

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 SEPTEMBER 7, 2006

3 The Owensboro Metropolitan Board of Adjustment
4 met in regular session at 5:30 p.m. on Thursday,
5 September 7, 2006, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: C.A. Pantle, Chairman
9 Gary Noffsinger
10 Ward Pedley
11 Marty Warren
12 Sean Dysinger
13 Ruth Ann Mason
14 Judy Dixon
15 Stewart Elliott, Attorney
16 Madison Silvert, Attorney

17 CHAIRMAN: I want to call the Owensboro
18 Metropolitan Board of Adjustment to order. Welcome
19 each one of you.

20 At this time we always start our meeting with
21 a prayer and the pledge of allegiance. We invite you
22 if you so desire to join us at this time.

23 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

24 CHAIRMAN: I want to welcome all of you. If
25 you have anything you want to say, please come to the
26 podium, state your name for the record and you'll be
27 sworn in. We want to make sure we get everything
28 recorded this evening correctly. With that we'll

1 proceed with our agenda.

2 The first thing we have the minutes of the
3 August 3rd meeting. They're on record in the office.
4 We haven't found any problems or anything.

5 MR. NOFFSINGER: No, sir.

6 CHAIRMAN: With that I entertain a motion to
7 dispose of the item.

8 MS. DIXON: Move to approve the minutes.

9 MR. DYSINGER: Second.

10 CHAIRMAN: A motion has been made and a
11 second. All in favor raise your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries.

14 First item, please.

15 -----

16 CONDITIONAL USE PERMITS

17 ITEM 2

18 11225 Grandview Road, zoned A-R
19 Consider request for a Conditional Use Permit to
20 construct a 36'x58' addition to an existing church in
21 a floodway.

22 Reference: Zoning Ordinance, Article 8, Section
23 8.2B4, Article 18, Section 18-5(b)(4)(a), 18-6(b)(2)
24 Applicant: Dawson Memorial Baptist Church

25 MR. ELLIOTT: State your name, please.

MR. HOWARD: Brian Howard.

(MR. BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: The subject property is located

1 at 11225 Grandview Drive and is zoned A-R Rural
2 Agricultural. The OMPC records indicate that three
3 previous Conditional Use Permits have been approved
4 for the subject property. The first was approved on
5 August 7, 1997 and was for the reconstruction of the
6 church facility. The conditional use permits approved
7 November 1, 2001 and July 11, 2002 were for the
8 construction of a 30'x30' addition to the existing
9 church.

10 The applicant was previously required to
11 install landscaping in accordance with the Landscape
12 Ordinance; however, the landscaping was installed on
13 public right-of-way. In order to comply with the
14 Landscape Ordinance, the required landscaping should
15 be installed on private property.

16 This site plan the applicant has submitted
17 does reflect that change. Under Article 18 of the
18 Zoning Ordinance, it states that projects in the
19 floodway require approval from the Kentucky Division
20 of Water and the Army Corp of Engineers along with
21 certification by a registered professional engineer
22 demonstrating that the project will not result in any
23 increase in flood levels. The applicant has provided
24 the proper documentation to meet these requirements.

25 We would like to enter the Staff Report as

1 Exhibit A.

2 CHAIRMAN: Is there any comments or anything
3 filed with the office?

4 MR. NOFFSINGER: No, sir.

5 CHAIRMAN: Is there anyone in the audience
6 wishing to speak in opposition of this conditional use
7 permit?

8 MR. HAYNES: Mr. Chairman, Brian Haynes. I'm
9 here on behalf of the applicant.

10 CHAIRMAN: Are you against it?

11 MR. HAYNES: No.

12 CHAIRMAN: Thank you.

13 No one against it. So the applicant.

14 (MR. BRIAN HAYNES SWORN BY ATTORNEY.)

15 MR. HAYNES: My name is Brian Haynes. I'm a
16 practicing attorney here in Owensboro. I'm here on
17 behalf of the applicant, Dawson Memorial Baptist
18 Church. Ms. Jane Chrisler I think is over there
19 somewhere is representing the church, if you have any
20 questions. Also David Weaver who is a professional
21 engineer can answer any questions in his line, if
22 there are any.

23 CHAIRMAN: Board members have any questions of
24 the applicant?

25 (NO RESPONSE)

1 CHAIRMAN: Staff have any?

2 MR. NOFFSINGER: No, sir.

3 CHAIRMAN: Do you have anything else you'd
4 like to present at this time?

5 MR. HAYNES: No, sir.

6 CHAIRMAN: Entertain a motion to dispose of
7 the item.

8 MR. PEDLEY: Mr. Chairman, make a motion for
9 approval based on it's an expansion of the existing
10 church and we've heard no opposition on this item. It
11 will not have an adverse influence on the community.
12 With the condition that the landscape shall be removed
13 from public right-of-way and installed on private
14 property.

15 CHAIRMAN: Is there a second?

16 MS. DIXON: Second.

17 CHAIRMAN: A motion has been made and a
18 second. Any other comments or questions from the
19 board?

20 (NO RESPONSE)

21 CHAIRMAN: Staff have anything else to add at
22 this time?

23 MR. NOFFSINGER: No, sir.

24 CHAIRMAN: Hearing none all in favor of the
25 motion raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries.

3 Next item please, sir.

4 ITEM 3

5 2501 Harbor Road, zoned I-2
6 Consider request for a Conditional Use Permit to
7 construct a 7,846 square foot building addition and a
8 5,313 square foot building addition for various
9 reactors, batch out tanks, water effluent tanks and
10 new drying, blending and transfer equipment.
11 Reference: Zoning Ordinance, Article 8, Section 8.2
12 G4, Section 8.4/27
13 Applicant: Dart Polymers, Inc.

14 MR. HOWARD: The property is located at 2501
15 Harbor Road and is zoned I-2 Heavy Industrial. OMPC
16 records indicate that four previous Conditional Use
17 Permits were approved for the subject property. The
18 Conditional Use Permits approved April 13, 1989 was
19 for the construction of two styrene monomer storage
20 tanks. The second approval was on November 7, 1991
21 was to construct one styrene storage tank. The
22 Conditional Use Permit approved on December 2, 1999
23 was for the construction of a 1,500 square foot
24 building addition, and construction of various storage
25 and loading facilities. The final Conditional Use
Permit approved on October 6, 2005 was for the
construction of a 113'x56' building and to install two
tanks with the design option for an additional tank
for future expansion.

1 Section 8 of the Zoning Ordinance requires
2 that the property be, that any building or outside
3 storage, loading or working areas except for accessory
4 parking be located at least 300 feet from any
5 Residential Zone and 100 feet from any other zone
6 except for I-1 Light Industrial or A-R Rural
7 Agricultural zone. It appears that the applicant does
8 meet that requirement.

9 We'd like to enter the Staff Report as Exhibit
10 B.

11 CHAIRMAN: Is there any opposition or problems
12 with the Staff?

13 MR. NOFFSINGER: No, sir.

14 CHAIRMAN: Is there anyone wishing to speak in
15 opposition of this item?

16 (NO RESPONSE)

17 CHAIRMAN: The applicant here to present?

18 MR. ELLIOTT: State your name, please.

19 MR. GILLILAND: I'm David Gilliland, plan
20 engineer for construction.

21 (MR. DAVID GILLILAND SWORN BY ATTORNEY.)

22 MR. GILLILAND: I'm just here to entertain any
23 questions.

24 CHAIRMAN: Thank you.

25 Any board members have any questions of the

1 applicant?

2 (NO RESPONSE)

3 CHAIRMAN: Staff have any other comments or
4 questions?

5 MR. NOFFSINGER: No, sir.

6 CHAIRMAN: Entertain a motion to dispose of
7 the item.

8 MR. DYSINGER: Mr. Chairman, move to approve
9 given the findings that the applicant or that the new
10 use would be in keeping with the existing usage.
11 There appears to be no opposition and given the
12 finding that the applicant is in compliance with
13 Article 8, Section 8.2 G4 and Section 8.4/27.

14 CHAIRMAN: Is there a second to the motion?

15 MR. WARREN: Second.

16 CHAIRMAN: A motion has been made and a
17 second. Any other questions or comments by the board?

18 (NO RESPONSE)

19 CHAIRMAN: Staff have anything else you want
20 to add?

21 MR. NOFFSINGER: No, sir.

22 CHAIRMAN: All in favor of the motion raise
23 your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries.

1 Next item, please.

2 ITEM 4

3 716 Poindexter Street, zoned R-4DT
4 Consider request for a Conditional Use Permit to place
5 a 14'x65' class-2 manufactured home on the property.
6 Reference: Zoning Ordinance, Article 8, Section 8.2
7 A10B, Section 8.4/7
8 Applicant: Tina J. West

9 MR. HOWARD: The property is located at 716
10 Poindexter Street and is zoned R-4DT. The OMPC
11 records indicate that three previous Conditional Use
12 Permits have been approved for class-2 manufactured
13 homes on Poindexter Street. The first at 610
14 Poindexter Street was approved August 6, 1992; the
15 second was for 707 Poindexter Street was approved
16 August 2, 1984; and the third was for 812 Poindexter
17 Street approved July 5, 1984. Manufactured homes are
18 still located at 610 and 812 Poindexter Street, but
19 the property located at 707 Poindexter Street is
20 currently vacant.

21 The applicant is proposing a waiver of the
22 sidewalk requirement since there are no sidewalks in
23 the surrounding area. It does not appear that
24 sidewalks were required for the three previously
25 approved Conditional Use Permits.

26 The site plan that was submitted does meet all
27 zoning requirements for a class-2 manufactured mobile

1 home within the area with the exception of the
2 sidewalk do waive which they have requested a waive
3 for that.

4 We would like to enter the Staff Report as
5 Exhibit C.

6 CHAIRMAN: Any comments or opposition in the
7 office?

8 MR. NOFFSINGER: No, sir.

9 CHAIRMAN: Anyone in the audience wishing to
10 speak in opposition of this item?

11 (NO RESPONSE)

12 CHAIRMAN: Is the applicant here?

13 APPLICANT REP: Yes.

14 CHAIRMAN: Do you have any comments you would
15 like to add at this time?

16 APPLICANT REP: No.

17 CHAIRMAN: Any questions by the board members?

18 (NO RESPONSE)

19 CHAIRMAN: Staff have anything else to add?

20 MR. NOFFSINGER: No, sir.

21 CHAIRMAN: Hearing none entertain a motion to
22 dispose of the item?

23 MS. MASON: Mr. Chairman, I move to approve by
24 findings of fact that it is compatible with the
25 neighborhood as three previous conditional use permits

1 have been approved for class-2 manufactured homes. I
2 would like to waive the sidewalk requirement since
3 there's no sidewalks in the surrounding area.

4 CHAIRMAN: Is there a second?

5 MR. WARREN: Second.

6 CHAIRMAN: A motion has been made and a
7 second. Any other questions or comments from the
8 board?

9 (NO RESPONSE)

10 CHAIRMAN: Staff have anything else to add?

11 MR. NOFFSINGER: No, sir.

12 CHAIRMAN: Hearing none all in favor raise
13 your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries.

16 Next item.

17 ITEM 5

18 1420 Benita Avenue, in an R-4DT zone
19 Consider a request to amend a Conditional Use Permit
20 approved to operate a homeless shelter serving 90
21 residents providing educational, spiritual, financial
22 and substance abuse recovery services.
23 Reference: Zoning Ordinance, Article 8,
24 Section 8.2 C1
25 Applicant: Boulware Center Mission, Inc., The Mission
on the Hill, Inc.

MR. HOWARD: The property located at 1420
Benita Avenue is zoned R-4DT. The OMPC records
indicate that two previous Conditional Use Permits

1 have been approved for the subject property. The
2 conditional use permit approved on June 3, 1999 was
3 for the temporary care of children under the age of
4 18, the rejuvenation of persons who provide spiritual
5 assistance to others, and use by religious, charitable
6 or humanitarian organizations with the condition that
7 there be no on-street parking used in conjunction with
8 this facility and that all parking for the use of this
9 property occur on-site within the walls of the former
10 monastery property. The conditional use permit
11 approved April 7, 2005 was to operate a homeless
12 shelter serving 90 residents and to provide
13 educational, spiritual, financial and substance abuse
14 recovery services with the condition that a one year
15 review be conducted in six month intervals from the
16 time of occupancy.

17 The applicants are not proposing a change in
18 use with the conditional use permit tonight. The
19 applicants are returning to the Board with revisions
20 to the previously approved site plan and proposed
21 renovations to the subject property. The renovations
22 to the subject property include adding a mechanical
23 room and various external mechanical units, various
24 platform and entrance reconfigurations, constructing a
25 new wall and removing a portion of the existing wall,

1 installing a new and larger electrical service and
2 reconfiguring the existing parking lot.

3 Should the board approve the item the previous
4 condition that required the one year review be
5 conducted with the first review occurring six months
6 from the time of occupancy and the final review
7 occurring one year from the time of occupancy.

8 We would like to enter the Staff Report as
9 Exhibit D.

10 CHAIRMAN: Was there any comments filed with
11 the Staff?

12 MR. NOFFSINGER: No, sir.

13 CHAIRMAN: The applicant here want to come
14 forward and present what you have to say and then
15 we'll work from there, please.

16 MR. ELLIOTT: State your name, please.

17 MR. CRAIG: Bill Craig.

18 (MR. BILL CRAIG SWORN BY ATTORNEY.)

19 MR. CRAIG: May it please the board, my name
20 is Bill Craig. I'm an attorney here in Owensboro and
21 I'm currently serving as the Chair of the Board of
22 Directors for the Boulware Mission.

23 Don't be confused by the reference to The
24 Mission on the Hill, Inc. That's a wholly owned
25 subsidiary which actually holds the title the real

1 property. It is wholly owned by Boulware.

2 I have with us tonight Terry Blake who is the
3 architect that we have that represents the firm that
4 we have employed to help us on this project.

