The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, February 13, 2020, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Larry Moore, Chairman
Lewis Jean, Vice Chairman
Mike Edge, Secretary
Brian Howard, Director
Terra Knight, Attorney
Irvin Rogers
Skyler Stewart
Fred Reeves
Angela Hardaway
Larry Boswell

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CHAIRMAN: Going to call to order the February Owensboro Metropolitan Planning Commission meeting. We always start our meetings with a prayer and a pledge. That honor this month goes to Commissioner Boswell.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Before we get started, I need to explain how the meeting will proceed.

First of all, we ask that anybody that wants to speak on any item before this commission, please go to one of the microphones, state your name and be
sworn in by our attorney. We ask that you direct all
of your questions to the chair who in turn will try to
answer those for you or find answers for you through
the Staff or our Director or our attorney. We ask
that you stay on topic. Probably the most important
is that we ask that you be respectful.

With that in mind, the first order will be the
minutes. All the commissioners should have received a
copy of last month's minutes. Does anyone have any
questions, concerns or changes?
(NO RESPONSE)

CHAIRMAN: Seeing none the chair is ready for
a vote.

Commissioner Edge.

MR. EDGE: Motion to approve.

CHAIRMAN: Do we have a second?

MR. JEAN: Second.

CHAIRMAN: Second by Commissioner Jean. All
those in favor of the motion and the second please
indicate by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion passes.

MR. HOWARD: I will note that the zoning
changes heard tonight will become final in 21 days
after the meeting unless an appeal is filed. If an
appeal is filed, we will forward the record of this
meeting along with all applicable materials to the
appropriate legislative body for the to take final
action.

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GENERAL BUSINESS

ZONING CHANGES

ITEM 3

1506 Dean Avenue, 0.397 acres
Consider zoning change: From R-1A Single Family
Residential to P-1 Professional/Service
Applicant: Owensboro Catholic High School, Inc.;
Patrick D. Pace, Executor of the Estate of John P.
Pace, Jr.

MS. KNIGHT: Please state your name for the
record.

MR. PEDLEY: Trey Pedley.

(TREY PEDLEY SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS

1. The subject property shall be consolidated
with the Owensboro Catholic High School property by
way of a Minor Subdivision Plat; and

2. Access to Owensboro Catholic High School
from Dean Avenue shall remain limited to the existing
single-access point known as Taylor Avenue.

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 in an Urban Residential Plan Area, where professional/service uses are appropriate in limited locations;

3. The proposed use, a school, is non-residential in nature;

4. The proposed P-1 Professional/Service zone is a logical expansion of the P-1 zone on the adjoining properties to the north and west; and

5. With access from Dean Avenue being limited to the existing single-access point along Taylor Avenue, the proposal to expand the P-1 zoning onto the 0.397 acre property should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

MR. PEDLEY: We would like to enter the Staff Report into the record as Exhibit A.

CHAIRMAN: Thank you.

Anyone in the audience representing the applicant?
MR. KAMUF: Yes, Mr. Chairman. Charlie Kamuf representing the applicant, the owner, the Pace family.

MS. KNIGHT: Mr. Kamuf, you are sworn as an attorney.

MR. KAMUF: We are here again. We were here in December. The property was zoned without restrictions in December. We are here tonight to discuss the new zoning report.

I have a couple of pass outs.

I'll file these with the court reporter; Exhibit 1 and 2, please.

Let me point out on the plat that you have in front of you, there is a lot of information. As you see the outline -- as you can see in front of you, at the last meeting it was pointed out that the reason that we bought that lot Number 1 -- I'll refer to Lot Number 1 as the corner of Dean Avenue and West Parrish, and Lot Number 2 as 1606 Dean Avenue.

As you can see, at the present time all the property, before the zoning at the last meeting, the blue mark that you see here on Parrish Avenue was the entrance that we have. On Taylor Drive there was ingress and egress. On the blue marker that you see there at Parrish Avenue, that was only ingress only.
The lot that you see on the right there would be 563 feet from Parrish Avenue to Dean Avenue. I might point out that we've owned the property, generally the whole property since about 1949.

In the December meeting, the property at 1500 West Parrish was zoned P-4 without any conditions except one. That access would be limited -- excuse me. That there would be no access to Parrish. The rezoning did not require a minor subdivision plat or any limitation on access.

The Staff Report specifically stated that direct access to the subject property shall be limited to Dean Avenue.

So we know at this time, in reading the Staff Report, I think Mr. Rogers made the motion at the last meeting, that the approval be done according to the Planning Staff Recommendations.

The Planning Staff Recommendation that you have in front of you states specifically. The Planning Staff recommends approval subject to the condition and finding of fact as follows:

1. No access to West Parrish shall be permitted. Access shall be limited to Dean Avenue.

The reason that's important is that we start this argument off today knowing that we have an access
point on Dean Avenue.

You agree with that, Mr. Howard?

MR. HOWARD: Well, I do remember at the last meeting as well there was discussion from the neighbors about what the lot would be used for and there was no indication of what that corner lot use might be. I do remember specifically saying during that meeting that a question was raised would it be an a parking lot, and I remember saying that that would be reviewed at the time of the site plan. And if it were a parking lot that we might look for that to have internal connection only. I remember specifically saying that at the meeting.

So even though there wasn't a condition that said no access to Dean, it was mentioned at that meeting that if it were to become a parking lot that we might look for it to be internal only.

MR. KAMUF: But you agree that's not what it says in this report. The motion that was made by Mr. Rogers states specifically, no access to West Parrish shall be permitted. Access shall be limited.

So we've got an access point on this lot at 1500 West Parrish.

MR. HOWARD: You have the potential for an access point, but it would have to be reviewed with
the site plan or development plan.

MR. KAMUF: Okay. I might say it was

unanimous vote at that time.

Once the zoning was finalized, let me say on
January 20th we entered into a contract provided that
we have applicable zoning with the neighbors,
Mr. Pace's family. I think his brother owned the
property. So we entered into a contract at that time.

Our concern at this time is not with the
rezoning. I think it would be very, very, nearly
impossible for you not to zone the property tonight
because it's a logical expansion. It's a stronger
case tonight than it was at that time when you zoned
the property P-1.

There are three provisions in the report from
the Staff that we object to.

One, it states that Owensboro Catholic High
School property shall have a minor subdivision plat.
We agree to that, but not at this time.

It says, access to Owensboro Catholic High
from Dean Avenue shall remain limited to existing
single access point known as Taylor Drive. We take
issue with that.

As a matter of fact, I was kind of shocked to
see that these conditions of the Staff were placed on
there. Maybe we wouldn't even have bought the
property on the corner if we had known that there was
going to be some issues about the access point.

The Staff Report in December stated
specifically, you can look at it, it stated
specifically that we had an access point on Dean
Avenue on the lot. Why would we give up access to
West Parrish if we didn't have an access point on Dean
Avenue?

In just two months the Staff has decided to
take away the access point which we obtained in
December.

What has changed in two months requiring
additional conditions to be placed on the subject
property? Why would we give up an access point when
we didn't have to on West Parrish if we didn't receive
the one on Dean Avenue?

I might say this: Let's just say none of the
deal would go through. If we gave up the access point
on Parrish and didn't have one on Dean Avenue, the
property would be landlocked. It would be useless.

