO THAT'S GOING TO BE DIFFERENT ON THE PLAN THAN IS BEFORE YOU TONIGHT.

SO I THINK WITH A MONTH WE CAN MAKE THOSE CHANGES. THERE'S NOT A TIME LIMIT THAT WILL DELAY YOU ON ANYTHING.

MR. HAMILTON: I WAS WANTING TO GET CLARIFICATION OF WHAT ADDITIONAL INFORMATION. WE'VE ADDED LANDSCAPING THAT WAS REQUIRED ON THE PLAN. WHAT WE'RE BASICALLY TALKING ABOUT IS SHOWING THE TURN LANE OR AT LEAST HAVING INFORMATION THAT WOULD BE CONSTRUCTED. OKAY. THANK YOU.

CHAIRMAN: IS THIS SOMETHING THAT CAN BE DONE IN-HOUSE, MR. NOFFSINGER, OR IS THIS SOMETHING THAT WILL STILL HAVE TO COME BACK BEFORE US?
MR. NOFFSINGER: I THINK A PRELIMINARY DEVELOPMENT PLAN, DOES THAT HAVE TO GO BEFORE?

MR. HOWARD: WE CAN APPROVE FINAL DEVELOPMENT PLANS IN-HOUSE. TYPICALLY IF WE HAVE A PRELIMINARY DEVELOPMENT PLAN IN CONJUNCTION WITH REZONING, WE BRING IT TO THE PLANNING COMMISSION AS A WHOLE PACKAGE. SO THAT'S WHY IT'S INCLUDED ON THERE. IT'S NOT REVIEWED AND SIGNED OFF BY THE ENGINEERING STAFF AND EVERYBODY ELSE.

MR. APPLEBY: IF THERE'S NO NOTE OR ANYTHING, CAN THE BOARD AUTHORIZE THE DIRECTOR TO SIGN IT?

MR. HOWARD: YES.

MR. HAMILTON: THAT WOULD BE FINE. THAT WILL SAVE US TIME. NOT TRYING TO MEET ANOTHER MEETING AND GET IT OVER WITHIN THE NEXT WEEK.

CHAIRMAN: WOULD THIS REQUIRE A MOTION?

MR. NOFFSINGER: YES.

MR. APPLEBY: THEY'RE ASKING FOR POSTPONEMENT.

MR. NOFFSINGER: TO POSTPONE AND AUTHORIZE THE DIRECTOR TO SIGN ONCE THE DEVELOPMENT PLAN IS IN ORDER AND MEET THE REQUIREMENTS OF THE CONDITIONS THAT WERE PLACED ON IT TONIGHT.

CHAIRMAN: MR. APPLEBY.

MR. APPLEBY: I MAKE A MOTION TO POSTPONE THE DEVELOPMENT PLAN UNTIL SUCH TIME AS THESE CONDITIONS
ARE MET AND AUTHORIZE THE DIRECTOR TO SIGN THE
PRELIMINARY DEVELOPMENT PLAN.

CHAIRMAN: WE'VE GOT A MOTION BY MR. APPLEBY.

MR. TAYLOR: SECOND.

CHAIRMAN: GOT A SECOND BY MR. TAYLOR. ALL IN
FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: THE MOTION CARRIES UNANIMOUSLY.

NEXT ITEM.

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NEW BUSINESS

ITEM 8

CONSIDER APPROVAL OF THE PUBLIC IMPROVEMENT
SPECIFICATIONS SURETY UNIT COST ANNUAL REVISION.