5 Mr. Jim Riney, Hale, Riney & Gilmore, the
6 engineering firm.

7 The renovation project has been under the
8 supervision of Sister Joseph Angela Boone who is the
9 chair of our renovation committee.

10 I have other representatives of the Boulware
11 here tonight. Particularly our current serving
12 director Ms. Becky Hayden.

13 Now, we're not proposing anything other than
14 enhancing the renovation that we previously presented
15 to this board. You have a list of ten items that we
16 are asking to change or to add to our site plan.

17 Terry has the site plan which has been filed
18 with you and then this is a little bit simplified color
19 coded, so I'd like to refer to it.

20 This is Benita Avenue. This is Wing Avenue.
21 What we're proposing to do in the first item, this red
22 colored building is necessary for us to have a
23 mechanical room to have a four pipe heating and
24 cooling system throughout the facility. The facility
25 is large enough and spread out enough that at given

1 times it may be important to cool one section and warm
2 another section.

3 By having a constantly circulating hot and
4 cold water system you're able to control the
5 temperature in each part of the facility individually.
6 Get more technical than that, you're beyond me. In
7 the long run that is the most efficient way for us to
8 heat and cool.

9 As I mentioned, there was no air conditioning
10 system throughout the facility at the time we bought
11 it so this is a substantial change.

12 This mechanical room is on the ground. It's
13 behind the wall, of course. We would not be here
14 presenting that as a change if we put it on top of the
15 building, but that would make it unsightly and also
16 much more expensive. So it's much more efficient and
17 much more attractive to have it on the land itself.

18 We have various loading ramps and walls and
19 parking areas. I'd like to call attention to just to
20 this. We will have parking all within the wall as we
21 - - we previously were going to have all parking
22 within the wall, but we're going to have a circulating
23 area in order to have a smoother driving plan.

24 We said before, but it was not on our site
25 plan, we were putting a wall across the northern

1 boundary. That's the Benita Avenue side. We now have
2 that drawn in. We will be permanently closing, as we
3 were before, Benita Avenue's entrance and exit. That
4 will mean that a couple of walls that are currently
5 external walls will become internal walls. One here
6 and one here. We anticipate removing those. So
7 that's a change in the site plan.

8 There is a concrete platform inside the wall,
9 again, necessary at the end of this wing. This, you
10 have the same sort of change in the entrance at the
11 end of this wing.

12 We will have our main entrance for people
13 entering and exiting the facility will be here and
14 that will be a substantial improvement to that entry
15 for ingress and egress.

16 We will have as part of the new heating and
17 cooling system some compressor units that will be
18 inside walled areas, but there will be no roof on
19 those walled areas.

20 Along the short of it is we're here tonight to
21 revise our site plan. To let us more fully
22 competently improve and renovate the property to make
23 our renovation of higher quality. That can be
24 confirmed by the opinion I think of both our architect
25 and engineer, but we want to answer any questions that

1 you may have.

2 CHAIRMAN: Any board members have any
3 questions at this time?

4 (NO RESPONSE)

5 CHAIRMAN: Staff have anything to add at this
6 time?

7 MR. NOFFSINGER: No, sir.

8 MR. WARREN: Excuse me. So the Benita Street
9 side will be completely walled off?

10 MR. CRAIG: That's correct.

11 MR. WARREN: No entrance, exits, doorways,
12 driveways?

13 MR. CRAIG: Right. In this wall, in this wall
14 that go on the north side there will be a gate for the
15 walkway, but no vehicular. There's no vehicular and
16 that gate normally will be closed. So we do not
17 anticipate, we're perfectly fine for the - - the
18 entrance that's currently on Benita Avenue will be
19 walled off entirely. We will occasionally have a
20 large truck using that during the period of
21 construction, but afterwards that wall will be
22 completed. It will be the same wall that is currently
23 there that's gated and all entrance and exits for
24 vehicular traffic is off of Wing.

25 CHAIRMAN: Any other comments from the

1 applicant?

2 (NO RESPONSE)

3 CHAIRMAN: Thank you right now.

4 Anyone speaking in opposition or questions on
5 it?

6 MR. ELLIOTT: State your name for the record,
7 please.

8 MR. DARLING: Bob Darling.

9 (MR. BOB DARLING SWORN BY ATTORNEY.)

10 MR. DARLING: I think the Board of Adjustments
11 is well familiar with the objections of this property.
12 I think the Board of Adjustment and Staff is very
13 familiar with our objection to this project.

14 I would like to question Bill Craig's ideas of
15 enhance and visually unattractive. I think there is
16 one item on this list the neighborhood would object to
17 very strongly. Those things on this list are internal
18 construction and that's to be done.

19 What we're objecting to is the wall. What
20 they don't tell you about the wall is the wall is
21 about ten feet tall and a foot thick. When you drive
22 up Gary Court, you're going to be looking at a wall,
23 which means you're going to be looking at a prison
24 structure.

25 My question is: If we have to put this wall

1 up to either people out or to keep people in, then
2 possibly this doesn't need to be in our neighborhood.
3 We're that sensitive about it.

4 This will completely destroy our neighborhood
5 as far as looks go. This will be the only street that
6 directly will hit the wall. The wall on Wing Avenue
7 is on the side. The wall on the south side is on an
8 alley and the three houses that face the side of this.
9 So when you drive up Gary Court, what you will be
10 looking at is a wall. Not the structure that's there
11 now.

12 I personally know that the sisters did not put
13 the wall across the front of the property because they
14 wanted to preserve the house that was up there and
15 also they wanted to preserve their front yard.

16 We will not have a front yard now. All we
17 will have is a wall. I don't know how many people in
18 this room would think they would like to live near a
19 in wall.

20 The proposed facility that you have next on
21 the agenda does not have a wall around it, a ten foot
22 wall around it. If they don't need a ten foot wall on
23 that item, do we need a ten foot wall here? We know
24 they want to use the front of their property for a
25 wall to the destroy visual impact of the neighborhood.

1 It will affect the property value because your facing
2 a wall. I think me and my neighbors we object to it.

3 The rest of the project we've got no objection
4 to, but that part of it we think - - when they say
5 wall, they're not talking small structure. They're
6 talking large structure and that's the wall that's
7 there. So we're in opposition to that part. We ask
8 you do not allow them to have a wall. Thank you.

9 CHAIRMAN: State your name, please.

10 MR. MAYFIELD: Horace Mayfield.

11 (MR. HORACE MAYFIELD SWORN BY ATTORNEY.)

12 MR. MAYFIELD: My main objection to the wall
13 that we're talking about is my house is approximately
14 35 to 40 feet away from this wall.

15 I have one question. If they're going to put
16 this wall across the entire section of Benita, are
17 there going to do landscaping down the side of it to
18 more or less hide the appearance of a prison facility
19 right across the street from my house? As bob Darling
20 said, the entire business up there is going to hurt
21 our property value.

22 You tabled the next item last month out of
23 consideration for property values. So it seems to me
24 like there's a two tiered system here. I think this
25 should be addressed. Thank you.

1 CHAIRMAN: Any board members have any
2 questions of the two gentlemen?

3 (NO RESPONSE)

4 CHAIRMAN: Anyone else speaking in opposition?

5 (NO RESPONSE)

6 CHAIRMAN: Mr. Craig, you want to answer that
7 question, please.

8 MR. CRAIG: The wall that we propose to
9 construct it covers the central portion of that area.

10 There is an existing wall which is well over
11 half of the length of Benita Avenue already in
12 existence. The existing wall is a dull gray. As
13 we've mentioned I think a couple of times, that wall
14 will be renovated, cleaned and then stained so that
15 its appearance is dramatically improved.

16 There will be appropriate landscaping both
17 inside and outside of all of the walls.

18 The construction of the wall is to permit an
19 additional park-like area within the facility itself.
20 This is an area where we conduct all sorts of services
21 for people who are there and to have a park-like area
22 is an enhancement to the function of Boulware Mission.

23 I will be blunt. I haven't anticipated that
24 there will be opposition to the extension of the wall
25 across the front and removal of a couple of interior

1 walls. It improves dramatically the usefulness and a
2 flow of space available inside the wall. It will be a
3 much more attractive structure under our projection to
4 have the wall completed and the internal wall removed.

5 The wall is not there to fence out anybody.
6 People will come and go and do come and go at the
7 existing Boulware Mission and will come and go at the
8 new one. It is not there to fence in anybody.
9 Boulware Mission is not a lock down female facility.

10 Without being disrespectful to the former
11 passionate nuns, what we're getting ready to do to the
12 wall will make it a lot less institutional in
13 appearing than it has been in the past.

14 We want to be able to fully utilize our area
15 for the use. The wall across the front will be
16 attractive. It will have gates for people to come in
17 and out, but it lets us also use a terrific part of
18 our property in a secluded park-like area which
19 enhances our mission. No fun intended.

20 So that's our response to the wall,
21 Mr. Chairman.

22 CHAIRMAN: You will do landscaping on the
23 outside?

24 MR. CRAIG: Absolutely.

25 MS. MASON: On both sides or just the one?

1 MR. CRAIG: There will be landscaping on both
2 sides because there will be people all over the place
3 inside. The outside is important for us to present
4 the most attractive structure to the neighborhood.
5 Right now what you have is a structure in the process
6 of transition of restoring, but it will be beautiful
7 and it will look very new when it is completed, and
8 that will include the wall.

9 CHAIRMAN: Any other questions?

10 MR. PEDLEY: How much space do you have
11 between the proposed wall and the public right-of-way?
12 What type of landscaping are you proposing?

13 CHAIRMAN: State your name, please.

14 MR. RINEY: Jim Riney.

15 (MR. JIM RINEY SWORN BY ATTORNEY.)

16 MR. RINEY: Mr. Pedley, the width varies from
17 the right-of-way. It comes up within, if memory
18 serves me correctly, three or four feet and then it
19 widens back out. On the plan you'll see it's more of
20 an arch. They want the layout of the wall, wanted to
21 have something more than just a linear look to it so
22 they've got an arch across there. So there will be, I
23 think the minimum landscaping area along the parking
24 and so forth is three feet. I think we've got between
25 three and five feet, but I'd say three to four feet.

1 Then it gets wider from the point that's closest to
2 the right-of-way is very near where the existing
3 sidewalk comes down to the street to Benita.

4 MR. PEDLEY: The reason I'm asking that
5 question, Mr. Chairman, with the type of landscaping,
6 when it bushes it spreads out. Doesn't get over in
7 the public right-of-way, it doesn't be on the walk.

8 Again, Mr. Craig, if you can say what kind of
9 landscaping you're proposing in that small area.

10 MR. CRAIG: We will be as we do with each of
11 the things we do. We will be using a professional
12 consultant to give us the appropriate landscaping
13 plant, different types of plants and how they will
14 either lay against the wall or not interfere with the
15 public right-of-way. I can't off the top of my head
16 give you what they will be, but we will certainly
17 comply with all the requirements for landscaping and
18 we will have adequate room for it.

19 MS. MASON: On the site plan that I'm looking
20 at, it shows the landscaping on the Boulware Center
21 side of the wall, but it doesn't show landscaping on
22 the Benita Avenue side. It's just scattered
23 landscaping, which I understand.

24 MR. CRAIG: Those are the existing trees that
25 are already there that we're planning on remaining

1 there. The revised landscaping we will do inside and
2 out is not shown on the site plan.

3 CHAIRMAN: Mr. Craig, would you be willing to
4 work with the Staff for the landscaping on the
5 outside?

6 MR. CRAIG: Absolutely. We will be happy to
7 come up with a plant that is suitable for the Staff
8 and ensure that there's no interference with vehicular
9 or pedestrian traffic.

10 CHAIRMAN: Gary.

11 MR. NOFFSINGER: Mr. Chairman, I hate to muddy
12 the water, but Mr. Darling brings up a very good point
13 on the wall.

14 Under the current zoning ordinance, the wall,
15 when you have a fence or a wall in your front yard,
16 and this property is addressed off of Benita Avenue,
17 the maximum height for a fence or a wall is three
18 feet. If you're in the rear yard it's eight feet.

19 Therefore, your plan does not show the height
20 of the wall. It shows the existing eight foot masonry
21 wall which is allowed to remain, but when you extend
22 that you can only extend it for three foot wall,
23 unless a variance application is made and approved by
24 this board, or made to this board and approved, and
25 you have not done that.

1 MR. CRAIG: Well, we included the wall in as
2 Item 3 on our proposal to change our site plan. It
3 may or may not help, but the fact is that the mailing
4 address for the property is changed to Wing Avenue.
5 The "front proposed property" will be Wing Avenue.

6 MR. NOFFSINGER: And you'd be allowed to go
7 with a six foot wall if that becomes the side yard,
8 but not an eight foot wall.

9 MR. CRAIG: Unless we apply for a variance?

10 MR. NOFFSINGER: Correct, and it's approved by
11 this board.

12 MR. CRAIG: Then we'll follow up with a
13 variance because we want the wall to be consistent
14 with the existing wall.

15 MR. DYSINGER: Mr. Chairman, and this may be a
16 legal question or maybe a Staff question.

17 Is it possible to proceed on the list minus
18 the wall or do they need to refile or do we need to
19 postpone and address all the issues at one time? Can
20 this application be amended in such a way so that we
21 don't deal with the wall until the - - I mean most of
22 these things are just internal, mechanical.

23 MR. NOFFSINGER: Well, the applicant has shown
24 a wall on this plan. The applicant has not identified
25 the height of the wall on the application or on the

1 plan that I can find. Therefore, the applicant is
2 limited by what the zoning ordinance requires.
3 However, if you wanted to postpone and submit a
4 variance application at the same time, you have that
5 option.

6 MR. CRAIG: We need to go ahead and move with
7 what we plan on doing. We anticipate that wall being
8 an eight foot wall consistent with the wall that's
9 there already.

10 CHAIRMAN: What's there you can go with eight
11 foot. What you extend you will have to go with what
12 the ordinance says?

13 MR. CRAIG: Unless we have a variance. I'm
14 understanding now because I'm understanding now for
15 the first time. We want to continue the eight foot,
16 we'll have to apply for a variance and we will do so.
17 We'll either go with a six foot or we will do the
18 variance.