We would like for the Board to approve the
rezoning just as you did on the December property. We
have just bought -- one reason that we don't have all
of the information and the engineering information is
that I think it was maybe November, Tom can tell you,
that the people on the corner of 1500 West Parrish
came to us. We didn't go to them. They came to us
and wanted to us sell the property. At that time we
bought the property and we didn't have an opportunity
to meet with the engineers. Immediately after the
rezoning in January 20th we entered into a contract
with the Pace family. We haven't had an opportunity
to do the engineering work. These contracts just came
one after another. We need the flexibility.

There were no conditions placed on that
property and the rezoning. We don't need any -- we
need the flexibility. We are not only concerned about
the safety of the children as we'll talk in a few
minutes, but we're talking about the safety of the
individuals and the public in general. This is
probably the only opportunity that Owensboro Catholic
High will ever be given and the likelihood that we
will ever get to increase the safety of our students
at Catholic High.

If you look at the plat that you have in front
of you, the only area that Catholic High can expand is
along Dean Avenue. Catholic High along West Parrish
is tied up. Linden is tied up. And as we have this
area that you can see here, it's 563 feet from the
center line of Parrish to Taylor Drive. We think that would be a bad situation for everybody to have that length of property with no access points, other than the one on the property designated as Lot Number 1.

Now, one of the purposes of the acquisition is to allow more students to park on the school property. I think, and this is pretty well, I counted the other day, maybe 15 cars to 20 cars parked across the street. By approving the rezoning of 1500 West Parrish, the Board has changed the property from residential to P-1. We can park on that property now with the development plan or with some type of minor subdivision plan.

Owensboro Catholic High is a final destination for students who -- and we can't change that. If they park on site, they don't have to walk across Parrish Avenue, but the Staff is recommending the elimination of an access point on Dean Avenue which we obtained in December. If you have any more parking on site, if you have more parking on site and remove an access point that makes it impossible to achieve our safety, our goal and development of the property is a standstill.

We need this existing access point which we obtained in December.
Now, if you see on your plat, and we'll have -- this is the plat that you have in front of you. If you see there is a proposed access point moved from Lot Number 1 to Lot Number 2. We have not had the opportunity to discuss a final plan of anything of that nature with the engineer. However, the engineer will testify tonight that he recommends an access point on that property.

If you eliminate and continue to restrict the flow of traffic to one entrance, you understand, only one entrance on West Parrish, and two entrances, access and egress at Taylor Drive, you'll still have a bottle neck at the back of the property. Parrish Avenue will continue to be clogged with buses trying to enter the single Parrish Avenue access point to pick up students.

The congestion impedes other traffic from utilizing Parrish each morning and afternoon. It impedes parents' ability to easily pick up their children and exit the property in an efficient manner. The Staff Report indicates allowing for additional access point might overburden the roadways.

This was not the case two months ago. What did it say at bottom? At 0.560 acres in size, the proposal should not overburden the capacity of the
roadway. Nothing has changed. By zoning this lot P-1 and allowing an access point will not overburden the roadways.

Let me say this: The engineers have indicated that the access point should be removed or should be moved from one point to another. We don't intend to purchase the property if we can't alleviate the traffic problem. The main issue is the students.

One access point at Taylor Drive creates a bottle neck. To deny an access point on Dean Avenue would put us in worse position than we started, as far as safety.

I might say this, that 563 feet from this point to another, to Taylor Drive is one-tenth of a mile and we think that is completely unacceptable for us.

What are we requesting tonight? We are requesting that you delete the two conditions in the Staff Report of a minor subdivision and the requirement limiting existing single access to Taylor Drive and amend it. This is a separate -- do it just like you did the one at 500 West Parrish. Here is the answer that we think.

Make your motion that the access to the subject property shall be in accord with OMPC zoning
ordinance and subdivision regulations and the Access Management Manual. That's what you did in the other case. It specifically states in that report at the top that you see, and this is the third paragraph from the top on the right. "Any future changes to the property would have to comply with the applicable portions of the Owensboro Metropolitan Zoning Ordinance and subdivision regulations. We agree.

Let me say this: Many of the cases, and I've cited these three or four times, deal with the Comprehensive Plan, state that the Comprehensive Plan, as well as the Planning Commission recommendations should be flexible and not a straitjacket to property owners.

Now, we're here to answer questions. I might point out we have nearly everybody with the school system. We've got the president of the Owensboro Catholic Schools, Tom Lily. We have Gates Settle, principal of Owensboro Catholic High. We have the chairman of the Owensboro Catholic School System, Carl Lewis, and we have David Weaver with the engineering firm. We feel very strongly.

In other words, the zoning on the property -- once the property on the corner was zoned, it's nearly automatic. It's a logical expansion. It's stronger
than zoning. The Staff Report pretty well states that, hey, the property should be rezoned.

It's two questions tonight. The safety of the students at Catholic High and the access point. We have one access point. We're willing to move the access point wherever our engineers tells us to move. We have the engineer here to discuss that.

I'm here to answer questions. The rest of the support group from Catholic High is here to answer questions.

CHAIRMAN: Thank you, sir.

Anyone in the else wish to speak to this issue?

MR. REEVES: Could I ask Mr. Kamuf a question before?

CHAIRMAN: Sure.

MR. REEVES: As you know, as a former school person, my priority is the safety of the children too. Okay?

I believe from the center of Parrish to Taylor Avenue, which is 563 feet, is a typical two-city block?

MR. KAMUF: Here is the engineer, he can help.

I don't know, Fred.

MR. REEVES: Typically 3700 feet is a city
block?

MS. KNIGHT: Please state your name for the record.

MR. WEAVER: David Weaver.

(DAVID WEAVER SWORN BY ATTORNEY.)

MR. WEAVER: City blocks vary. Yes, roughly, 3 to 500 feet maybe.

MR. REEVES: My safety question is this, because Dean Avenue you go uphill from Parrish, right?

MR. KAMUF: Right.

MR. REEVES: My question is: At what point in time as I'm coming up Dean Avenue would I see the new egress or ingress rather?

MR. WEAVER: I guess the way I'm looking at it, Fred, is we would like some flexibility on that side. We would like to work with the Planning Staff, the Engineering Staff on what would work best. If you think about traffic flow after school, if there is a way. Right now Catholic High really doesn't have much of a way of separating the buses from the cars.

Plus too, if we had two access points where we can get kids out of the parking lots, maybe the one on Dean Avenue that we're talking about, which would be the new access point, they could turn left into one on Taylor Avenue, they could turn right. I don't
think -- along with your point. The further we move
the access point towards Taylor Avenue, the better
sight distance you're going to have with the hill.
You know, if you think about that hill, coming up the
hilltop is about the front of Catholic High. The
access point on this front lot doesn't work nearly as
well as an access lot on the rear lot.

MR. REEVES: I'm assuming this process, we're
going to rely on the engineer to determine that point
because safety would be the number one issue to look
at on any ingress/egress, right?

MR. WEAVER: That's right. And we just need
the flexibility at this point because Catholic High
typically don't know how those two lots will be
developed.

MR. REEVES: Other thing I want to say, just
to make a comment, knowing the way high school
students drive. Going out Taylor Avenue, I'm not sure
going slow is not a bad idea. Okay?

MR. WEAVER: Sure.

MR. REEVES: Sometimes they don't look at stop
signs real closely.

MR. WEAVER: That second access point you
really need to try to separate the buses from the
passenger cars.
MR. REEVES: That's the main issue, to separate the buses?

MR. WEAVER: That's one of the issues.

There's several issues.

MR. REEVES: Thank you. That answers my question. Thank you very much.

CHAIRMAN: Any other commissioners have questions of Mr. Kamuf?

Commissioner Boswell.