MR. NOFFSINGER: MR. CHAIRMAN, WE BRING THIS
DOCUMENT TO YOU EACH YEAR IN JANUARY. IT IS A
DOCUMENT THAT IS REVIEWED BY OUR LOCAL AND PRIVATE
ENGINEERS. HALE, RINEY & GILMORE CONTRIBUTED, AS WELL
AS BRYANT ENGINEERING AND JOHNSON DEPP & QUISENBERY.
WE ALSO HAD THE CITY AND COUNTY ENGINEER REVIEW. THEN
DAVE APPLEBY AND WARD PEDLEY SAT ON THIS COMMITTEE AS
WELL ALONG WITH PLANNING STAFF AND OTHERS IN THE
COMMUNITY. THEY GO THROUGH AND THEY COMPARE COST FOR
CONSTRUCTION OVER THE YEAR AND EVALUATE TO SEE IF
THESE NUMBERS CAN BE ADJUSTED.
I'll have to say I'm very proud of the coordinated work with this group to come up with this recommendation to you because it's an opportunity for all the folks I've just mentioned to sit down at the table to have a meaningful dialogue and to be in agreement with what you see here. With that we would recommend that this surety unit cost be approved.

Chairman: Are there any questions or comments?

(No response)

Chairman: Chair is ready for a motion.

Mr. Pedley: Motion for approval.

Chairman: Motion for approval by Mr. Pedley.

Ms. Cambron: Second.

Chairman: Second by Ms. Cambron. All in favor raise your right hand.

(All board members present responded Aye.)

Chairman: Motion carries unanimously.

Next item, please.

Item 9

Consider approval of the November 2012 financial statements.

Mr. Noffsinger: Mr. Chairman, each member has been mailed a copy of these financial statements and they're ready for your consideration.
CHAIRMAN: CHAIR IS READY FOR A MOTION.

MR. KAZLAUSKAS: SO MOVED.

MR. REEVES: SECOND.

CHAIRMAN: WE'VE GOT A MOTION BY MR. KAZLAUSKAS AND A SECOND BY MR. REEVES. ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

ITEM 10

CONSIDER AMENDMENT TO THE FY 2013 OMPC BUDGET.

MR. NOFFSINGER: MR. CHAIRMAN, EACH MEMBER HAS BEEN MAILED A COPY OF THE REVISED BUDGET. ITS ONLY CHANGE WOULD BE TO HIRE AN ADDITIONAL INSPECTOR. THE ONLY CHANGES TO THE BUDGET WOULD BE THE SALARY AND ANY BENEFITS ASSOCIATED WITH THAT POSITION.

CHAIRMAN: QUESTIONS, COMMENTS?

(NO RESPONSE)

CHAIRMAN: CHAIR IS READY FOR A MOTION.

MR. REEVES: MOTION TO APPROVE.

CHAIRMAN: MOTION TO APPROVE BY MR. REEVES.

MR. TAYLOR: SECOND.

CHAIRMAN: SECOND BY MR. TAYLOR. ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

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MR. NOFFSINGER: MR. CHAIRMAN, I DO HAVE ONE 
OTHER ITEM THAT I WOULD LIKE TO ANNOUNCE. I'LL JUST 
READ THIS.

THE GOALS AND OBJECTIVES OF THE COMPREHENSIVE 
PLAN HAD BEEN ADOPTED BY THE OMPC ON 9/13/2012, THE 
CITY OF OWENSBORO 12/4/2012, DAVIESS COUNTY FISCAL 
COURT 11/15/2012, AND THE CITY OF WHITESVILLE 
12/4/2012. THE REMAINDER OF THE COMPREHENSIVE PLAN 
HAS BEEN UPDATED WITH CURRENT INFORMATION AND THE 
DRAFT HAS BEEN PLACED ON THE OMPC WEBSITE FOR REVIEW 
AND COMMENT PERIOD. THIS WILL ALLOW THE PUBLIC AND 
COMMISSIONERS TO MAKE COMMENTS, ASK QUESTIONS OR 
SUGGEST REVISIONS TO THE PLAN BEFORE WE BRING IT TO 
THE OMPC FOR PUBLIC HEARING. THE OMPC IS RESPONSIBLE 
TO ADOPT THE REMAINING ELEMENTS OF THE COMPREHENSIVE 
PLAN. WE WILL PRESENT THE COMPREHENSIVE PLAN AT A 
PUBLIC HEARING AT THE FEBRUARY 9, 2013 PLANNING 
COMMISSION MEETING FOR COMMENT. THERE IS AN 
OPPORTUNITY TO MAKE COMMENTS ON THE DRAFT ON THE OMPC 
WEBSITE, AND THAT'S IOMPC.ORG, OR YOU CAN CALL THE 
OFFICE AT (270) 687-8650 OR E-MAIL STAFF MEMBERS WITH 
COMMENTS, QUESTIONS OR SUGGESTIONS.