19 CHAIRMAN: Is that correct, Staff?

20 MR. NOFFSINGER: Yes, sir. That is if they
21 change the address of the property because right now
22 it's off of Benita Avenue. That perhaps is not the
23 front of the property, but that is where it's
24 addressed. I know you do access the property via Wing
25 Avenue.

1 MR. CRAIG: You're telling me I've got a
2 shorter wall requirement at the side yard than at the
3 front?

4 MR. NOFFSINGER: You can have a taller fence
5 along a side yard than you can the front yard.

6 MR. CRAIG: That's what I thought. If you'll
7 see on the site plan the address is 609 Wing Avenue.
8 We'll address the wall by a separate action.

9 CHAIRMAN: Staff have any other comments or
10 questions of the applicant?

11 MR. WARREN: I have a question.

12 Mr. Blake, would you bring the - - on the
13 northeast side of the complex, from Benita to I guess
14 the backyard, where your thumb is there, Mr. Blake,
15 that is one solid wall?

16 MR. BLAKE: Down here?

17 MR. WARREN: Yes. That's one solid wall,
18 eight foot wall?

19 MR. BLAKE: Yes.

20 MR. WARREN: Now let's go down Wing Avenue.
21 Where is the wall on Wing Avenue?

22 MR. BLAKE: Right down through here.

23 MR. WARREN: The only opening in that wall is
24 for the driveway?

25 MR. CRAIG: There's an opening here.

1 MR. BLAKE: Right here.

2 MR. WARREN: Then on the south side.

3 MR. CRAIG: The wall runs to here and then the
4 other side of the entrance drive it continues solid
5 all the way around.

6 MR. WARREN: So essentially everywhere around
7 the complex except for that one place where you're
8 proposing to close there is a solid wall?

9 MR. CRAIG: That's correct.

10 MR. WARREN: I just wanted to make sure I
11 understood that. Thank you.

12 CHAIRMAN: Any other questions from the board
13 or Staff?

14 (NO RESPONSE)

15 MR. DARLING: I'd like to ask one other
16 question.

17 When this facility was proposed, we were told
18 that the Benita Avenue side would be completely
19 closed. There'd be no entrance, no exits, no nothing.

20 I see a safety issue here of only having one
21 entrance and exit from this property with a ten foot
22 wall around it. Should you have any kind of an
23 emergency that happens in that entrance and exit
24 you're going to have a problem.

25 They did promise us in our neighborhood that

1 there would be no entrance, no exit. They promised
2 Bob Kirtley, when he was on board, there would be no
3 entrance and no exit on the Benita Avenue side. Now
4 they're going to have a gate. The gate will be used
5 sometime, left open or closed. We don't know what,
6 but there will be an entrance and exit.

7 Like I said, to me they have a problem with
8 only having one entrance and exit to the wall. They
9 would need another entrance and exit in case of
10 emergency, fire trucks or whatever because you can't
11 get over that ten foot wall.

12 So I think this wall issue, and why they have
13 to - - if we're not trying to keep people in, we're
14 trying to keep people out, why would not a simple
15 chain-link fence work across the property? Why do we
16 have to put an expensive ten foot wall. Another thing
17 I'll say about the ten foot wall, the walls will have
18 glass on top of it because the nuns really didn't want
19 anybody sneaking in. So they made sure that it was a
20 security wall at that time. They tried to keep people
21 out. I don't understand why we have to have all this
22 high security if there's not a problem. Why not just
23 a simple fence would do it. That's my question.

24 CHAIRMAN: Is there any opening on the front
25 except when they start construction?

1 MR. CRAIG: There is an existing vehicular
2 gate that comes and that opens on Benita Avenue. We
3 made a commitment that we would be closing that when
4 we complete construction so that there would be no
5 vehicular traffic entering or leaving on Benita
6 Avenue.

7 We have always anticipated that the existing
8 walkways will continue in existence, and there will be
9 gates at those walkways so that people can come in and
10 out, but they are gates. We were going to complete
11 the wall across the property, as we said at the
12 beginning we were going to do, in order to create a
13 park area on the north side of the property. So we
14 are not changing entrances or exits in any way by what
15 we're asking to do.

16 At this point an objection is raised for the
17 first time that I've heard of to our wall going across
18 the north side on Benita Avenue. What I'm asking you
19 to do is to go ahead and approve what we're proposing
20 to do. If we find we want the height of the wall
21 different than is permitted, then we will come back
22 and ask for a variance. So we are not changing the
23 entrances and exits.

24 CHAIRMAN: Thank you.

25 Any comments from the board?

1 MR. PEDLEY: Counsel, would it be appropriate
2 for us to approve all items except for the wall, with
3 the condition that they come back for a variance?

4 MR. ELLIOTT: They would have to make
5 application for the variance and come back for that.

6 MR. PEDLEY: We can approve all items but the
7 one?

8 MR. ELLIOTT: I think so.

9 Gary.

10 MR. NOFFSINGER: Well, are you wanting to
11 consider all items except the height of the wall?
12 They would be allowed to extend the wall to meet the
13 zoning ordinance requirements. If they want to go
14 taller, they have to come before this board for a
15 variance. Is that what you're saying? Because if you
16 approve all items except for the wall, then I think
17 they have to come back for another conditional use
18 permit and a variance application.

19 MR. PEDLEY: So you're proposing that the
20 condition would be to come back for a variance on the
21 height of the wall?

22 MR. NOFFSINGER: That's correct. If it's going
23 to differ from what the zoning ordinance allows, then
24 do that. You need to consider the location of the
25 wall tonight, I think, but the height of the wall

1 would be for another time.

2 MR. DYSINGER: Mr. Chairman, this issue has
3 been so contentious anyway, would it not be
4 appropriate, and I'm willing to confer to Staff on
5 this, but would it not be appropriate to ask the
6 applicant to file an amended conditional use permit
7 for next month and the variance? To me the idea of
8 separating a wall out of this issue or the height and
9 everything potentially muddies it already a
10 contentious issue.

11 MR. PEDLEY: The issue to me is construction
12 underway at present. Would this be stopping
13 construction?

14 MR. CRAIG: Currently we're in the process of
15 removing obstructions to the renovations we're doing.
16 We're not in the midst of constructing new items at
17 this point, other than parking areas. We will
18 probably need to start putting in items for these
19 heating and air-conditioning, that kind of thing.
20 What I'm asking you to do is to consider our
21 application for the wall including the wall. We'll
22 comply with the height requirement, if we choose to.
23 If we want some difference from the height
24 requirements, then we'll have to come back on the
25 variance.

1 This wall proposal has been in this matter
2 since we started. We simply haven't drawn on the site
3 plan at this point. So it's not a new item.

4 We would ask that you consider the application
5 as filed. If we want to vary the height, we'll be
6 back.

7 MR. NOFFSINGER: For the record, the zoning
8 ordinance would require is Benita is considered to be
9 the front yard, there's a three foot height maximum.
10 If it's considered to be a side yard, there's a six
11 foot height maximum.

12 CHAIRMAN: State your name.

13 MR. RINEY: Jim Riney.

14 Mr. Pedley's question. We're in the process
15 for the exterior area of getting a bid. We have a
16 secured bid. As you know, we're in the time of the
17 year now where paving gets to be an issue. So that's
18 part of the issue to go ahead with the conditional use
19 permit. If we postpone this, then you know what that
20 does for construction season on that.

21 If we could do as suggested on the floor
22 tonight, go ahead and if it's the pleasure of this
23 board to approve the conditional use permit, it will
24 be approving only what's within the regulations in the
25 ordinance because nothing has been requested in

1 addition to or an exception.

2 Then as counsel has said, counsel for
3 Boulware, if those issues need to come up later on,
4 then they would have to seek that additional approval.
5 In order for us to go ahead and work within the
6 construction season, I think we need to go ahead and
7 ask the board to make approval tonight and go ahead
8 and have the issue on the table.

9 CHAIRMAN: Thank you.

10 You all have any other comments? Did that
11 answer your questions to a point?

12 MR. DARLING: It does answer the question, but
13 the question is is if you approve it tonight it would
14 have to stay under the three foot clearance because
15 you can change the address of the property every week
16 up there if you wanted to and then move it around. So
17 if it's approved tonight - - as of tonight it's where
18 it's at, right?

19 MR. NOFFSINGER: I'm not certain of that.
20 Mr. Jim Mischel did advise me that he saw Wing Avenue
21 address. Certainly they have every right to request a
22 different address. Since it's going to be oriented
23 toward Wing Avenue, and that's where the vehicular
24 access would be. I think rightfully so I think the
25 front of the property should be Wing Avenue and not

1 Benita. So given that it's an interpretation by
2 Mr. Jim Mischel, the zoning administrator, and he has
3 advised me that if they have a Wing address and it's
4 oriented toward to Wing Avenue, it's going to be a
5 side yard and it's six foot.

6 MR. DARLING: Still doesn't address the issue
7 of an extra entrance, an emergency entrance.

8 MR. NOFFSINGER: I think this board addressed
9 that issue in the previous go around in terms of
10 access to the property. It's always been understood
11 that vehicular access would be off of Wing Avenue and
12 not Benita.

13 CHAIRMAN: State your name for us.

14 MR. MAYFIELD: Horace Mayfield.

15 Am I to understand that if they use that as a
16 side yard, the six foot height that's as far as they
17 can go, unless they come back for a variance; that
18 correct?

19 MR. NOFFSINGER: Yes, sir, that is correct.

20 MR. MAYFIELD: I just wanted to make sure.

21 MR. NOFFSINGER: We would have to notify all
22 adjoining property owners and there would be an
23 advertisement.

24 MR. MAYFIELD: One other question.

25 Mr. Craig said they were going to use that

1 area that they're going to close in as a park-like
2 setting. Is there going to be anything for noise
3 abatement? As I stated earlier, my house is only 50
4 feet at the most away from this area. If there are 60
5 to 90 people up there outside on the weekends,
6 whatever, what type of noise abatement can be done so
7 that my privacy is not violated where I can go out and
8 use my own side yard on the weekends or whatever?
9 Because if there's 60 to 90 people and they're within
10 50 feet of my house, I'm not going to have any
11 privacy. There is no way I can utilize my yard with
12 that type of noise going on. You can't say there is
13 not going to be that kind of noise 50 feet from my
14 house. Can that be addressed?

15 MR. NOFFSINGER: One way to address it would be
16 this wall.

17 MR. MAYFIELD: It's a six foot wall. I'm
18 5'9". How is a six foot wall going to be any kind of
19 noise abatement?

20 MR. NOFFSINGER: Well, we may want to look at
21 an eight foot wall, but you can use a wall or you
22 could use pine trees. You know, we've got Mr. Darling
23 talking about the wall, the height of it and wanting a
24 chain-link fence. That's not going to provide you any
25 privacy at all. The wall is certainly going to

1 provide more privacy I would think than about anything
2 you could do there. The applicant may have other
3 suggestions.

4 MR. MAYFIELD: I don't know if Mr. Craig has
5 anything on that line or not.

6 CHAIRMAN: Mr. Craig, do you have any other
7 comments to answer his question please, sir?

8 MR. CRAIG: These park areas, there are four
9 substantial park areas inside the wall after we've
10 completed our renovation and construction.

11 At any given time I will frankly be shocked if
12 there are more than 10 or 12 people in any one of
13 those park areas at a given time.

14 Boulware activities never involve substantial
15 noise or other intrusion on anybody where we are, and
16 there's no wall where we are.

17 The suggestion is right. One of the reasons
18 that we want the wall was to preserve park areas where
19 people can feel that they can stop, rest, contemplate
20 what they're working on in their life, what they're
21 working on at Boulware. So it is just not a
22 disruption issue for neighbors, but the wall is part
23 of our work to enhance the environment as they apply
24 it. Now, there may be times when you're like a church
25 and you have a big church picnic and there may be all

1 kinds of people. I understand that, but that isn't
2 going to be something that is done except on very rare
3 occasions. This is not an intrusion issue for us.

4 CHAIRMAN: Any other questions from the board
5 members? I think we've pretty well asked everything.

6 Any other comments from the Staff?

7 (NO RESPONSE)

8 MR. DARLING: I bring up one quick issue.
9 It's flooding. Everyone in this room knows how bad
10 Fourth Street floods there at the Y. It starts at the
11 top of the hill and comes down the hill. Putting a
12 wall all the way across the front of the property is
13 going to divert all that water down to the driveway,
14 which to the neighbors to the east of me they're going
15 to have flooding across the front of their yard. That
16 will have that water - - normally it soaked in the
17 grounds or flows down the curb, across the curb.
18 Putting a wall there will cause all that water to be
19 behind that wall if they do. It will cause a more
20 directive issue, and I think that needs to be
21 addressed some other time too.

22 CHAIRMAN: Any other questions or comments?

23 (NO RESPONSE)

24 CHAIRMAN: Entertain a motion.

25 MR. PEDLEY: Mr. Chairman, I make a motion to

1 amend the conditional use permit to allow for
2 construction of Items 1 through 10 as presented in the
3 application. With the condition Item 3, it will be
4 constructed in accordance with existing zoning
5 ordinance. If the applicant wishes to raise the
6 height of that wall, they must come back before this
7 board for a variance.