MR. BOSWELL: Thank you, Mr. Chairman.

Let me drill into that access point that you're looking for, that additional one. Is that strictly going to be for buses or is there going to be the ability for other than buses?

MR. WEAVER: We frankly don't know at this point. We haven't had a chance to work with Catholic High on exactly what these two properties will be utilized for. Without knowing that and how traffic will function on site, we really can't answer that quite yet. We need the flexibility to have an access point that will work with the zoning ordinance.

Like Charlie said, if we could just have that condition being access on Dean Avenue shall be in compliance with the zoning ordinance, to the subdivision regulations, and the Access Management
Manual; the understanding that we're going to be working with the Planning Staff and the Engineering Staff on logical and safe access points on Dean Avenue.

MR. BOSWELL: I think also I wanted clarification.

On Lot 1 that we rezoned in December, with it being limited to Dean Avenue on that one at that time, I'm assuming that some of the concern was that you weren't going to have enough room there to be able to have another access point to do just what you're talking about doing. If you didn't have an access point on Dean Avenue, then you're going to create a bigger traffic jam problem on the back side there by the parking lot of Catholic High, if you didn't have that extra access point.

MR. WEAVER: Yes. If you kind of think about it from a logical perspective, correct me if I speak out of turn, but I believe Catholic High is okay with only gaining one new access point to Dean Avenue. We feel stronger that it will work best on this second lot that we're getting as opposed to the first lot because of Fred Reeves said a minute ago. The safety issue getting back away from that hill, crest of that hill. We just need some flexibility at this point.
MR. BOSWELL: I know that can be a problem because as a past student at Catholic High, I know that sometimes you can burn rubber leaving the parking lot pretty easily there.

MR. WEAVER: Yes.

MR. BOSWELL: Thank you.

MR. KAMUF: I might say this: That Gates Settle is a pretty good principal down there. If we have complaints from the neighbors, if we have any, we react. I think some of the neighbors here are unhappy about us. But I think that we react with the traffic situation and -- Gates, can you come up and just give us kind of a short summary of how you react if there are complaints from the neighbors.

MS. KNIGHT: State your name for the record, please.

MR. SETTLE: Gates Settle.

(GATES SETTLE SWORN BY ATTORNEY.)

MR. SETTLE: Any time there are situations in the neighborhood we try to address them as quickly as we can. We get over the years, I've been there nine years, as we get phone calls or somebody comes over and has a complaint, we always try to address that as quickly as we can. Over the past nine years, we've had situations where we've had people park on Linden
Avenue, on Parkview, and we received complaints and
phone calls and we immediately addressed it. We tried
one year allowing our students to park on Parkview
just to keep them -- my biggest concern when I got
there is that we have kids walking with their backs on
Parrish Avenue. They're walking with their backs to
traffic. They'll park at the Sportscenter and come
down. This day and time with texting and everything
going on, I've always been concerned about our
students' safety on Parrish Avenue. Even with that
crossing Parrish Avenue is another issue. That's been
one of our major concerns, my major concern since I've
been there is student safety.

We've always tried to work with our neighbors.
I can't say we've always solved every problem to their
liking, but we've always tried. We've always
attempted. If we get a call, we react to it. We'll
address the students.

One of the biggest consequences you can have
for a 16-year-old is not being able to drive to
school. So we've used that occasionally. We hope
we've been good neighbors. We're going to continue to
be good neighbors. We're not trying to make things
more difficult for anybody. Just our number one
community is student safety.
CHAIRMAN: Thank you, sir.

MR. REEVES: Mr. Settle, would you mind to answer a question?

MR. SETTLE: Sure.

MR. REEVES: Do you have an assistant principals at the school?

MR. SETTLE: Yes.

MR. REEVES: Would it be reasonable at the end of school each day for an assistant principal to position himself down there while the students are leaving to make sure that everybody does leave safely and smartly?

MR. SETTLE: My understanding from the OPD is that we cannot have anybody directing traffic.

MR. REEVES: I don't mean directing. Just be present.

MR. SETTLE: Oh, just be present?

MR. REEVES: Just be present. Stand on the corner.

MR. SETTLE: Absolutely. Absolutely. We have two assistant principals right now in the parking lot just for pick up, making sure that buses coming in and out, the bus situation. From time to time one of our Dean of Students does go down towards the end of Dean Avenue, and as somebody mentioned, it's hard to catch
students once they get out, figuring out who is
burning the tires and that kind of thing. We can try
to do a better job of that. That's for sure.

MR. REEVES: Again, my concern is that hill
just doesn't give you visibility coming that way.
With somebody standing there, you know, I'm going to
be more attentive if one of my adult supervisors is in
the vicinity where they can see me.

MR. SETTLE: Well, we've got people stationed
in the parking lot. At the exit on Dean Avenue, that
is an area that we could pay more attention to.

MR. REEVES: Thank you.

CHAIRMAN: Any other questions?

Commissioner Boswell.

MR. BOSWELL: Thank you, Mr. Chairman.

I would like to get a little better idea from
Mr. Howard about Finding of Fact 5. From their
perspective, why would they have that in there? What
was the concern of Planning for Number 5?

MR. KAMUF: Is this Number 5 on the present
one?

MR. BOSWELL: Yes, on the present one. Thank
you for clarification.

MR. HOWARD: In December, we had a rezoning
come through and there was no information provided
what was going to happen. They don't meet access spacing for an access point on Parrish Avenue. So Mr. Kamuf is correct. We didn't limit that lot to -- we limited access to Dean Avenue only potentially.

Like I said earlier, there was discussion there but nobody knew what was going to be done on that lot, you know, what would happen there. With this rezoning, again, we're now -- it's really to justify the rezoning on that corner lot, you know, because it's fronting on Parrish Avenue. That's where you anticipate professional zoning to be, whatever. Now we're encroaching further down Dean Avenue on another residential lot; again, with no plan. We don't know what's happening there.

Tonight it's been indicated that it's going to be a parking lot. We don't know that. We didn't know that. That information has never been provide to us. We're looking at it from a perspective of, you know, on that finding of fact, on the condition that a minor subdivision plat be done. All those things that we don't know what's going to happen there. They talk about wanting the flexibility, and I completely understand that.

If it ends up at the end of the day that there's a single access point for both of those
parcels to Dean Avenue, it's probably fine, but we
don't know what the plan is. We're trying to evaluate
things with less than ideal knowledge provided to us.

While I'm speaking on that, I feel adamant
that the condition remains at that lot be consolidated
in with the rest of the property. If for some reason
that's not developed by Catholic, if Catholic wasn't
the applicant, I don't know that we would have
recommended approval. It seems logical if it's going
to be part of Owensboro Catholic operation to do that,
but if it were going to be a standalone P-1 medical
office or something at that location, as you encroach
further down Dean Avenue, I don't know that that's
necessarily a good land use choice. But if it's going
to be part of the school, it makes sense. For that
reason we feel adamant that it should be consolidated
in with the rest of the property, if it's going to be
used as a parking lot or anything else that might be
ancillary to the use at the high school.

MR. KAMUF: May we answer that?

CHAIRMAN: First of all, Commissioner Boswell.

MR. BOSWELL: Maybe one other thought
associated to that.

If that were to be rezoned, could it be
limited that they could use that just for that
MR. HOWARD: No. KRS does not allow a rezoning to take place with a stipulated use. Once it's zoned P-1, it's zoned P-1. Again, if it's consolidated in and it's all part of the operation of the school, not a big deal at all. You know, if it was a standalone professional lot, I could see why neighbors would have concerns about that. I can see from a planning perspective why we would have concerns about that.