COUNSEL ADVISES ME THAT I'M INCORRECT ON THAT 
DATE FOR PUBLIC HEARING. IT'S FEBRUARY 14TH, WHICH IS 
VALENTINE'S DAY.
PLEASE, IF YOU GET AN OPPORTUNITY GO TO OUR
WEBSITE. IT'S IOMPC.ORG, REVIEW AND COMMENT ON YOUR
COMMUNITY'S COMPREHENSIVE PLAN.

CHAIRMAN: WE WILL HAVE A FEW CHAIRMAN'S
COMMENTS.

I WOULD LIKE TO PERSONALLY THANK OUR COUNTY
ENGINEER, MARK BRASHER, FOR BEING HERE, HELPING OUT
AND GIVING MANY SUGGESTIONS IN THIS VERY UNUSUAL PLAN
THAT WE HAD TO HEAR.

MARK, I THANK YOU VERY MUCH FOR BEING HERE
BECAUSE IT MADE MOVE A LOT SMOOTHER. YOU WERE ABLE TO
ANSWER QUESTIONS THAT WE COULDN'T ANSWER. YOU DID A
GOOD JOB. I NOTICED MR. KAMUF USED YOU SOMEWHAT AS
MORE OF A WITNESS THAN THE COUNTY ENGINEER. I
APPRECIATE IT. THANK YOU VERY MUCH.

YES, SIR, MR. SIMPSON.

MR. SIMPSON: ON BEHALF OF MY PARTNERS, I JUST
WANT TO THANK THE PLANNING COMMISSION STAFF AND THE
PUBLIC OFFICIALS AND CERTAINLY THE PLANNING COMMISSION
FOR THEIR CAREFUL AND THOROUGH REVIEW OF OUR
APPLICATION. I PLEDGE TO YOU, YOU'RE GOING TO BE
PROUD. WE LOOK FORWARD TO WORKING WITH YOU. THANK
YOU.

CHAIRMAN: THANK YOU VERY MUCH, MR. SIMPSON.

WITH NO FURTHER COMMENTS THE CHAIR IS READY
FOR ONE FINAL MOTION.

MR. APPLEBY: MOVE TO ADJOURN.

CHAIRMAN: MOVE TO ADJOURN BY MR. APPLEBY.

MS. CAMBRON: SECOND.

CHAIRMAN: SECOND BY MS. CAMBRON. ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: WE ARE ADJOURNED.

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

I, LYNNETTE KOLLER FUCHS, NOTARY PUBLIC IN AND
FOR THE STATE OF KENTUCKY AT LARGE, DO HEREBY CERTIFY
THAT THE FOREGOING OWENSBORO METROPOLITAN BOARD OF
ADJUSTMENT MEETING WAS HELD AT THE TIME AND PLACE AS
STATED IN THE CAPTION TO THE FOREGOING PROCEEDINGS;
THAT EACH PERSON COMMENTING ON ISSUES UNDER DISCUSSION
WERE DULY SWORN BEFORE TESTIFYING; THAT THE BOARD
MEMBERS PRESENT WERE AS STATED IN THE CAPTION; THAT
SAID PROCEEDINGS WERE TAKEN BY ME IN STENOTYPE AND
ELECTRONICALLY RECORDED AND WAS THEREAFTER, BY ME,
ACCURATELY AND CORRECTLY TRANSCRIBED INTO THE
FOREGOING 125 TYPEWRITTEN PAGES; AND THAT NO SIGNATURE
WAS REQUESTED TO THE FOREGOING TRANSCRIPT.

WITNESS MY HAND AND NOTARY SEAL ON THIS THE
10TH DAY OF FEBRUARY, 2013.

LYNNETTE KOLLER FUCHS
NOTARY ID 433397
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES: DECEMBER 16, 2014
COUNTY OF RESIDENCE: DAVIESS COUNTY, KY