8 CHAIRMAN: Is there a second to the motion?

9 MR. DYSINGER: Second.

10 CHAIRMAN: A motion has been made and a
11 second. Any other comments or questions from the
12 board?

13 (NO RESPONSE)

14 CHAIRMAN: Staff have anything else?

15 MR. NOFFSINGER: No, sir.

16 CHAIRMAN: Mr. Craig, you agree to work with
17 the Staff for the landscaping?

18 MR. CRAIG: Yes, Mr. Chairman, we understand
19 our commitment.

20 CHAIRMAN: Hearing no other comments all in
21 favor raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries.

24 Next item, please, sir.

25 ITEM 6

1 4301 Veach Road, zoned A-U (Postponed)
2 Consider request for a Conditional Use Permit to
3 construct and operate a substance abuse recovery
4 facility to serve a maximum of 100 residents.
5 Reference: Zoning Ordinance, Article 8,
6 Section 8.2 C1
7 Applicant: Owensboro Regional Recovery, LTD, Phillip
8 and Corine Hedden
9

10 MR. NOFFSINGER: Mr. Chairman, this
11 application as we all are aware was postponed from our
12 last meeting. At that time you asked the Staff to do
13 a study regarding density and there was also some
14 question related to, I believe, property values in the
15 area. You asked both sides to come back to this board
16 with evidence supporting their position.
17

18 First before we get into that I do have two
19 letters that I need to present to Mr. Pantle and Mr.
20 Pedley. I would recommend that you open these letters
21 here tonight. You look at those letters, read them,
22 and then present them into the record.
23

24 Also I have a number of e-mails that have been
25 sent to the Planning Staff. I will not read those
e-mails into the record; however, we will present them
into the record, that they be incorporated as such.

26 If it pleases the board, I think the first
27 thing that we should do would be go into the Staff
28 presentation on density within the neighborhood, since
29 that was one of your direct questions.
30

1 Does that please the board?

2 CHAIRMAN: Go ahead.

3 MR. NOFFSINGER: Mr. Brian Howard with the
4 Planning Staff will be doing the presentation tonight.

5 MR. HOWARD: I'm Brian Howard. One of the
6 staff members with the Owensboro Metropolitan Planning
7 Commission.

8 As requested at the last meeting, we have put
9 together some information in regards to population and
10 household density within the area.

11 I'll start off by giving a brief overview of
12 what we have looked at.

13 The map on the left side of the screen shows a
14 neighborhood that we use for analysis purposes. It is
15 bounded by J.R. Miller on the west and Byers on the
16 north, the Greenbelt on the east, and then the bypass
17 on the south.

18 We chose that boundary because of the three
19 streets are major streets and the Greenbelt provides a
20 definitive boundary around this neighborhood.

21 The red outlines that you see on the map are
22 census blocks. The date of use is from the 2000
23 census. That is the most recent data that is
24 available. A census block is the smallest area of
25 geography that is distributed from the Census Bureau

1 that you use for statistical purposes. So we did use
2 the census block.

3 Higdon Road is in the block on the south side.

4 The first slide here looks at the neighborhood
5 population per acre and then it's the present
6 population for this neighborhood present including
7 Fiddle Sticks.

8 Now, I'll briefly describe how we populated
9 Fiddle Sticks. I believe that the plan that's on file
10 in the Owensboro Metropolitan Planning Commission
11 office indicates there were 132 lots within that
12 subdivision. So that will be 132 households.

13 Within the urban service area of Owensboro and
14 Daviess County, the average household size was 2.39
15 persons per household. We took 132 lots multiplied
16 that by 2.39 and we came up with just a potential
17 figure of what the overall population will be for
18 Fiddle Sticks.

19 So based upon Fiddle Sticks being populated
20 and the other existing population within the area, we
21 come up with a 3.15 person per acre average for the
22 neighborhood.

23 The map in the upper right-hand corner shows
24 the population per acre at present for the census
25 block that includes Higdon Road. The current

1 population density is 1.13 people per acre.

2 Then the lower map on the right side shows the
3 population per acre with the proposed seven acre
4 facility. That included the population density for
5 the census block that includes Higdon with the 3.09
6 which is in character with the 3.15 for the overall
7 neighborhood.

8 Slide two looks very similar. We move now to
9 look at household density within the neighborhood.

10 Calculations, again, were made along the same
11 way. For Fiddle Sticks we populated it with the 132
12 lots household that were within the neighborhood.

13 Base on that information, the existing
14 households within that neighborhood the overall
15 household density is 1.15 households per acre on
16 average.

17 Up right-hand corner, again, is the present
18 density for households within that census block at
19 0.47 households per acre.

20 With proposed development we come up with a
21 1.2 households per acre.

22 Now, I tell you how I arrived at households
23 for the Recovery Center census.

24 Their application includes service of up to
25 100 individuals. Again, the 2.39 figure comes into

1 play where the average household size is 2.39 persons.
2 We took the 100 total people that could be served by
3 that facility, divide it by 2.39 and I believe we came
4 up with 42 households that would be considered for the
5 Recovery Center.

6 So based on that number, the household density
7 for that census block to be 1.29. Which, again, is in
8 character with what the overall household density is
9 for that neighborhood.

10 Slide three. What we did with this slide is
11 look at what the possible population household density
12 would be for the neighborhood.

13 If every parcel were developed to its highest
14 and best use. So what we did we took the zoning
15 classifications within the neighborhood. For example,
16 if Fiddle Sticks is zoned R-1C. In R-1C zone
17 classification, you're allowed one unit for every
18 5,000 square feet.

19 If they were to develop that at the highest
20 and best use, maximizing every square foot of the
21 property, that's what we use to permit what the
22 overall household density would be at a maximum.

23 The number we came up with for that would be
24 4.69 households per acre on average.

25 Again, on the right side we see what the

1 existing household per acre is and then what the
2 households per acre would be with the proposed
3 development. Again, the proposed development would be
4 significantly under what the overall density would be
5 if developed to the highest and best use.

6 The final map that I'll show you we have it
7 split up in four individual maps.

8 The upper left-hand corner shows the
9 neighborhood households per acreage, including Fiddle
10 Sticks. That goes back to the second slide I showed.
11 1.5 households per acre on average.

12 Then below that I show 1.69 households per
13 acre on average, if every single property there were
14 developed to the highest and best use.

15 On the upper right-hand slide, it shows the
16 households per acres. If the seven acre tract or
17 approximately 7 acre tract that is being proposed for
18 the Recovery Center, that would develop at a
19 single-family residential density. I use an R-1A and
20 R-1C zone classification. R1A allows one lot per
21 10,000 square feet, which is about 4.29 households per
22 acre. Then R-1C allows one lot for every 5,000 square
23 feet, which is approximately 8.57.

24 Based upon those calculation for a seven acre
25 tract, the overall household density within that

1 census block would be 1.205, if it were to rezone to
2 R-1A. It would be 1.65 if it were to rezone to R-1C.

3 Again, R-1A is under what the overall
4 household density is within the neighborhood. If it
5 were zoned R-1C, which the Fiddle Sticks property is
6 zoned, then the proposal would be under that.

7 The lower left-hand, again, just shows what
8 the household per acre would be as proposed 1.29.

9 Finally, in the lower right-hand corner it
10 show what the household per acre would be if the
11 property were zoned R-3MF zoning classification, which
12 that is a multi-family zoning classification which
13 would allow up to 25 households per acre. So based
14 upon that approximately seven acre tract, calculating
15 that in with the overall area within the census block,
16 the overall density would be over three households per
17 acre.

18 I'm not here tonight to say that the applicant
19 can or anybody would be requesting a zoning change to
20 R-1A or R-1C and R-3MF zoning classification, but the
21 Comprehensive Plan could likely support a zoning
22 change to any of the residential zoning
23 classifications that are on this map tonight. So the
24 potential does exist for some higher density
25 residential uses within the area.

1 That's basically the information I have to
2 present tonight. I'd be happy to answer any questions
3 that the board may have. Thank you.

4 CHAIRMAN: Board have any questions of the
5 presentation?

6 (NO RESPONSE)

7 MR. NOFFSINGER: Mr. Chairman, at this time I'd
8 recommend if anyone has any questions regarding
9 density that we open the floor up for questions
10 regarding that presentation and to speak about
11 density. Then we would also after that I think move
12 into a discussion on, if there's any evidence to be
13 presented on property values, as well as any evidence
14 that either side might have. You know, we've already
15 spent a considerable amount of time listening to the
16 debate pro and con for this Recovery Center. I think
17 the board is well educated in terms of what each side
18 has had to say. If there's new evidence to be
19 presented here tonight, I think we certainly open the
20 floor to that. I recommend we listen or answer any
21 questions regarding density since that was one of the
22 big items of discussion.

23 CHAIRMAN: Is there anyone having any
24 questions about the density to report to the Staff?

25 Come forward and state your name, please.

1 MR. ELLIOTT: State your name, please.

2 MR. THOMPSON: Tommy Thompson.

3 (MR. TOMMY THOMPSON SWORN BY ATTORNEY.)

4 MR. THOMPSON: Mr. Chairman, Members of the
5 Board, I appreciate this opportunity to address you
6 tonight. Certainly appreciate that extensive
7 presentation that we just received.

8 I just want to speak quickly. I think the
9 selling point tonight is what is the zone of the
10 property that's proposed for a conditional use and
11 what does that zone allow in terms of density.

12 If you go to the zoning ordinance to Section
13 100.237 - - well, let me digress just a minute before
14 we get to that.

15 The zone, if I don't stand corrected, that the
16 applicant is seeking to have permitted for a
17 conditional use is presently an A-U zone; is that
18 right, Mr. Noffsinger?

19 MR. NOFFSINGER: Yes, sir. You would be, I
20 guess, referring to the first slide in the
21 presentation that looked at density based upon the
22 present zoning of A-U Urban Agriculture.

23 MR. THOMPSON: That's right. The zoning
24 classification of the property, the so-called subject
25 property, the approximate 7 acre tract is A-U. When

1 you look at the schedule of zones within the
2 subdivision ordinance, under A-U it says that where
3 sanitary sewers are available that the minimum lots
4 sizes are .5/10ths of an acre or 1/2 of an acre. If
5 my math is correct, that would translate to two units
6 per acre would be allowed density within an A-U zone.

7 Now, we're not talking about an R-1C or R-1A,
8 but within an A-U zone, the allowed density per the
9 minimum lot sizes that are established in the zoning
10 ordinance are two units per acre.

11 The proposed project in that A-U zone; now,
12 remember they're not seeking a rezoning. They're
13 seeking a conditional use permit.

14 The proposed project has 38 units and it's on
15 6.9 acres. So if you take the 38 units and divide it
16 by 6.9, again if my math is right, that's the density
17 of 5.5 dwelling units per acre which exceeds the
18 allowable density within an A-U zone.

19 If we go to 100.984 in the zoning ordinance it
20 says under Residential Care Facilities that any
21 sponsoring private or governmental agency shall be
22 permitted to operate a residential care facility and
23 any residential district zone or subdivision subject
24 only to compliance with the same limitations upon
25 area, height, yards, screening, parking, number of

1 dwelling units, and number of occupants per dwelling
2 units.

3 So my interpretation of that is that even
4 though this project certainly is permitted as a
5 conditional use within an A-U zone, it has to meet the
6 same standards and the same parameters of all other
7 units that are in an A-U zone including density.

8 Then furthermore, if you go within the zoning
9 ordinance to Section 100.237, 100.237 under
10 Conditional Use Permits it says, "The granting of a
11 Conditional Use Permit does not exempt the applicant
12 of complying with all the requirement of building,
13 housing and other regulations."

14 My interpretation of that is that would
15 include density as a compliance that they have to
16 meet. Because obviously I think we wouldn't want
17 people to use a conditional use process to circumvent
18 the zoning ordinance and to escape the density
19 requirements that are normally provided within the
20 zones to protect the users in that zone.

21 If you look at the project across the street,
22 which had 144 units on 40 acres, that density was 3.6
23 units per acre, which is still under the 5.5.

24 In my opinion, if I'm interpreting the zoning
25 ordinance correctly, again, the application for the

1 conditional use is appropriate, but the density is not
2 because they have to comply with the density that's
3 required in the A-U zone and that only allows two
4 units per acre. So I would submit that based upon the
5 statute that the applicant would have to submit for a
6 rezoning, which they could very probably get as the
7 gentleman just pointed out.

8 They might be able to get an R-1A or an R-1C
9 or an R-3MF. Whatever their desire was, it would
10 allow 5.5 units per acre, but an A-U zone does not
11 allow 5.5 units per acre. I'm not trying to be
12 flippant, but I don't think, that's why you've got
13 counsel. I don't think that the Board of Adjustment
14 has the authority to waive the density requirements of
15 the zone. Now, I could be wrong and they could waive
16 them and say, well, even though the standards and the
17 conditions and the parameters are two units per acre
18 and this has 5.5, but from what I read is they have to
19 comply. Any project that's goes in there, any
20 institutional use that would want to come into an A-U
21 zone on a conditional use application without a
22 rezoning would have to adhere to the existing density
23 parameter and requirements of that zone.

24 So I just submit with that that I felt like
25 that the applicant if they want to do a project of

1 this density would have to first apply for a rezoning
2 to get placed in a classification that would allow
3 that density of 5.5 units per acre.

4 CHAIRMAN: Any board members have a question
5 of this gentleman?

6 (NO RESPONSE)

7 CHAIRMAN: Staff have any comments or
8 questions?

9 MR. NOFFSINGER: Well, I don't have any
10 questions. Mr. Thompson is certainly entitled to his
11 interpretation of the zoning ordinance; however,
12 that's just that. His interpretation. I think that
13 we have worked with the zoning administrator, Mr. Jim
14 Mischel, in terms of defining what the density
15 requirements would be. I think what we're doing here
16 is Mr. Thompson is confusing the density with lot size
17 requirements. In this case he is correct, that the
18 minimum lot size would be a half acre in an A-U zone.
19 They're not dividing property here. They're
20 developing a seven acre tract, which is a single
21 parcel with an institutional use, which comes into the
22 zoning ordinance as defined as an institutional use.
23 You have to ask yourself how many dwelling units are
24 there? How many kitchens are there? It's my
25 understanding that there's going to be one common

1 kitchen. That each individual dwelling unit, if you
2 will, if you call it a dwelling unit or room, sleeping
3 room, does not have its own individual kitchen. It's
4 a bedroom.