MR. BOSWELL: If Catholic High decides somewhere down the road they decide they don't want to do that after it's rezoned, there's nothing to stop that from being resold or rezoned to something else I would presume.

MR. HOWARD: It could certainly be resold and for rezoning would have to go back through the similar process of what they're going tonight. Who knows what would happen there.

MR. BOSWELL: Thank you.

CHAIRMAN: Commissioner Rogers.

MR. ROGERS: Brian, let me ask you. With the access point off of the first lot, 1500, I thought I understood them to say that they could get by with that one access if it could be flexible to be moved.
If we can rezone this, would they have the flexibility to move that existing on the 1500 entrance wherever it would work out best for them?

MR. HOWARD: Yes. That's why I said it wasn't limited on the original one. We were trying to be flexible there to give them -- because they didn't know what they were going to do, whatever. Questions were raised at the meeting. That's what ended up the recommendation was. We did talk about parking. We did direct access in some capacity. At the end of the day if there's one access point between those two lots that would come out on Dean, yes, I could see why they need that. But it should, in my opinion, it should be limited to a single access point for both of those parcels. Again, I stand by the fact that that lot should be consolidated in with the rest of the property.

MR. KAMUF: Brian, I think we can answer your question on that.

MR. WEAVER: In speaking with Mr. Kamuf, we are agreeable to go ahead and consolidate the property to one tract. Effectively, I think there could be two conditions placed on this rezoning.

The original condition that the subject property be consolidated with the main campus of
Catholic High. The second being that a single access point to Dean Avenue be allowed from -- with either what Mr. Kamuf referred to as Lot 1 or Lot 2. I'm not sure exactly how you'd want to word that.

We're agreeable to just a single access point on Dean. It's just a matter of right now we kind of feel like we've got one on the first lot, but we need it on the second lot.

CHAIRMAN: Mr. Kamuf, anything else?

MR. KAMUF: One reason that I objected to the minor subdivision lot is that -- we're willing to do that at this present time. I don't think that we can tell you exactly what would be on that development plan. Not development, I'm sorry. Wrong word. Minor subdivision plan.

MR. HOWARD: All a minor subdivision plat does is show the parcels and them being consolidated. It doesn't have anything to do with the development of the parcel.

MR. KAMUF: If that's an issue, I don't have a problem with that. Okay?

MR. REEVES: One more.

I'm going to assume that Mr. Weaver's firm is going to be engaged by Catholic High School to determine where this ingress/egress location will go?
MR. KAMUF: That's correct, Mr. Reeves.

MR. REEVES: And he is a professional, which his credibility and licensing and all kind of things are on the line, right? I'm more comfortable knowing that you're going to be engaged to do this because as you're coming uphill you're not going to do anything that would in any way jeopardize your firm or your license or anything else. Would that be accurate?

MR. WEAVER: Absolutely.

CHAIRMAN: Any other commissioners?

Mr. Boswell.

MR. BOSWELL: Thank you, Mr. Chairman. Yes, just a point of clarification.

You're proposing that the access point on Lot 2 to be located at that 301 foot point? That's where that access point is going to be to Lot 2 or are you asking for flexibility to move that?

MR. WEAVER: We would like to have flexibility. What we would like to have is to lot a single access point to either Lot 1 or -- to Dean Avenue from either Lot 1 or Lot 2 that would comply with the subdivision regulations, Access Management Manual and the zoning ordinance. The understanding that we will work with the Planning Staff and Engineering Staff on determining where best to situate
that access point.

MR. BOSWELL: Thank you.

CHAIRMAN: Now, anyone else in the audience that would like to speak to this issue?

Yes, sir.

MS. KNIGHT: Please state your name for the record, please.

MR. BROWNSON: My name is Terry Brownson.

(TERRY BROWNSON SWORN BY ATTORNEY.)

MR. BROWNSON: My name is Terry Brownson. I live at 1517 Dean Avenue which is across the street and maybe two houses down from the 1506 Dean Avenue property.

Dean Avenue for those of you all that may not be familiar with it is an approximately three blocks long street that runs between Parrish and Griffith. Every structure facing Dean Avenue is a single-family residence. The structure which was approved the lot that was approved last months faced Parrish.

In the first block of Dean going south from Parrish is what I would call an alley which has been also known as Taylor Avenue. Those of you all that know what it is, it's not a very wide kind of street. Traffic can be a little crazy in and out of Catholic High in the mornings and after school, but
most other times, including even when there's athletic
events, the traffic is reasonable. And in my opinion,
Catholic has been a good neighbor. They have been
responsive to any questions or concerns.

It's my understanding that the commission has
already approved the zoning change on what they call
Lot 1, the large house and property located at 1500
West Parrish Avenue. I didn't really have any problem
with that, believing that that property and that house
faced Parrish and anything along Parrish is subject to
be most anything, as all the rest of the properties on
Parrish is.

However, it's now my understanding from
neighbors who have spoken and now this evening, that
the plan for 1506 Dean Avenue, besides rezoning, the
planning for that is the immediate destruction, the
imminent destruction of both of the houses on these
properties and the conversion of the land to a parking
lot for the school with access on and off of Dean
Avenue. That sounds like that's a question.

Student parking does seem to be limited at
Catholic High, but that is accommodated, as already
been stated, by students parking across the street on
Parrish and kind of the south area of the Sportscenter
lot. Crossing guards then are available to assist the
students cross the street.

I further understand that this recommendation that we heard from the Staff about the proposed rezoning of 1506 be approved with the condition that there not be any added access to the Catholic lot off of Dean Avenue, and that position is greatly appreciated. Other neighbors can speak for themselves, but that's where I am.

Here are my concerns that I'm requesting the commission consider.

One, apparently only two of my neighbors, and those being the ones immediate adjacent to the property, were notified by mail of this proposed change. With talking to Mr. Kamuf I understand that met the law. I did not receive a letter, neither did other neighbors that I had spoken to. This has left us with literally no time to adequately evaluate the options and the impact of this proposal on our neighborhood and on our property. So I'm therefore appealing the commission to postpone any vote on this project until there's further assessment of the impact of this change.

It should be obviously that rezoning 1506 Dean Avenue would immediately intrude upon and change the nature of our heretofore establish residential
neighborhood, since there is nothing but single-family
dwellings facing Dean Avenue. That fact should not be
taken lightly, and certainly not without a full study
of the impact of that on the residential neighborhood
on which it's intruding.

The impact on property values on residents of
Dean Avenue is another matter of concern, and we've
not had sufficient time to explore that, whether that
concern is justified or not. It may not be and remove
that and that would certainly alleviate a lot of
concerns there too.

I have spoken briefly with one very
experienced appraiser in our community who told me
that his experience would be that the impact on my
property's value would not likely be good. Told me
that this experience -- that it would take some time
to assess that. Obviously once again needing time.

I hope that you'll agree that we need time to
explore this serious question that could impact quite
a few residents in the area.

As mentioned student and athletic event
traffic can be crazy at times, but very limited times
on Dean Avenue with people entering and leaving the
rear entrance of Catholic off Taylor Avenue. The
impact of this is the backing up of cars on both
Parrish end and Griffith Avenue end of Dean. The addition of additional cars into the parking lot there would only make this worse, regardless of where it's coming out of.

The hill from Dean onto Parrish, as someone has mentioned, is quite steep. Besides the addition of traffic, there's another danger from additional cars trying to enter and exit Catholic High, especially with cars hoping to turn left out of that onto Dean, onto Parrish, with Dean already backed up that hill.