5 You have to look at the definition of family
6 and you have to be very careful with the definition of
7 family. Because what you have here is an
8 institutional use where folks are living together as
9 almost a single family unit. There's only one kitchen
10 so you really only have one dwelling unit. You have a
11 number of bedrooms. When you're calculating density,
12 you have to base it on the type of use it is and the
13 definitions that you have within the zoning ordinance.
14 Again, that goes to an institutional use as well as
15 what dwelling units are and how they're defined in
16 your ordinance and certainly family.

17 It's correct the board does not have the power
18 to alter density. You simply can't do that, but I
19 don't think that's what the board is doing here
20 tonight. I think the density is as Mr. Howard
21 explained. On the first slide you see here based upon
22 how the property is zoned you're looking at number of
23 households per acre. Then on another slide here,
24 you're looking on the third slide you're looking at
25 the number of people per acre. Isn't that really what

1 we're talking about is the number of people per acre.
2 Because there's only one structure here. We're not
3 looking at several houses. We're looking at one
4 structure. We're looking at 3.09 people per acre
5 where the population, including Fiddle Sticks, is at
6 3.15 persons per acre. So we're actually under that.

7 That's just what the numbers show if we're
8 looking at people versus people. It's not to say that
9 Mr. Thompson is incorrect. You know, I think he's
10 studied it and he certainly is making an assumption
11 there that he feels is correct; however, Staff would
12 disagree with that interpretation of density as it's
13 laid out in the zoning ordinance and the statutes.

14 CHAIRMAN: Would our counsel please advise us
15 which way.

16 MR. ELLIOTT: I would go with Mr. Noffsinger,
17 his interpretation of what he said.

18 CHAIRMAN: Thank you.

19 Does the board have any other questions of
20 Mr. Thompson.

21 (NO RESPONSE)

22 CHAIRMAN: Anyone else have any comments on
23 the density at this time?

24 MR. ELLIOTT: State your name, please.

25 MR. STANLEY: Dean Stanley.

1 (MR. DEAN STANLEY SWORN BY ATTORNEY.)

2 MR. STANLEY: I have a question relative to
3 some of the density issues that have been raised here.

4 From what I understood from the prior meeting
5 of this body, the applicant has proposed a 100, I
6 don't know if it's a 100 bed or 100 unit facility, but
7 as I recall from the last meeting there was discussion
8 about the number of individuals that would be there on
9 a daily or a walk-in basis. That's my concern.

10 If that's the case, what is the maximum number
11 of people who can be at that facility at one
12 particular time?

13 CHAIRMAN: Staff.

14 MR. NOFFSINGER: Based upon the application as
15 submitted, there could be 100 residents. Now, how
16 many actual people would be there at one time would
17 include, and I would say staff, any visitors. I can't
18 answer that question except to say that they can only
19 have 100 residents residing there.

20 MR. STANLEY: Mr. Meyer stated at the last
21 session of this body that there would be individuals
22 who would be there for treatment on a daily basis that
23 would not reside there, as I recall. If that's the
24 case, then as you deal with density issue as presented
25 by the staff, those would be modified to some extent

1 by whatever that total amount would be.

2 One of the other points that I would raise
3 with the staff relative to some of the calculations.
4 There was the maximum use or the maximum number of
5 people that could be there based on the best use of
6 the property.

7 I happen to own a home that has 1 1/2 acres.
8 So if you look at that from the Staff's standpoint,
9 the density could certainly be a lot higher than just
10 the two that reside in our residence, my wife and
11 myself. So I felt like that that was to some degree a
12 little bit of misleading as you make those
13 calculations. It's taking the numbers, and I don't
14 argue with the numbers, but I don't think you could
15 look at the property that I have and say that it's 1
16 1/2 acres; therefore you could have X number of people
17 there. Because I don't believe it would ever be
18 modified to the point where you could utilize it for
19 that many people being on an acre and a half property.
20 Those are the comments I have.

21 I would like to know an answer to the maximum
22 number of residents and patients, if you will, that
23 could be there.

24 CHAIRMAN: We'll get that in a minute.

25 Is there any other questions of the density at

1 this time?

2 MR. ELLIOTT: State your name, please.

3 MS. COLEMAN: Sherry Coleman.

4 (MS. SHERRY COLEMAN SWORN BY ATTORNEY.)

5 MS. COLEMAN: I have a question. Maybe I'm
6 misunderstood something that he said. Maybe I'm not
7 understanding what he's talking about when he comes up
8 with figures that he has for his density.

9 He said that he was calculating it at like
10 three point something people per home.

11 MR. NOFFSINGER: 2.39.

12 MS. COLEMAN: 2.39 per home. This was per how
13 many acres? There's 1 1/2 acre, whatever. Presuming
14 that I had listed my home 100 people and it's still
15 one home, you would still be calculating the density
16 at 2.39 for that one home.

17 MR. NOFFSINGER: Yes. We are using an average
18 and that's based upon census data, 2.39 within the
19 urban service area.

20 MS. COLEMAN: So if you actually calculated
21 where 100 people in my home that were there instead of
22 2.39, it would raise your density quite a bit,
23 wouldn't it?

24 MR. NOFFSINGER: It would. There's no limit
25 in terms of the number of people that you can have in

1 your home residing there. We don't know what those
2 numbers are going to be. It's based upon how large
3 your family is, but we have to use that average.
4 These are the best numbers that we have available to
5 use. Is it an exact? No, ma'am. It's not going to
6 be exact. We are trying to arrive at these numbers
7 using a particular block area census data and then
8 2.39 as the average number of persons per household.

9 MS. COLEMAN: Let me be clear. When you
10 average in this facility, you're just averaging in
11 2.39 people for this facility.

12 MR. NOFFSINGER: No. We're counting for - -
13 we would count it based upon you have the 2.39 and
14 divide that into say 100 and that would tell you how
15 many households per acre you would have on this
16 particular piece of property.

17 MS. COLEMAN: So your figure of 3 point
18 whatever up there is per acre in your - - my math is
19 not that great, but that doesn't seem quite right for
20 7 acres for 100 people.

21 MR. NOFFSINGER: 3.09, is that the number
22 you're referring to?

23 MS. COLEMAN: Possibly.

24 MR. NOFFSINGER: Population per acre proposed.

25 MS. COLEMAN: Yes. It's just on that seven

1 acres.

2 MR. NOFFSINGER: Well, it's not just on that
3 seven acres. It's looking at that entire census tract
4 that is across Higdon Road.

5 MS. COLEMAN: In other words, you're averaging
6 it, you're kind of shifting it so that it covers the
7 whole acreage and not just where it is.

8 MR. NOFFSINGER: Well, we're considering the
9 neighborhood and how it affects density within the
10 neighborhood. Not just on - -

11 MS. COLEMAN: In other words, it will be very
12 dense in one spot and very far from others.

13 MR. NOFFSINGER: Could be, but it's based upon
14 a particular area, and we tried to define that area as
15 you see it.

16 MS. COLEMAN: I just wanted to be clear.
17 Thank you.

18 MR. THOMPSON: Mr. Chairman, just a quick
19 question. Certainly not to be argumentative because I
20 know we need to move on, but just kind of for my
21 edification for the future. What would be the
22 eligible density if someone went out and just had a
23 piece of A-U property, A-U zoned property and wanted
24 to build some units on that A-U zoned piece of
25 property, how many units per acre could they build on

1 that piece of property? Dwelling units. Not people
2 because typically we go by the number of dwellings
3 units and not the number of people because the number
4 of people could vary. You know the lady's example.
5 You could have 1 to 100.

6 MR. NOFFSINGER: Be specific, please. What
7 are you building?

8 MR. THOMPSON: If we were going to build a
9 residence.

10 MR. NOFFSINGER: A single-family residence?
11 You could have one dwelling unit per every half acre
12 you have.

13 MR. THOMPSON: What if you're going to build a
14 four family resident?

15 MR. NOFFSINGER: If it's a four-plex with
16 individual kitchens, and there's your key, individual
17 kitchens, common cooking areas, then you're looking at
18 that same density of one dwelling unit per every half
19 acre that you have. We're not looking at people
20 there. We're looking at number of dwelling units.
21 Because in that case you have a four-plex, that's four
22 dwelling units, four kitchens.

23 Here they're building a facility that has a
24 common cooking area and it's only considered as one
25 dwelling unit.

1 MR. THOMPSON: So you're differentiating
2 between dwelling units and living units? Are they not
3 the same? You're saying they're different in this
4 case. A dwelling unit is not the same as a living
5 unit?

6 MR. NOFFSINGER: I don't have a definition for
7 a living unit. I have a definition for a dwelling
8 unit. I have a definition for family and a definition
9 for institutional, but I do not have a definition for
10 a living unit. I just want to stick to what I do
11 have.

12 MR. THOMPSON: Just for my edification. So
13 you're saying that a dwelling unit has to have a
14 kitchen to qualify as a living unit?

15 MR. NOFFSINGER: To qualify as a dwelling
16 unit.

17 MR. THOMPSON: You're saying even though
18 there's people that are going to reside in it and
19 sleep in it and do other things, if it doesn't have a
20 kitchen, it doesn't qualify?

21 MR. NOFFSINGER: Then it becomes
22 institutional, or dormitory, or group type living,
23 which we have definitions for those as well.

24 MR. THOMPSON: So, again, in summary then this
25 proposed project, even though it's defined in the plan

1 as I saw 38 units and it says that on the plan and 100
2 residents as such, you're only considering it as one
3 unit?

4 MR. NOFFSINGER: It is one dwelling unit.

5 MR. THOMPSON: For density calculation
6 purposes.

7 CHAIRMAN: Mr. Meyer, would you come forward
8 and see if you can't give us an answer to the number
9 of people that will be there.

10 MR. ELLIOTT: State your name, please.

11 MR. MEYER: J.D. Meyer.

12 (MR. J.D. MEYER SWORN BY ATTORNEY.)

13 MR. MEYER: First let me again thank the
14 members of the panel. I know you all have a difficult
15 decision and you have other jobs and you do this on a
16 daily basis to come here.

17 I'd also like to thank all the members in the
18 audience, especially those in the Lighthouse Program
19 that are here to support this project.

20 Mr. Stanley had posed a question regarding the
21 number of individuals that this facility will serve.
22 The answer to that question is this facility will
23 serve 100 individuals. It will only serve the
24 residents in the program.

25 CHAIRMAN: No walk-ins?

1 MR. MEYER: No walk-ins.

2 CHAIRMAN: That answers that question on that.

3 Is there any other questions on density at
4 this time?

5 MR. WARREN: Mr. Noffsinger, in an A-U zone,
6 is there a limit per dwelling on how many guests you
7 can have?

8 MR. NOFFSINGER: No, sir.

9 MR. WARREN: So I could have 150 people at my
10 party in an A-U zone if that's what I want?

11 MR. NOFFSINGER: If you're so inclined, yes,
12 sir.

13 MR. WARREN: Just wanted to be sure there was
14 no limit there.

15 MR. NOFFSINGER: No, sir. You know, you might
16 have safety issues, fire safety issues and whatnot,
17 but the zoning ordinance doesn't speak to that.

18 CHAIRMAN: I think we've pretty well covered
19 density. Let's get to our next question.

20 Would you proceed to the second question we
21 asked you all to check on.

22 MR. NOFFSINGER: Well, that was the only
23 question that Staff was directed to address, I
24 believe.

25 CHAIRMAN: Values too.

1 MR. NOFFSINGER: Values, we're not qualified
2 to answer questions regarding property values. That
3 would need to be presented by either side, if they
4 have any evidence to speak to how property values will
5 be affected or the welfare.

6 CHAIRMAN: Anyone ready to answer these value
7 questions, please?

8 MR. MEYER: Would the panel like for me to
9 address safety and then value or is there a specific
10 order you'd like for me to go in to?

11 CHAIRMAN: If it's new items, we'll listen to
12 it. If it's old, no.

13 MR. MEYER: Let me begin by saying I think
14 that we all agree that this facility is needed.
15 Everyone testified at the last meeting, everyone
16 commented in has indicated the need in our community
17 for the program.

18 Let me go back and address a question I
19 believe it was Mr. Pedley, Mr. Pantle, it may have
20 been you that asked in the last meeting that I have
21 learned since then, and that is what has been
22 expended, what can be lost with respect to this
23 project.

24 I have learned in the course of the last month
25 that one of the sources of funding for the

1 construction of this facility and the construction
2 cost is \$4.3 million is a \$500,000 grant from the
3 Federal Home Loan Bank through the Affordable Housing
4 Program. That money if this site is not approved is
5 in jeopardy and we will not receive that money.

6 Therefore, there was talk about, there has
7 been talk about moving to an alternate site. That is
8 not a possibility. That statement or question that
9 was asked before, what's at stake? There's a half a
10 million dollars at stake. A half a million dollars.

11 I've also learned that in the event that our
12 project loses this site and we lose that half a
13 million dollars, it is in the realm of possibilities,
14 great possibilities that the support for the program
15 and the approval from the Kentucky Housing Corporation
16 would also dissolve. That's a \$4.3 million
17 construction facility and \$625,000 of annual operating
18 revenue coming in from various governmental agencies
19 or entities.

20 So this is not that we have spent a few
21 dollars looking at the site and a little bit of time.
22 There's \$500,000 for sure and very quite possibility
23 \$4.3 million and \$625,000 annually for the life of the
24 program that's at stake.

25 We've been asked to address the questions of

1 safety and also the question of property values. A
2 lot of people in the last meeting asked why this
3 location. I simply ask why not?

4 We will prove tonight to you all that this is
5 a safe facility and will be a safe facility.

6 We will prove that the public will not be
7 harmed by the participants of the program.

8 We will prove that this will not affect
9 property value. Thanks to the hard work of the
10 Planning Staff it has been shown that it will not
11 affect the population density.

12 Let me begin by asking Rick Pierce to come
13 forward. This is the issue of safety and integration.

14 We had asked the Commission and offered to
15 take every member of the Commission and anybody from
16 the public that wanted to attend to see the Hope
17 Center in Lexington. The Hope Center is the model for
18 the building that is being promulgated throughout the
19 state in connection with this plan.