So the options for the entrance and discharge of additional cars from Catholic High School really needs to be explored and evaluated further as to what there might be other locations on the west end of the school or out of the existing lots, those kind of thing.

In summary, I ask that you please postpone any decision on this pending further study. I'm not saying I'm not against it. I'm saying I don't have enough information, but it's clear that this would have an impact that deserves further studies. Thanks.

CHAIRMAN: Thank you, sir.

MR. BROWNSON: Be happy to answer any questions.
CHAIRMAN: Any questions of this gentleman?
(NO RESPONSE)
CHAIRMAN: Anyone else in the audience that would like to speak to this issue?
MR. JOHNSON: I have a few things.
MR. KNIGHT: State your name for the record, please.
MR. JOHNSON: My name Andy Johnson. I live 1505 Dean Avenue, right across the street from 1506 Dean Avenue.
(ANDY JOHNSON SWORN BY ATTORNEY.)
MR. JOHNSON: I hope that the commissioners will not approve the second entrance on Dean because my driveway is right across there. I mean we've lived there for 15 years. When we first moved there, we knew that Catholic was there. We knew what to expect. I went to Catholic. My wife went to Catholic. So we knew what to expect.
By putting an entrance anywhere along that hill to me would be dangerous. Because I see every day the driving, how much traffic backs up, how they come over the hill. Where this is at right here is over the crest of the hill. So you're not going to see that entrance until you get on top of that hill. And if that's an entrance or an exit, you're not going
to have very many cars. Cars are going to be backed up on Parrish because that's so close to Parrish. You probably only get five or six cars there. So it's going to be congestion. It's going to be worse. Catholic has been there since '49. Taylor Avenue has worked for them for this many years. I don't see how having another entrance is going to impede on Bonnie and Barry's house there, having people coming in and out of their driveway right there. Their house is right next to that. I know there's other houses that are next to Taylor Avenue, but those people bought those houses knowing that that road was there. This is going to be a big change. It's going to hurt our property value quite a bit, I think.

   I would like just for you all to deny this access point anywhere along from Parrish up to -- I think Taylor should be the only access point going in. It's worked for all of these years. It's not a big problem. Just like Mr. Brownson said, the traffic is not that bad. Now, in the afternoons, it backs up. It backs up past my driveway. If you want people coming out of that driveway, and that's where they want to put it, it's going to be a big log jam. I think it will be worst.

   I would like to see the commissioners not
approve this. Thank you.

     CHAIRMAN: Thank you.

     MR. WEAVER: If I could speak to just a couple
     of points.

     CHAIRMAN: Yes, sir.

     MR. WEAVER: As we stated earlier, our
     intention is to work with the city engineer and
     Planning Staff. Part of working with the city
     engineer is checking sight distances. We haven't to
     this point done that. We really haven't been too
     actively involved with this project.

     Then again, Catholic High doesn't know what
     they want to do exactly yet. We just need the
     flexibility to be able to work with Planning Staff and
     the Engineering Staff.

     CHAIRMAN: Thank you, sir.

     MR. KAMUF: May I answer one question that
     this gentleman asked about property values.

     Let me point this out. This is Owensboro
     Senior High School. They have three entrances. They
     have an entrance to their rear parking lot off of
     McCrea, and then they have a small one here off of
     Ford, and then there is one here on Frederica.
     McCrea is probably one of the most exclusive
     neighborhoods in Daviess County. Whenever the library
was there and they later transferred it from the library to the school, it didn't have any effect whatsoever on the property values on McCreary. I'm not a real estate guy, but that's been my experience. The only one I could think of is the one there on McCreary and Griffith Avenue with the library first and then the parking lot that they have at Senior High School. I don't think it would cause those property values any different than what they are now with the rezoning that we had at 1500 West Parrish.

CHAIRMAN: Thank you, sir.

Anyone else in the audience?

Yes, sir.

MS. KNIGHT: Please state your name for the record.

MR. PHILLIPS: Barry Phillips.

(BARRY PHILLIPS SWORN BY ATTORNEY.)

MR. PHILLIPS: My property is here. My entrance is here, relatively close to this proposal. Now, as I travel from Griffith down here to get in my drive, I have problems with people coming over that hill too quick. I've almost gotten hit coming out on it and going in. I just cannot see that that's a safe place to put an entrance and exit. I mean the number of kids coming out of there, and I'm just one person,
there's a stream coming down through there, and I can see a problem.

As far as property values, McCreary already had a library. That's a little different, a library and a parking lot, and a residence and a parking lot.

My next concern is drainage. My yard already is flooded from the existing parking lot. The parking lot along this pavement here, the water has got to go here, here, here or here. It's got to go somewhere. I already have a problem. They have one parking lot. There's a problem there now. So that's another concern I have. That's it.

CHAIRMAN: Thank you, sir.

MR. KAMUF: We are here to answer any issues on drainage.

MR. WEAVER: In regards to the drainage, with any plan we would be working with the city engineer. We would submit a drainage report. The city engineer would have to review and approve. So drainage is an issue that's addressed as part of the development process.

CHAIRMAN: Thank you, sir.

Any other questions from the audience?

MS. KNIGHT: Please state your name for the record.
MS. ROUSE: Susan Rouse.
(SUSAN ROUSE SWORN BY ATTORNEY.)
MS. ROUSE: We've lived on Dean for 27 years.
It's a residential street. It is. Just like Mr. Brownson said, every house on that street that faces that street is a residence. You're trying to turn it into a different kind of property now. I feel like regardless of McCreary or whatever, I feel like it's going to negatively effect us.
To state who has concerns for your students' safety, and I totally understand that, but there's kids on Dean Avenue too. Little kids that live there. Not long ago we had kids, little kids running around. There's kids that live right there on Taylor. So there's grandkids that come visit. I think Bonnie said that one of her grandchildren almost got run over by a student. I'm just saying, you know, there's kids that live there too. So let's think about all the children's safety. Not just the students. These kids are old enough to know better. Little ones growing up may not understand not to get out in the street or get away from cars. So let's think about that.
You counted 15 cars parking over at the Sportscenter. I don't see how 15 extra cars going in and out of Taylor Drive is going to make a difference.
I don't see why we need another ingress/egress out of that parking lot if you're just adding 15 more cars. I just don't think that's going to tax that any more than it's already taxed.

Mr. Reeves mentioned having a staff member out on Taylor to help calm things down when they left. Several years ago when my kids were young, a priest came out every day. He stood there at 3:00 or 3:15 or whatever and it was wonderful. And I went out and thanked him one day. I said, "Thank you so much for being out here." "I'm just trying to let the kids know they need to leave in a calm manner." It just one guy standing out there and the kids did exactly what Mr. Reeves said they would do. That's always a possibility for you guys.

I feel like that this process has been rushed. You all have already said you all haven't had much time to delve into it. We haven't had much time to delve into it because we haven't had no notice. Some of us have had zero notice, except for a sign in the yard. I agree with Mr. Brownson. If you could just delay this, maybe all of us could get our ducks in a row and you could come back with a plan for us to look at, we could come back with more information about how it's going to effect the whole street. That's all I
have to say.

CHAIRMAN: Thank you.

Anyone else?

(NO RESPONSE)

CHAIRMAN: Any commissioners?

MR. REEVES: Could I ask Mr. Weaver another question?

CHAIRMAN: Certainly.