20 So I'm asking Mr. Pierce to come forward to
21 provide some evidence, some pictures of the Hope
22 Center so you all can get an idea and feel as to what
23 this property is going to be like in the setting that
24 it is going to be at.

25 We have pamphlets that we'd like to distribute

1 to the board that has evidence on our issues of safety
2 and property values.

3 CHAIRMAN: State your name, please.

4 MR. PIERCE: Richard Pierce.

5 (MR. RICHARD PIERCE SWORN BY ATTORNEY.)

6 MR. PIERCE: Gentlemen, in your packets the
7 first two tabs are various pictures, and I do have a
8 power-point presentation for each tab. I don't know
9 if in the interest of time we should put those up on
10 the screen or not.

11 I think obviously it doesn't give the Hope
12 Center justice. It's strictly photographs, but I
13 think that's what we have and that's what we need to
14 see.

15 CHAIRMAN: I think you ought to show it on
16 power-point on fast.

17 MR. PIERCE: When I went up last week it was a
18 rainy day so the pictures are not the best quality.

19 This is the entryway to the Hope Center in
20 Lexington. I think this picture doesn't even need
21 words. I think that's the function of the property
22 itself, the single word over the doors.

23 It's located on Versailles Road. It's visible
24 from a very main thoroughfare. It's been open for
25 four and a half years and it currently serves up to 66

1 residents in recovery dynamics program at one time.

2 This is the main entryway. When I walked in
3 it really opened my eyes.

4 This is the hallway leading up to the living
5 areas, upstairs and downstairs, and the laundry is in
6 the background.

7 This is one of the living areas for the new
8 entrance. It's one of the things that I'd like you
9 notice at this time. Obviously it's people trying to
10 work through and keep all their things in a limited
11 space, but it's very clean and I was impressed
12 throughout.

13 This is one of the areas after people progress
14 through the program. It becomes a more private living
15 space.

16 They do have a sink and a very small
17 refrigerator to keep private drinks and things like
18 that, but I think if you notice pictures of family and
19 friends and things. Obviously they're trying to make
20 it their own space.

21 One of the items concerning safety in the area
22 is, well, can people just get up and wonder off
23 through the evening? When I spoke to the director, I
24 believe she had said that they conduct a bed check
25 every hour by Staff.

1 Now, there's vinyl on the floor in an upstairs
2 hallway which is probably more institutional, but it's
3 also a durability issue for the residents rather than
4 carpet down and having to replace it on a continuing
5 basis.

6 They try to maximum their use of their space
7 which is a single computer station.

8 This is a commercial kitchen facility for the
9 residents to prepare their own meals. I was there
10 that morning, it was about 8:30, and I could still
11 smell bacon and eggs. I wondered what it was. The
12 director said, no, it can't be left over from this
13 because they have breakfast every morning at seven
14 sharp.

15 This was the most cluttered room in the area.
16 It's one of the upstairs classrooms. They are doing
17 some renovations to this room to better utilize their
18 space. They're having to add a restroom. So they've
19 got some things stacked out of the way until they
20 finish the renovations.

21 This is the rear entry of the facility and the
22 parking lot.

23 Another item of safety. Adjoining this
24 property are single-family residences to the west.

25 It's a closer shot from the entry driveway.

1 If you note - - I don't know if it can be seen very
2 easily, but I think right in here and here there are
3 some children's play equipment in the backyard.

4 This is the adjacent property to the east.

5 In my discussions what I remembered with the
6 director, Ms. James, was they did have once incident
7 with some residents kind of cutting corners through
8 the yard. They had a meeting and they addressed it
9 and now they have to stay on pavement or sidewalks at
10 all times.

11 More property to the north across Versailles
12 Road and to the northwest.

13 This is a church approximately a half block
14 west and on the north side of Versailles.

15 This is the rear of the facility. The pond is
16 actually a retention basin for the Hope Center.

17 Community Center for Chrysalis House and the
18 adjoining facility is in the back behind them to the
19 south.

20 This is the single-family neighborhood
21 immediately to the west.

22 This is a neighborhood approximately two
23 blocks north very similar in character. This property
24 has been integrated well into a single-family area.

25 The last slide for this one. This is about

1 two or three blocks, within two or three blocks
2 there's a nursing center within the area which I think
3 also addresses safety concerns.

4 That's the end of that one.

5 Mr. Meyer was nice enough to furnish me some
6 site photographs, I think, just for maybe
7 clarification or information. We can flip through
8 those quickly.

9 This is a view from the bypass. The proposed
10 site is here. This is the northwest corner. The
11 existing owner's house will be right there. It is to
12 note that they will be remaining in their house. They
13 will not be selling the entire property. Again, they
14 will be staying in that location.

15 Looking from the bypass north.

16 MR. DYSINGER: Sir, are we standing in essence
17 where the facility will be or are you looking where it
18 will be?

19 MR. PIERCE: You're standing up on the bypass
20 looking at an angle, the shots.

21 This is from the northwest corner of the
22 property along Veach Road looking back towards the, I
23 guess it's known as Fiddle Sticks tract.

24 This is standing within the property
25 approximately 300 feet. The building would be another

1 200 feet into the photograph. My best guess is
2 probably right in here with the bypass on the,
3 actually I got it wrong, got it backwards. The bypass
4 is on the right.

5 That's looking back northeast to the north
6 property line toward the Higdon properties.

7 Looking to the south property line. Looking
8 from the northwest corner down the property. From
9 within the property looking down the line. Looking at
10 Higdon towards the property, the tree line in the
11 background.

12 Then at the property again from Higdon, mowed
13 in the back with the bypass in the background.

14 MR. MEYER: Thank you, Rick.

15 Let me point out. You all saw a picture of an
16 interior room that had a singular refrigerator. It
17 has no kitchen facilities in it to clarify. There are
18 no cooking facilities in the individual rooms
19 themselves. There was a sink, a small refrigerator
20 for them to keep Cokes. Cooking is not allowed,
21 prohibited inside any individual room. It's all done
22 in the communal kitchen in a communal atmosphere. I
23 want to make sure that's clear. Didn't want to
24 mislead anybody.

25 This is, as Mr. Noffsinger pointed out, one

1 large dwelling.

2 At this point in time I would like to
3 introduce Janice James. She is the program director
4 of the Hope Center. She is here to address the issues
5 of safety in her facility and other concerns about her
6 program that can be expressed today.

7 MR. ELLIOTT: State your name, please.

8 MS. JAMES: Janice James.

9 (MS. JANICE JAMES SWORN BY ATTORNEY.)

10 MS. JAMES: This is my program coordinator.
11 She's going to speak with me. Do you want to swear
12 her in too?

13 MR. ELLIOTT: Just one at a time.

14 MS. JAMES: I was employed when we opened the
15 Hope Center Recovery four and a half years ago. Those
16 picture that you just saw does not do it justice.

17 Our residents, which are women, do all the
18 work at that program. They keep all the grounds clean
19 and all inside maintenance and the housekeeping. We
20 didn't do anything special for Mr. Pierce's visit.
21 That's the way it always looks. We actually think the
22 building looks better now than when we opened it
23 because we've added flowers and a lot of landscaping
24 because we want our center to blend in with the
25 community. We want to be good neighbors.

1 When I was hired to open it, I got all these
2 predictions about all the difficulty that we would
3 have, both from our residents and from the people that
4 would be attracted to the property. We have never had
5 a crime committed on the property and we have never
6 had a crime committed by our residents to any of our
7 neighbors.

8 We want to be good neighbors. That's one of
9 the reasons we keep our property looking so good. We
10 have a lot of volunteers from our neighbors and our
11 community come into our program.

12 That nursing home that you saw there, we take
13 all of the - - we get a lot of donations from our
14 community. We don't turn anything down. We take our
15 clothing and shoes that would be appropriate for the
16 nursing home residents, we take it up there.

17 Down to the right is a church. Not that
18 church, but another church where our motivational
19 track ladies walk to and have their classes. They set
20 aside a whole room because they want to be supportive
21 of our program.

22 The house next-door, the one that you saw in
23 the picture, that was one complaint we had when we
24 were cutting through the yard. Our ladies were
25 cutting through the coroner. That stopped as soon as

1 it was addressed.

2 We had one other complaint from a Dairy Queen
3 where they said our ladies got unruly one time. So
4 they wrote an apology and they went and apologized in
5 person. It's never happened again.

6 This is about giving people direction, if they
7 do the wrong thing and for change to occur.

8 We have a Fords Fitness Center that is about a
9 mile up the road and they give us special rates for
10 our ladies to come and work out.

11 As I said, we have lots of people come in and
12 help us prepare meals, watch our reception area.
13 We've very integrated with our community because
14 that's what we want for our residents when they leave
15 is to become citizens of this community. So it's a
16 very give and take process.

17 I just want to describe for a moment our
18 typical residence because we do demographics and
19 collect information on that.

20 About 80 percent of our ladies have been
21 involved with the criminal justice system in some way.
22 Fifty percent of those have had felonies. About 70
23 percent have experienced domestic violence. About 30
24 percent come in with some type of physical illness.
25 Sixty percent have been treated for some type of

1 emotional or mental illness. Twenty-five percent have
2 less than a GED education, but another 28 percent have
3 more than a high school education. Eighty percent of
4 our women have children, even though they're not
5 allowed to have children on the property. They're in
6 the custody of other people, usually family members.

7 You hear these figures and I'm supposing that
8 your composing a picture of somebody when I do that.
9 Those figures are not that dissimilar from the men,
10 except the domestic violence. Domestic violence is
11 lower for men.

12 That's one of the reasons I wanted Stephanie
13 to come along with me. I employed Stephanie one month
14 after the program opened and now she is the program
15 coordinator. She is an example of what this process,
16 of what this type program can do for someone. That's
17 why I asked her to come along and speak.

18 MR. ELLIOTT: State your name, please.

19 MS. RAGLAND: Stephanie Ragland.

20 (MS. STEPHANIE RAGLAND SWORN BY ATTORNEY.)

21 MS. RAGLAND: Again, my name is Stephanie
22 Ragland. I'm the program coordinator in the Hope
23 Center Recovery Program for women in Lexington,
24 Kentucky. I am a by-product of a program that's
25 wanting to be established here in this city.

1 About six years ago, and I'm sure that
2 everyone sitting in here tonight indirectly or
3 directly has been affected by the disease of
4 alcoholism and drug addiction, and there's help
5 available. Our facility is the best hope.

6 I get the opportunity of watching women come
7 in beat up and beat down on a daily basis and watch
8 them walk out with high self-esteem. Walk out just
9 like me because I was just like them. It's about
10 people in recovery helping people in recovery find a
11 better way to live without the use of drugs and
12 alcohol.

13 I just highly encourage you to take a risk.
14 Somebody took a risk on me. I'm a convicted felony
15 who has my rights back. I graduated college. I have
16 my children back. I'm a homeowner. I'm a minister
17 today. All of those things due to a program just like
18 the one that's being asked to be put in this city
19 tonight. Thank you for allowing me to speak.

20 If there's any questions, I'll be free to
21 answer those and my boss.

22 CHAIRMAN: Any questions for the ladies?

23 MR. WARREN: I have a question.

24 I don't know, Stephanie, whether you're the
25 one to answer this or Janice may be, or maybe even

1 you, Mr. Meyer.

2 First off, in our last meeting it was brought
3 up several times that this community really needs a
4 program like this. We're not against this program.
5 They're against where we want to put this building.
6 Sort of not in my backyard type thing. We need it,
7 but not in my backyard, which is not uncommon.

8 My question is: Is your type of program or
9 the type of program that you're requesting, it's my
10 understanding that it's important that that type of
11 program be integrated into a community; is that true,
12 and why is it true if it is?

13 MS. JAMES: I think it is true because anybody
14 can conceive a program, but to really continue to do
15 well when you leave, it does make the community, at
16 least this program integrates you into the community.

17 Whether you know where the grocery store is.
18 Where to go to get your Section 8 vouching, if you
19 need to do that. You know where to go to get your
20 health issues addressed. You know where to go to
21 church.

22 The idea that someone can go through a program
23 to be locked into it and then be able to transfer that
24 outside is not very likely.

25 Really and truly our program, we have to tell

1 everybody that wants to come to it how to get there.
2 It's kind of invisible to the community until you know
3 it because it does, as you see, blend right in.

4 MS. MASON: Are some of your beds court
5 appointed?

6 MS. JAMES: Yes. We have a tremendous waiting
7 list. So what we do is we pick somebody that's court
8 ordered and somebody that's not court ordered. So
9 it's about 50/50. We actually just got a Department
10 of Corrections contract that will be going. We wanted
11 it because there's dollars that go with it. We just
12 recently got that. So we're getting people directly
13 from the prison system as well as from the jail.

14 Outcome data is actually better for court
15 ordered people because it's a long program. People
16 often leave because they miss their boyfriends, they
17 miss their family, they miss their kids, they get a
18 job, and sometimes they make it, but a lot of times
19 they don't.

20 Someone who is court ordered gets the full
21 benefit because they're required to complete it. So
22 outcome data and all the literature will tell you that
23 it doesn't make any difference if somebody is court
24 ordered or voluntary as far as who is successful.

25 MS. MASON: So from the four years that you

1 have been in existence at that facility, there has
2 been some court appointed is what you're saying?

3 MS. JAMES: Absolutely. About half and half.

4 MR. DYSINGER: Have you ever denied a court
5 ordered resident?

6 MS. JAMES: No, we haven't. We would though
7 unless - - the selected that come here have to meet
8 certain, they have to have certain charges - -

9 MR. DYSINGER: There is certain criteria to
10 begin with?

11 MS. JAMES: Yes.

12 MR. WARREN: Do you have criteria on removing
13 people from the program, and then what happens to them
14 after they've - - you've said, you're out, get out.
15 What happens?

16 MS. JAMES: Well, there's two ways people can
17 be removed from the program. One, they can actually
18 be voted out by their peer community. That doesn't
19 happen very often, but it does happen because when
20 you're dealing with your peers, most people give you a
21 chance after chance after chance, but sometimes it's
22 better for somebody to go out and try it their way
23 versus complete the program and not make the change
24 that they need to change.