MR. REEVES: Is the new proposed ingress/egress, is that designed, is the reason for that primarily to get people in and out more quickly or more safely?

MR. WEAVER: Well, I guess a little bit of both. Safety, of course, is a big concern. Without a plan we really don't know exactly how that entrance will fit into the overall scope. We really need the flexibility to be able to have an access point to Dean, if one is needed.

MR. REEVES: I guess this question may be for Mr. Kamuf and maybe for Mr. Settle also. This isn't going to impact this school year right? It's February.

MR. WEAVER: The likelihood of anything developing on those two lots before this school year is over is not very likely.

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MR. REEVES: I have got two concerns. Number one, the first one is always the safety of the students, but also the concerns of the neighbors. Okay?

I would feel a lot more comfortable if I had a development, kind of a plan, and you're going to tell me, this is exactly where it's going. It's not just going to go somewhere. I for one would like to see a little bit more concrete than what we have right in front of us. That's just a comment.

MR. WEAVER: I can understand that. From the owner or developer standpoint, any time we go down this road, it's more of a risk. The property is not zoned. They don't know if they're going to get the zoning classification.

Most people want to know that they have the zoning classification before they spend a whole lot of money on design and all of that. There's a lot of time and effort that has to go in. It's kind of a double-edge sword. All we're asking for --

MR. REEVES: In this case, we know specifically what they're wanting to use it for. That's why the rezoning is not the big issue, as it would sometimes.

MS. KNIGHT: Please state your name for the
MR. LEE: Tom Lily.

(TOM LITTLE LEE SWORN BY ATTORNEY.)

MR. LILY: We just don't have the resources to put a lot of money into something that may not occur, if they don't get the zoning. In fact, the purchase was contingent on the rezoning taking place. So really the actual purchase of the property is based on rezoning because we didn't want to get into something -- that's when the first property went through. We said, okay. We've got these restrictions. We can get the second piece of property and then we can start looking at the best way to use it. We've got safety issues in our parking lot. You would think that having that one exit would create a less safety issue. It creates more of a safety issue because kids are darting around. We can't direct traffic on a public street.

So we're just saying, we'll let the engineers look at our entire campus and give us a traffic flow and give us the safest options on Dean Avenue. We want to own it first because we could also spend 25, $30,000, which again, we're a not for profit. We're strictly privately funded. Almost half of our kids are on tuition assistance, and it's a big expense.
We're going to be good neighbors of regardless of what you decide. Good people, I understand their concerns. We want to make that aesthetically attractive to Catholic High. It needs a lot of work.

We need aesthetics on Parrish Avenue. This summer we would like to get a lot of that done. We'd like to redo that parking lot. It's in terrible shape.

We've got issues inside that parking lot, and there's going to be an accident. There's going to be something happen. We've got two people out there in the afternoon. So maybe somebody needs to be out there on the end, if there's an issue.

It would be important to our future development. Again, we haven't done much since '49, but it is inadequate now. It may feel like it's adequate from your all's perspective. It's not. We can take care of that drainage. We can do those things. We know we have access to that property. We can't take care of it now. We're just going to concrete. We'll concrete it. It will be a parking lot, but we can't take care of a good plan unless we own the property properly. Thank you.

CHAIRMAN: Thank you.

I have a statement. The one last month or whenever it was, December, I guess, it gave you an
access point to Dean Avenue, did it not?

MR. KAMUF: That's correct.

CHAIRMAN: So you have an access point to use Lot 1. Now you say you want to be able to move that to Lot 2.

MR. LILY: We're not sure. The professionals should direct us in that area. We just want an access point.

CHAIRMAN: Like Commissioner Reeves said, we don't know what the professionals are going to say. We don't know what's going to happen with the lots. That's an issue with me. You can still get your access because you have Lot 1. We can still rezone Lot 2 with those conditions, but you still have your access to Dean Avenue off of Lot 1; is that not correct?

MR. KAMUF: We certainly would want to put that access point. We bought this lot, or we're buying it or will buy it or can buy it, thinking that that access point would be at a better location than where it would be at the present time on that hill. The safety issue was the big issue with us and trying to get the second lot. As far as the parking, in other words, the parking is not issue on the other lot. With any kind of site plan, any type of minor
subdivision plat, we can park on the property. That's
not an issue. We're talking about 15 more cars. The
big issue is not necessarily the additional cars.
It's the other problems that we've got there on
Parrish Avenue getting the traffic in and out as quick
as possible because we have a bottle neck in the back.

CHAIRMAN: Thank you.

MR. KAMUF: I hope I answered it,

Mr. Chairman.

CHAIRMAN: Thank you, sir.

MR. JOHNSON: So Lot 1, Mr. Kamuf said in the
beginning that they gave up their rights for an access
point on Dean Avenue on Lot 1; is that true? There's
not an access point right there now. It's about a
cement wall about that high all along that side. I
wasn't here the first one. I was out of town. So was
the first lot approved, an entrance on Dean?

CHAIRMAN: According to the conditions it said
no access to West Parrish Avenue shall be permitted.
Access shall be limited to Dean Avenue only.

MR. JOHNSON: Okay. I misheard Mr. Kamuf
earlier.

Yes, I don't see how that would work either
because that's all uphill. Be kind of short.

MR. EDGE: I think if I'm hearing it right,
and we're discussing leaving it to the engineers to
determine if the access point would be on what is
defined as Lot 1 or Lot 2. I think you and I can
probably look at Lot 1 say that might not be feasible.
They're asking going for the flexibility to have it on
Lot 2 instead of Lot 1. Give it up on Lot 1 in case
the engineer comes back and says Lot 2, and have that
flexibility in order to purchase the property based on
the contingency that they have in their purchase
clause. Am I stating that correctly?

MR. KAMUF: I think so, yes.

MR. EDGE: Does it make sense?

CHAIRMAN: Sure it does.

MR. KAMUF: To answer the question that maybe
Mr. Weaver answered. We're talking about $30,000 to
come up with a plan. Based on what the engineers
would do, I think he mentioned 25 or $30,000. We
don't want to spend that money certainly until we
find, maybe we can move that access point. Whatever
the engineers say. Certainly the city will be
involved. The city department will follow any of the
rules and regulations of the zoning ordinance of the
subdivision regulations. They should be enough to be
sure that we have the safety of the public in line as
to where and what we do there. Did I answer your
question?

MR. EDGE: Yes, I'm fine.

For another point of clarification. Tonight what you're asking for is Lots 1 and 2, as we're defining them, 1500 and 1506, to be defined or to be in the same subdivision plat and be given the flexibility of an access point. That's it?

MR. KAMUF: That's right. And the zoning be subject to access; meeting all the requirements of the zoning ordinance, the Owensboro Regulations, and the access manual which you all follow. Follow all of those.

When you approved the first one, I might mention you did -- that was the idea in the first one because as I read it, it said, any future changes to the property would have to comply with the Owensboro applicable, Owensboro Metropolitan Zoning Ordinance and Subdivision Regulations. We're willing to do that. We understand that. So any motion that would be made, let's say to approve, would include that.

MR. EDGE: Would the neighbors have a problem with that; if they're conceding to the fact that access would have to follow the normal guidelines to access and meet all the requirements?

MR. BROWNSON: Our concern is with the access
to Dean Avenue because of all the reasons that I discussed. I think a lot of the neighbors, I know I didn't attend, didn't have a concern about the 1500 Parrish Avenue because there was no mention at that time of the purchase of the next lot behind it and consolidating those and having a plan for a parking lot. That was a totally different story that came along with this proposal for 1506 Dean. So it's kind of like 1500 was passed with one motion and without any awareness of what was coming down the road, and then we've been hit with 1506 Dean Avenue proposal.

MR. EDGE: Are you okay with an access point then at 1500, because that's already been granted?

MR. BROWNSON: If it's been granted, then I'm really kind of too late.

Parrish Avenue is always a busy street. Seems like it's been getting more busy. It's going to continue to be busy after school regardless of where you dump those out. I guess I'm suggesting that the placement of traffic officers and stuff like that would take care of the problem and would not create what we see as even bigger safety problems on Dean Avenue, as well as the other things, if you did have another dump on Dean Avenue of students coming out of Catholic.
CHAIRMAN: Yes, sir.

MR. REEVES: This is a comment. We're talking about 15 minutes a day; am I correct?

MR. BROWNSON: Yes.

MR. REEVES: In that 15 minutes people are going to be going onto Dean Avenue. It would appear to me that if they're going from two locations, it would be safer and more quick if they were going to two locations rather than one because students would have less frustration. They would be able to get out more quickly. That's just -- I'm going back and forth on this because I'm certainly concerned about the neighbors. Okay? That's always a huge issue for me. At this point in time it seems to me like that might be an improvement rather than --

MR. BROWNSON: It all has to do with traffic flow. If they said that Taylor Avenue had to go out and turn right and go to Griffith, this one had to left and go towards Parrish, but then we've got the problem how short that is until you get to Parrish. I just don't see how it's going to solve any of those problems. Then once again the concern about what it does to the neighborhood, nature of the neighborhood. Yes, it's just a few minutes a day. Like everybody said, we all moved there knowing that.
CHAIRMAN: Thank you, sir.
Yes, ma'am.
MS. KNIGHT: Please state your name for the record.
MS. JOHNSON: Monica Johnson.
(MONICA JOHNSON SWORN BY ATTORNEY.)
MS. JOHNSON: I definitely understand Owensboro Catholic's issue here. I guess my main concern of everything is the safety of the students as well. We live at 1505 Dean Avenue, our driveway is closest to Parrish Avenue. I can tell you from my experience, I've been a driver for a really long time, and multiple times I can't even count the number of times I've almost or have pulled out in front of traffic right there because of the way the hill is situated and where the driveway is. And you're talking about making an exit or an entrance right across the street. As an experienced driver, if I'm doing that and you're talking about 16 and 17-year-old kids, I would hate to see one of them get T-boned pulling out and going left. That's really my big concern.
CHAIRMAN: Thank you.
Yes, sir.
MR. WEAVER: I just wanted to kind of add onto
what Mr. Reeves said a second ago.

Really that second access point gives you so
many options. It gives you the option if you wanted
to take one access point and make it a right movement
and one access point make it a left turn movement, as
you empty out the parking lot or it gives you the
ability to separate the buses from the vehicular
traffic. There's a lot different things that Catholic
High could do. We don't fully know what we would do
yet. They need to be able to get the property zoned
and purchased before they develop a plan. We're going
to work, like we've already stated, we're going to
work with Planning Staff and Engineer Staff and be in
compliance with all the regulations. We'll certainly
check the sight distance from any new access point.

We're willing to -- basically we're just
wanting slightly reword the two conditions that the
Staff recommended. The first condition would stay the
same. They would agree to consolidate the subject
property with the main campus.

The second condition would be that we either
have an access point to what Charlie called Lot 1 or
to the subject property, Lot 2, on Dean Avenue or the
ability. You could state the ability.

An access point is never -- I think Brian was
trying to allude to it earlier. We don't necessarily
have that access point until we have a plan that's
been approved by the City Engineer and Planning Staff
or where an access point would be. So all the zoning
is, is the ability. All of it needs to be designed
and make sure it's in compliance, and that's what
we're asking for.

    CHAIRMAN: Thank you.

    MR. ROUSE: My name is Mark Rouse.

    (MARK ROUSE SWORN BY ATTORNEY.)

    MR. ROUSE: I would just like to say that in
all the studies, in my opinion, I think the Parrish
Avenue entrance to Catholic High is way under
utilized. I think they could design that better and
utilize it a lot more and really not need this other
access here. I would just like to say that.

    CHAIRMAN: Thank you, sir.

    Yes, sir.

    MS. KNIGHT: Please state your name for the
record.

    MR. CONLEY: Good evening. My name is Bill
Conley. I'm a resident of Dean Avenue, 1511 Dean
Avenue. We moved, my family and I moved there four
years ago and have loved the area.

    (BILL CONLEY SWORN BY ATTORNEY.)
MR. CONLEY: We love having Catholic as our neighbor. They've been a good neighbor. I think it's a no-brainer that if this happens everybody's property value is going to drop. I think there's no doubt about that.

I have a one-year-old and a three-year-old that we do worry about this entrance off of the parking lot that will likely happen right across the street from where we live.

Also to just reiterate some of the points that have been made. If you take a left out of the entrance or the exit onto Dean Avenue, you can only fit maybe six or seven cars max. They're going to be clogged up there on Parrish Avenue. Then this new entrance onto Dean Avenue is going to be clogged up because you don't have anywhere to go. I don't see how this really solves much of a problem. I think the way things stand right now can continue status quo without any issues. Thank you.

CHAIRMAN: Thank you, sir.

MR. KAMUF: May I answer that?

CHAIRMAN: You certainly may.

MR. KAMUF: As Mr. Weaver said, this has to be approved by the city engineer. Another plan, that we don't know whether it will work or not, maybe you have
access in off of Dean Avenue and they would come out on Taylor Avenue. There's a lot of deals that we want to look at them, but we can't look at them until we get ownership of the property. This contract is not going to be over, our contract is that once we get it rezoned we do it. If we don't get it rezoned, the contract is over. They've been trying to sell the property there for how long, Pat?

MR. PAT PACE: Several months.

MR. KAMUF: Several months.

CHAIRMAN: Thank you, sir.

Anyone else?

MR. PHILLIPS: The access, whether it's Lot 1 or 2, I don't think either one of them is safe. It's just too close to the crest of that hill. Cars don't come creeping up on that hill. They come pretty darn fast, and it's a big concern. Just one last thing.

Any one of you like to have a parking lot next to your house?

CHAIRMAN: I'm sorry, what?

MR. PHILLIPS: Would any one of your like to have a parking lot next to your house?

CHAIRMAN: Thank you, sir.

I think we've discussed this about everything we can discuss about Dean Avenue and Lot 1 and Lot 2.
If there are no other questions or comments, chair is ready for a motion.

MR. EDGE: I'll make a motion.

CHAIRMAN: Yes, sir, Commissioner Edge.

MR. EDGE: I may need clarification here so help me out here.

I'm going to make a motion to approve based on Planning Staff Recommendations, Condition 1, and Finding of Fact 1 through 5, but we need to alter Condition Number 2. Proper language where the access could be utilized or given access on Lot 2. Does that make sense?

CHAIRMAN: You want Condition 1 to remain and you would like to have Condition 2 where they can have access to Dean Avenue?

MS. KNIGHT: It may depend.

Mr. Kamuf, it's my understanding, are you agreeing tonight or is your client agreeing that you're going to consolidate both tracts with the main campus? Now you're common owner. You own all of it.

MR. KAMUF: Sure.

MR. WEAVER: I don't see a problem with that.

MR. EDGE: That's what we're saying.