25 The way this program works it's not just about

1 stopping drugs and alcohol. You've got to change the
2 way you think, the way you act, the way you interact
3 with others. If that doesn't happen, you won't
4 complete it.

5 So that is one way. They get voted out and
6 they just leave.

7 Now, if they're court ordered, their court
8 officer is called and they're picked up. It's not our
9 responsibility to necessarily monitor that. We've
10 never had any issues with anybody refusing.

11 We had one issue with one person refusing to
12 go the whole time we've been open, four and a half
13 years. That was it.

14 CHAIRMAN: Any other questions from the board?

15 (NO RESPONSE)

16 CHAIRMAN: Before we proceed, Mr. Meyer,
17 anybody outside have any questions briefly?

18 State your name, please.

19 MR. SALAMAH: Ramez Salamah.

20 (MR. RAMEZ SALAMAH SWORN BY ATTORNEY.)

21 MR. SALAMAH: I have a couple of questions for
22 the lady.

23 Actually one. Did you say that your facility
24 is mainly female resident?

25 MS. JAMES: Our facility is female residents,

1 yes. We do have another men's facility that is inside
2 a shelter and we're in the process of building a
3 separate building for it as well.

4 MR. SALAMAH: My question is: What is your
5 success rate in treating those residents?

6 MS. JAMES: We do outcome data based on six
7 months after completion of the program and one year
8 after completion of the program.

9 Six months after completion of the program 87
10 percent are still sober. One year after completion of
11 the program, 69 percent are still sober.

12 We also measure one day relapses because
13 addiction is just like diabetes, blood pressure. It's
14 a chronic illness. There may be a relapse so we teach
15 how to get back on board really quickly so that you
16 don't destroy your life or somebody else's again. A
17 third of those who do relapse is a one day relapse and
18 then they kick in their tools to get back on board.
19 So that's our percentage.

20 MR. SILVERT: As a matter of procedure, we'd
21 ask that you address questions to the Chair and he
22 will redirect those to the witness.

23 MR. SALAMAH: I would just like to point out
24 that - - presented by facility which have mainly
25 female residents. We're trying to make it so

1 promising, you know. We're trying to establish a
2 different kind of facility here in town which is
3 mainly male resident. The reason I'm saying that, we
4 all know that the profile of substance abuser between
5 male and female is totally different. We all know
6 that.

7 MR. DYSINGER: Mr. Chairman, I'd like to say
8 something.

9 We can no more look at the sex of the
10 residents than we could their nationality.

11 MR. SALAMAH: I'm not talking just from the
12 safety point of view. Not nationality. Males they
13 tend to be more threatening in term of safety. She
14 said, the lady over there, she'd been beaten up by a
15 male. I would like to bring this point up. Just to
16 mention that if you have 50 percent or 60 percent
17 success rate, then if that's the case then we have 40
18 percent of those people in the best scenario they are
19 in some way or another they still doing their activity
20 such as substance use and that can be alcohol, drugs
21 or whatever. I can imagine those 40 percent people in
22 that area over there trying to want to do whatever
23 they want to do and having an easy access to public
24 traffic in the area such as the Greenbelt and the
25 highway. We all know how drug flourish. They

1 flourish around high traffic area. We know that from
2 bigger city and other areas.

3 What I'm trying to say is we all support such
4 a facility in town, but putting it in such a location
5 where you have high traffic area, public traffic area.
6 Where you have those 40 percent failure, you have
7 exposure to, you know, whatever they please.

8 MS. JAMES: Could I respond to that because
9 that's not exactly what I said.

10 Forty percent after they leave the program.
11 They're not relapsing there on that property. The
12 last place they want to be if they relapse is around
13 that neighborhood. They go back to their old using
14 areas is where they go.

15 CHAIRMAN: Ma'am.

16 MR. ELLIOTT: State your name please,

17 MS. BROWN: Carrie Brown.

18 (MS. KAREN BROWN SWORN BY ATTORNEY.)

19 MS. BROWN: I'm a mother of a drug addict. My
20 son two years ago checked himself into the Healing
21 Place in Louisville.

22 I just want everybody to know it's safe. It's
23 safe. He was there for a year and a half. He's well.
24 He's working. He works for Swift Corporation.
25 Talking about going back to college.

1 I had to go to the Healing Place which was on
2 Market Street. I'll tell you. When I first went
3 there and headed that way I thought, I don't think I
4 can do this. When I got there, I felt very safe.
5 Probably safer there than anyplace else in Louisville.

6 There was security. They made me feel
7 comfortable.

8 There was no coming in and out of people using
9 drugs. It was like boys and men from all walks of
10 life. They were getting their lives together. They
11 were going to school. They were going to class. You
12 didn't have 100 people.

13 Yes, they do go out and check out. You may
14 make it and you may not, and that's for everybody in
15 this room.

16 I hear stereotyping. They're human beings and
17 they need pride, self-esteem. Nobody wants to bring
18 druggies into your home. It's not going to happen and
19 it won't be in your back door. It won't be there.
20 Every time I went to the Healing Place, those people
21 weren't there. I saw families showing support. I
22 felt so secure.

23 You know what was making me feel secure?
24 Those residents. They greeted me and said, may I help
25 you. Who are you here to see? I would have two men

1 who escorted me. I felt like I was a really important
2 movie star. Kind of felt like - - I felt that secure.
3 It wasn't going to happen for a four or five block
4 radius.

5 I want everybody to not get into this, oh,
6 we're going to have druggies there. That's not the
7 it. That's not it. If you don't want to be there,
8 you need to go back on the street and let me tell you
9 that's where they are. It's not going to be that
10 area. You have a problem. It's going to be downtown
11 here. It's going to be over on the far west side.
12 It's going to be on the east side. You want to get
13 rid of the drugs in this town, you put it right there.
14 That's the safest place that you're going to be able
15 to go. It's not going to be tolerated.

16 So don't think it's going to be drive by and
17 close to the Greenbelt and people are going to be
18 sneaking up here. That's not it. When you're ready
19 to change your life, we need every bit of support from
20 this community. That's what this is about. It looks
21 like a lovely facility. I'm impressed. We owe it to
22 our children. We owe it to our children.

23 It took, it's really hard for me to get up
24 here because I've battled it. I can't tell you what
25 that child in prior years. When the day came that he

1 stepped up to the plate, and I looked because I kept
2 thinking, am I a bad person to raise this child? When
3 I walked in and saw that facility and there were those
4 people who were uneducated and struggled all their
5 life and I was meeting doctors who were struggling the
6 same addiction as my child was, and lawyers, and
7 professional people. You know what, they were all
8 together pulling together.

9 So don't stereotype in your mind what a drug
10 addict is or an alcoholic is.

11 CHAIRMAN: Is there any other questions or
12 presentations you have?

13 I respect, ma'am, for your speaking.

14 Do you have anything else, Mr. Meyer?

15 MR. MEYER: Yes. To address the concerns of
16 Dr. Salamah and also to expand on the point of Ms.
17 Brown.

18 I'd like to bring forward Rodney Brannon. He
19 is the vice president of the program for the Healing
20 Place and in charge of their men's program to address
21 the safety concern.

22 MR. ELLIOTT: State your name, please.

23 MR. BRANNON: Rodney Brannon.

24 (MR. RODNEY BRANNON SWORN BY ATTORNEY.)

25 MR. BRANNON: I do have a couple of other

1 items. I will try to address the safety concern as
2 well as question about having a facility such as this
3 in the local area as opposed to potentially exporting
4 people outside of the community.

5 First, I am the vice president of the program
6 for the Healing Place and I've been attached to the
7 Healing Place in some capacity for the last 11 1/2
8 years. Since 1994.

9 With a model such as ours, the Kentucky
10 program, based on our recovery model, just as the Hope
11 Center in Lexington was a replica of our model.

12 It's a really reassuring news to hear from
13 Janice James that the women's program success rate is
14 about the same as our women's program success rate.

15 Sorry, but the men's program success rate is
16 about five percentage points lower. It's about 65
17 percent and the women's is around 70. We're working
18 on the guys.

19 The safety concern, first of all, is that the
20 majority of the participants in the program are from
21 the local area.

22 I will say that I have quite a few notes and
23 some of my stuff that I brought. This is a snapshot
24 basically of all the program participants on a given
25 day. Of this entire list, eight percent of these

1 individuals are from either in Owensboro or around the
2 Daviess County area. Eight percent of the Healing
3 Place census in Louisville are from this area.

4 One thing that's good about the model as it
5 exist in our community is the majority of the men in
6 the program are from that area. It is their home.
7 They've grown up there. They've started to make their
8 bad choices there in using drugs and using alcohol and
9 they've gotten into trouble in many cases and they've
10 lost most things. Ninety-five percent of the program
11 participants were homeless when they got there.
12 They're also having an opportunity to recover there.

13 The bonds, the natural bonds associated with
14 trying to repair their life and looking at old issues
15 and addressing them. They wouldn't have that luxury
16 recovering in a different community.

17 Same thing would exist here in the local
18 community in Owensboro. Those individuals primarily
19 in the recovery program would be from here. I believe
20 that there's 22 beds accounted for from the Department
21 of Corrections, which is less than a third of the
22 program participants. It would be primarily folks
23 from right here in Owensboro, and it is their home.
24 Again, it's where they're raised. It's where they
25 went to church. It's where they went to school. It's

1 where they started making decisions about drug
2 addiction and alcoholism and got off the path. This
3 program will be homegrown where there's an opportunity
4 to solve their problems. So they create those same
5 bonds.

6 As they complete the program, this is what
7 creates the primary point of the success. It's really
8 good news for me to hear of a mother's testimony, that
9 I wasn't aware of, from our recovery program, a son in
10 our recovery program. Because what will happen is
11 once a participant leaves the recovery program, they
12 have the resources attached right here. They have a
13 second chance from the employer who knows how they
14 used to live. Who knows how they used to work. Who
15 knows how they used to not show up for work. When
16 they work the program and go back to that employer and
17 make an amends, correct their wrong, when they see a
18 new person, that's a new job. That's a new
19 connection. All of those resources are right here in
20 their own backyard.

21 The safety issue. What happens with persons
22 in recovery, in this capacity, again, there's a bond
23 created. The same sense of a bond that they have on
24 the street, but there was a false sense of loyalty to
25 each other. When they get in a recovery, they're

1 looking out for one another and they're looking out
2 for the facility. The facility becomes their home.
3 As was stated earlier, it becomes a repellant for
4 anyone wanting to use. It becomes a repellant for
5 deviant behavior, for any criminal activity. It's a
6 repellant. The majority of the men in the recovery
7 program are wanting to be there and are on the means
8 for being there for the right reason, and they are
9 repelling for any criminal activity.

10 In the last, I'm sorry, I won't even say ten
11 years. Since 1991 - - actually we have just explained
12 the model a little bit, our recovery model. We have
13 two components in our model that may be a little
14 different from what's proposed here.

15 One is our non-medical detox. I believe you
16 all have another facility currently that houses the
17 non-medical detox.

18 We also have an emergency shelter for
19 overnight clients. They're not there for a recovery
20 program. They're simply men who live primarily on the
21 street. All they come to us for is the basic needs
22 that we believe all persons are entitled to; food,
23 shelter and clothing.

24 The problems associated with any deviant
25 behavior usually come from those two populations.

1 Again, they won't exist in the facility you have.

2 So aside from those two, those participants in
3 the recovery model, since 1991 there have been less
4 than five incidents of the police department called.
5 So that's a pretty good track record.

6 I'm free to answer any questions about the
7 safety issues. As Mr. Meyer would like for me to, I
8 will move on.

9 I also have packets for, I'm sorry, I don't
10 have enough for each of you. I have six that I
11 brought describing our recovery program and then some
12 of the details about what's involved in our model
13 which, again, this facility would be compared to,
14 would be modeled after. I have six packets. I'll be
15 more than happy to ship you other packets if you'd
16 like.

17 CHAIRMAN: Any questions of this gentleman?

18 MR. WARREN: Sir, the program you're speaking
19 of in Louisville is an all male program?

20 MR. BRANNON: Yes, sir. We have a men's
21 program at 10th and Market. Our women's program is at
22 16th and Broadway.

23 I will add with those numbers that I related
24 to safety, our program has a recovery of about I'd say
25 three-fourths of a complete city block in downtown

1 Louisville. We house over 300 men on our campus.

2 The women's program houses 136 women. It's
3 about 1.75 acres. Again, this program, the model for
4 Recovery Kentucky is only a 100 bed facility. So it's
5 significantly smaller in number and in capacity of
6 clients, but again it's an exact same program model,
7 but it won't have the density associated with the
8 Healing Place in Louisville.

9 CHAIRMAN: Any more questions from the board?

10 MR. PEDLEY: What zone is that facility in?

11 MR. BRANNON: I believe we're actually
12 expanding our women's program and the site location
13 we're moving to is EZ-1.

14 MR. PEDLEY: What is that?

15 MR. BRANNON: It's a commercial zone.

16 Our current men's facility sits in an area
17 where it's mixed use. There's primarily residential
18 to the south and partial west of our facility,
19 commercial area to primarily west on Market and then,
20 of course, downtown to the east.

21 CHAIRMAN: You said the other was
22 predominantly commercial?

23 MR. BRANNON: What's that, the women's
24 facility?

25 CHAIRMAN: Right.

1 MR. BRANNON: The women's facility is
2 primarily commercial surrounding it.

3 CHAIRMAN: Any other questions from the board
4 members?

5 (NO RESPONSE)

6 MR. BRANNON: I will add that I made one fopaw
7 there. To the alley, just in the rear of the women's
8 facility, is Roosevelt Perry Elementary School. They
9 were the biggest opposition when we moved the women's
10 facility in 1995. We moved that program in 1995 from
11 a small house on Oak Street where we housed 16 beds.
12 We moved from that location to a facility housing 136
13 women. We figured we'd never have to move again, and
14 it's filled to its capacity now.