MS. KNIGHT: No. Right now we're just dealing with 1506. We're not dealing with Tract 1.
MR. KAMUF: My issue with the minor subdivision plat, whether we do it now or do it later. We don't have any problem with that.

MS. KNIGHT: Consolidating what you're referring to as Lot 1 and Lot 2 and the main campus, consolidating all of those?

MR. WEAVER: Yes, Terra. Then you could word it such that Condition 1 would require consolidation of the property previously rezoned in December and the subject property along with the main campus. As part of the consolidation only allowing one access point to the consolidated property to Dean Avenue. Location to be determined by -- location to be in compliance with the subdivision regulations, and zoning ordinance, the Access Management Manual, and approved by the City Engineer and Planning Staff.

MS. KNIGHT: I think if you require all of it be consolidated then you can --

MR. WEAVER: It makes it easier on the motion.

MS. KNIGHT: Correct.

MR. EDGE: I make the motion to approve according to the Staff's Recommendations, but Condition 1 would include consolidating all of the Catholic High properties. And Number 2, the access point could be determined by the engineers, whether
Lot 1 or Lot 2 is defined according to 1500, property at 1506, whichever would be appropriate.

MR. HOWARD: If you're going down that path, you'll need to amend Finding of Fact 5 because it's no longer applicable the way it's worded in the Staff Report. So you can't base it solely on the Staff Report.

MR. EDGE: Right.

MR. KAMUF: You've done that when you actually changed Number 2. It would just be more specific if you did it according to what Mr. Howard said.

MR. EDGE: Right. According to the recommendation of the Staff, Planning Staff Recommendations, but Condition 1 would be consolidating with all three properties, right?

MS. KNIGHT: Yes.

MR. EDGE: Number 2 would be access point to be determined, whether it be 1500, lot 1500 or 1506, depending on future engineer compliance, etcetera.

MR. HOWARD: And limited to a single access point. That's what you're saying?

MR. EDGE: Between those two parcels, correct.

MS. KNIGHT: Then Findings of Fact would be 1 through 4.

MR. EDGE: Findings of Fact 1 through 4.
The reason I state that, guys, just for everybody else on the commission: They already have access to Lot 1. That looks as unsafe as anything going up the hill. To remodel that to try to make it safe, I think the flexibility only makes sense. I think it benefits the neighbors and everybody. The reality is they still have to follow the regulations of access points. It's all got to be in play with this.

MR. REEVES: I'll second the motion.

CHAIRMAN: Before we do it let me ask: Should it be that the Planning Staff Recommendation for approval, but their approval for these things. It shouldn't be the recommendation of the Staff.

MS. KNIGHT: Well, still recommend approval. So I think that's okay based on the information contained in the report. We're just modifying the conditions and findings of fact that they recited.

CHAIRMAN: We have a motion. We have a second by Commissioner Reeves. All those in favor please indicated by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 4

4709, 4719 Highway 54, 49.850 acres
Consider zoning change: From R-1A Single-Family
Residential and A-U Urban Agriculture to A-U Urban Agriculture
Applicant: Barry Sparks; Cheryl Sparks Peay, et al.

MS. KNIGHT: State your name for the record, please.

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATION

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

CONDITIONS

1. No new access shall be permitted to Highway 54 and any future development of the properties will require conformance with the access management manual; and,

2. Approval of a minor subdivision plat consolidating and re-dividing the parcels.

FINDINGS OF FACT

1. Staff recommends approval because the proposed zoning of A-U Urban Agriculture is more appropriate than the existing zoning of R-1A Single-Family Residential and A-U Urban Agriculture;

2. The subject property is located in an Urban Residential Plan Area, where rural farm residential uses are not generally recommended;

3. Each dwelling will be located on a
separate, large tract that potential for productive
agricultural use once the consolidation and
re-division has been finalized; and,

4. Each dwelling has access to an existing
private drive along Highway 54 with no new roads
proposed.

MS. EVANS: We would like to enter the Staff
Report into the record as Exhibit B.

CHAIRMAN: Thank you.

Anyone in the audience representing the
applicant?

APPLICANT REP: Yes.

MS. KNIGHT: Please state your name for the
record.

MR. SPARKS: I'm Barry Sparks. I live at 4709
Highway 54.

(BARRY SPARKS SWORN BY ATTORNEY.)

CHAIRMAN: Mr. Sparks, do you want to make any
comments?

MR. SPARKS: Well, I was the one that actually
lives on the highway. We're just trying to split my
dad's farm up between us. Really only way is
consolidate my property into this farm to get the farm
split between the kids.

I've agreed with them to take my house and
entrance and take my ground and put it to that and be
cowners of the rest of the property.

CHAIRMAN: Thank you, sir.

Any commissioners have any questions of Mr.
Sparks?

(NO RESPONSE)

CHAIRMAN: Seeing none the chair is ready for
a motion.

MR. JEAN: I would like to make a motion that
we approve this amendment based on the Staff Report,
site visit, testimony we've heard here this evening,
with Conditions 1 and 2 and Findings of Fact 1 through
4.

CHAIRMAN: We have a motion. Do we have a
second?

MR. BOSWELL: Second.

CHAIRMAN: Second by Commissioner Boswell.

All those in favor of the motion and the second please
indicate by raising your right.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion passes.

MINOR SUBDIVISION PLATS

ITEM 5

5840 Old Highway 54, 5.020 acres
Consider approval of a minor subdivision plat
MR. HOWARD: This plat comes before you as an exception to the -- you already have a lot that doesn't meet the 3 to 1 requirements or minimum road frontage. It's a flagged-lot. They're just adding some additional acreage with a couple of accessory structures to the back of the parcel. So they're not actually creating a new buildable lot. There are limitations, further subdivisions on here. So we would recommend you consider it for approval.

CHAIRMAN: Any commissioners have any questions concerning this plat?

(NO RESPONSE)

CHAIRMAN: Hearing none the chair is ready for a motion.

MR. REEVES: Motion to approve this application.

CHAIRMAN: Do we have a second?

MS. HARDAWAY: Second.

CHAIRMAN: Second by Ms. Hardaway. All those commissioners in favor of the motion and second please indicate by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion passes.
NEW BUSINESS

ITEM 6
Consider approval of December 2019 financial statement

CHAIRMAN: All the commissioners should have received the December financial statement and have had an opportunity to look that over. Any changes or adjustments?

(NO RESPONSE)

CHAIRMAN: Seeing none Chair is ready for a motion.

MR. ROGERS: Motion for approval.

CHAIRMAN: Motion by Commissioner Rogers for approval. Do we have a second?

MS. HARDAWAY: Second.

CHAIRMAN: Second by Ms. Hardaway. All those in favor of the motion and the second please indicate by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 7
Comments by the Chairman.

CHAIRMAN: He has none.

ITEM 8
Comments by the Planning Commission
(NO RESPONSE)

ITEM 9

Comments by the Director

MR. HOWARD:  No, thank you.

CHAIRMAN:  We have one final motion.

MR. EDGE:  Motion to adjourn.

CHAIRMAN:  We have a motion by Mr. Edge. Do we have a second?

MS. STEWART:  Second.

CHAIRMAN:  Second by Ms. Stewart. All those in favor please indicate by raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN:  We were 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 Planning Commission 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 foregoing 66 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 10th day of March, 2020.

LYNNETTE KOLLER FUCHS
NOTARY ID 613522
OHIO VALLEY REPORTING SERVICES
2200 E. PARRISH AVE, SUITE 106E
OWENSBORO, KY 42303

COMMISSION EXPIRES: DECEMBER 16, 2022
COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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