15 The Roosevelt Perry Elementary School was a
16 little nervous about a shelter and a recovery program
17 being right across the alley. They're the best of
18 neighbors now.

19 CHAIRMAN: Thank you.

20 Mr. Meyer, do you have anything else to add on
21 safety?

22 MR. MEYER: Briefly.

23 As you all are aware, Lighthouse Recovery has
24 operated a men's and women's facility from Clay
25 Street, Fifth Street and Bolivar Street. I had asked

1 the Owensboro Police Department to gather some
2 information about the crime statistics in our area
3 specifically with respect to our men's houses.

4 The compilations are attached to your Exhibit
5 D that were reported to me by the police department.

6 In summary the men's house at 322 Clay Street
7 has been in operation since 2004. The men's facility
8 at 324 Clay Street has been in operation since 2003.
9 During that time and according to the statistics
10 provided by the police department, there were 29
11 incidents reported.

12 Now, some of those are thefts of a bicycle
13 from a resident at the program, but the incident
14 report is a little misleading because you may have
15 more than one incident reported for one call. If you
16 look at the call numbers, we've only had a total of
17 six calls to the facility since they've been in
18 operation.

19 The total calls to that neighborhood area for
20 the same time frame, and the neighborhood was
21 described as being bounded by I believe Third Street,
22 Seventh Street, Triplett Street and Crittenden Drive.
23 There were in that same period 1,971 incidents in that
24 neighborhood. We comprised 1.5 percent of the calls
25 to that area. A very, very small figure.

1 What these reports and incidents will show, is
2 not a single call related to a complaint of abuse or
3 any other type of activity by a neighbor. These were
4 all calls initiated by our houses. There were no
5 reports of anybody, a neighbor calling about a problem
6 they had with someone in the program. Not one.

7 By comparison we looked at and Schedule E
8 relays the same type of incident report for the
9 property on Higdon Road. I would point out that in
10 the time period from 2000 to 2006 there were a total
11 of 76 calls. There are roughly 16 houses in that
12 area.

13 More importantly if you looked at the
14 statistics in 2006, there were 13 calls. I'm sorry,
15 2005 there were 17 calls. To date, August 6th in
16 2006, there were a total of 13 calls.

17 We believe that we're safe. We're a safe
18 facility. We do not and will not, based upon all the
19 evidence, cause any problem to the neighborhood.

20 I'd like to briefly bring up Carol Alvey who
21 is a member and resident near our current men's
22 facility.

23 MR. ELLIOTT: State your name, please.

24 MS. ALVEY: Carol Alvey.

25 (MS. CAROL ALVEY SWORN BY ATTORNEY.)

1 MS. ALVEY: I'm Carol Alvey and I reside on
2 East Third Street. This neighborhood houses the
3 Lighthouse Recovery, men in recovery center.

4 I do not fear the men that are at these
5 facilities. I would be more fearful of those who
6 might have addictions that are not being addressed and
7 are not lucky enough to be in that program.

8 There are neighbors in the neighborhood who
9 walk our dogs prior to light in the morning and have
10 after it is dark at night. I have never been fearful.
11 I do lock my doors. Yes, I lock my doors. Is it
12 because of the facility? No. I have been on my own
13 for 36 years and I have locked my door.

14 I think the world we live in today, if anybody
15 wants to rob me, it could be somebody from the other
16 end of town or another town. So I don't have any
17 problem with the facility being in my neighborhood. I
18 see the gentlemen in the morning. They are headed out
19 to go to work. Somebody picks them up. They come
20 home in the afternoons. They speak to me. They might
21 come over and pat my dog. I don't have any fear of
22 this being in the neighborhood. I've lived there
23 since 1989. Thank you.

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

25 CHAIRMAN: Mr. Meyer, you have anything else?

1 MR. MEYER: Yes, Mr. Chairman.

2 At this point in time I would like to turn to
3 the issue of property values in the area. Let me
4 state and set forth what we've looked at.

5 Attached as Exhibit F you will find
6 information regarding property near the jail facility.

7 I will repeat this proposed project is not
8 intended to be a jail facility; however, what we did,
9 that was the most recent major debate in our
10 community. We looked at the property values of those
11 areas in and around the jail.

12 The first two pages represent a compilation of
13 16 or so properties that are as adjacent to the jail
14 facility as we could get.

15 In my discussions with Tony Lindow of the PVA
16 office, he indicated to me that they have not seen a
17 decline in value. I believe that the information
18 presented shows that there has not been. In fact,
19 there has been a drastic increase in the values of
20 several properties.

21 At this point in time I would like to ask
22 Mr. Benny Clark to come forward to address the
23 property valuation issue from a personal standpoint.

24 MR. ELLIOTT: State your name, please.

25 MR. CLARK: Benny Clark.

1 (MR. BENNY CLARK SWORN BY ATTORNEY.)

2 MR. CLARK: Just from a personal note. At the
3 East Highway 60 facility known as the jail, which has
4 bob wire on top of its fencing and so on, I purchased
5 a piece of property, which you have that on record, at
6 3620 River Bend Cove for \$110,000. Fifty foot from my
7 front door was the back of the jail facility.

8 A little over six months ago I sold the
9 property for approximately 200,000, which was an 80
10 percent increase.

11 After I moved in as a resident and one of the
12 other town homes became available, I purchase that for
13 I think around \$101,000, and sold it for \$150,000
14 almost within 30 days.

15 I partner with the resident at I think 3618 or
16 3616 over there, which that property was originally
17 purchased for 89,000 and we sold it for or at 152,000.

18 I built a single-family detach at the end of
19 this property, which the front bedroom window was 35
20 foot from the bob wire fence of the jail where the
21 people came out. We built the property for 180 some
22 thousand. The gentleman was offered \$350,000 for the
23 property this year by more than one resources and
24 declined it.

25 I do not see on Veach Road the building of

1 this facility having any affect. If not, I see it
2 having a different or a better affect. I just testify
3 to my own personal situation. Thank you.

4 CHAIRMAN: Any questions from the board member
5 of the gentleman?

6 MR. ELLIOTT: State your name.

7 MR. BOONE: My name is John Boone.

8 (MR. JOHN BOONE SWORN BY ATTORNEY.)

9 MR. BOONE: Does any of Benny Clark's
10 property, does any of it back up to the river or have
11 any other things that raise the value of the property?
12 Does any of Benny Clark's property that he's bought
13 and sold, does any of that back up to the river or
14 have any other things that would dramatically increase
15 the value of the property, other than the jail?

16 CHAIRMAN: Come forward. Answer that, please.

17 MR. CLARK: The property that I purchased was
18 on the riverbank on Highway 60. This is not the only
19 neighborhood. Cinderella Drive, only 120 foot away
20 there's about seven new homes that back up to a
21 manufactured home lot and the jail is on the other
22 side of that. That is on your sheet. Those
23 properties have increased. Those are brand new homes.
24 People are not afraid to invest in that neighborhood.
25 That's less than 100 foot away. I just absolutely do

1 not see any detriment as a 30 year investor in this
2 community that would hurt their values. That's my
3 personal opinion.

4 MR. BOONE: I guess another thing. The jail
5 is fenced in. I mean we're talking about a facility
6 behind our house that is going to have no privacy
7 fence. You'll be looking at the parking lot of the
8 facility. No shrubbery or anything to really block
9 the view.

10 CHAIRMAN: Any board members have any
11 questions at this time?

12 MR. DYSINGER: I have a question for Mr.
13 Clark.

14 CHAIRMAN: Please come forward.

15 MR. DYSINGER: Mr. Clark, did you own the
16 properties before the jail was built?

17 MR. CLARK: No.

18 MR. NOFFSINGER: This lady right back there.

19 MR. ELLIOTT: State your name, please.

20 MS. PAYNE: My name is Dottie Payne.

21 (MS. DOTTIE PAYNE SWORN BY ATTORNEY.)

22 MS. PAYNE: The location could be much better.
23 I don't object to such an institution, but it's the
24 location. These people need a big place to play, to
25 be joyful, to be happy. They need room for a baseball

1 field, basketball field, maybe even football or
2 volleyball, and certainly a track trail around the
3 perimeter.

4 My objections to the proposed Veach Road
5 location are: It's isolated and hind in by the
6 overpass approach of the bypass to Veach Road. I
7 don't think there's a transit system close by. Most
8 of my suggestions are on other - - well, I'm not going
9 to give you my suggestions of where you ought to go.

10 It could be on any of these other locations.
11 Also this is the only facility between the bypass
12 intersection at Highway 231 and the intersection of
13 the bypass at Frederica. There's nothing else like
14 that on the inside of the bypass of this nature.
15 Anything but residents. There is nothing.

16 Basically more space for recreation is needed.
17 Thank you.

18 CHAIRMAN: Any questions from the board
19 members of the lady?

20 (NO RESPONSE)

21 CHAIRMAN: Next please. Come forward.

22 MR. ELLIOTT: State your name, please.

23 MS. SALAMAH: Leslie Salamah.

24 (MS. LESLIE SALAMAH SWORN BY ATTORNEY.)

25 MS. SALAMAH: I never got to ask a question

1 regarding the safety. Am I allowed to go ahead and
2 ask that now?

3 CHAIRMAN: Go ahead.

4 MS. SALAMAH: I was just wondering if those
5 centers that they were talking about over there, are
6 any of them adjacent to a public park or adjacent to a
7 biking trail?

8 CHAIRMAN: We'll get your questions down and
9 then we'll get the answer all at one time.

10 MS. SALAMAH: Then my other question is: They
11 were talking about how the group of men are together
12 bonded; however, there's only like a 60 percent
13 recovery rate. So that other 40 percent. My question
14 is: If a teenager just happened to cross by there and
15 they wanted some information on drugs or if they
16 wanted drugs or whatever, would those 40 percent
17 supply that information to those teenagers? Such as
18 where this location is being proposed is right on the
19 Greenbelt. Any teenager in this town knows that they
20 just want to walk by the facility on the Greenbelt
21 they could possibly have information at their
22 disposal. I'm talking about teenagers. Not
23 elementary kids here. That is my concern.

24 CHAIRMAN: Anything else?

25 MS. SALAMAH: My other question is: How much

1 supervision are these residents going to be having?
2 Are they able to just run around on their own? I was
3 not here last month and I just found out about this
4 two days ago. If you've already addressed this, I'm
5 sorry.

6 CHAIRMAN: We've got that list. Anything
7 else?

8 MS. SALAMAH: That's it.

9 CHAIRMAN: Thank you.
10 Someone else have other questions? Come
11 forward and state your name.

12 MR. ELLIOTT: State your name, please.

13 MS. JOHNSTON: Rita Johnson.

14 (MS. RITA JOHNSTON SWORN BY ATTORNEY.)

15 MS. JOHNSTON: I'm just really concerned about
16 this money issue. They said that everyone is suppose
17 to go through some type of program or something, but
18 they're going, well, Freddie Mac is giving you money,
19 Kentucky Housing is giving you money. They're saying
20 that funding for the court order. They're talking
21 money, money, money. In our other meeting, when I'm
22 from the Poet area, which is very populated, which is
23 very close and we use the Greenbelt quite often. So
24 what's going to keep the president from saying, you
25 know, I have all of these people, I bet you that's the

1 perfect place because you don't get anything for
2 nothing. So are they going to take this prison money
3 and say, okay, prison we're going to bring in this
4 area. So much money is going to take our prison
5 overflow. Because they're talking money. They're
6 talking, they even said they're getting it for the
7 court order, but they're saying they're doing one on
8 one. So when does money talk more? What's going to
9 protect us from prison overflow? We know there's
10 prison overflow. What's going to protect us? That's
11 what we're scared about.

12 Then they told us also that these men will be
13 walking our streets because it's so convenient. They
14 won't have to rely on public transportation or
15 anything. They're going to be walking our streets.
16 Which most of us, they're single-families, mothers
17 with children. We're talking men.

18 You know, all I could hear too was the abuse.
19 Lot of those women were in here for abuse. They turn
20 to drugs and alcohol because of abuse from the man. I
21 don't know when you ever feel safe. As soon as we
22 found out, you wouldn't believe that I wasn't one,
23 because I'm not able to, but the houses that went up
24 for sale just thinking that this threat. Because they
25 could not promise us that prison overflow would not

1 get there. They have said repeatedly money talks. If
2 they give us the money, we'll certainly think about
3 it. What protects us? I'm in the Poet area and
4 that's heavily populated over there and it's very
5 close. I guess that's my question. Money talks.

6 CHAIRMAN: Mr. Meyer, will you come forward
7 and try to answer these first couple questions.

8 MR. NOFFSINGER: Do you need me to repeat
9 them?

10 CHAIRMAN: Please.

11 MR. NOFFSINGER: First, the two facilities
12 you've spoke about tonight, the Hope Center and the
13 Healing Place, are they near a walking or bike trail?

14 MR. MEYER: I'd like to ask for Mr. Brannon
15 and also Ms. James to come forward with me. They can
16 directly answer that question.

17 MR. NOFFSINGER: And too can you tell, well,
18 are there going to be folks standing out talking and
19 conversing with people about where you can buy drugs?
20 I think that was the second question.

21 Three, how much freedom will folks have that
22 live there?

23 Number four, will you take prison overflow?

24 MR. MEYER: I think I'm best qualified to
25 address prison overflow.

1 The program is not designed to be the next
2 jail. It's designed to keep people from the revolving
3 door of the jail system who have an addiction that
4 aren't addressed in a typically incarcerated
5 situation.

6 These residents who will come into the
7 program, as we stated at the last meeting, will be
8 extensively screened. So that anybody, even though we
9 have the money coming from the Kentucky Department of
10 Corrections, our facility has the right to refuse
11 anyone. If the Department of Corrections asked us to
12 take someone who is a murder and a rapist, we will not
13 take them. We have that power to do so, and we do
14 that. We are not going to allow those types of people
15 who have repeated harden criminal, as you say, into
16 the program for fear of a safety risk they may cause.
17 If they have repeated violent offenses, they're also
18 screened from the program. That's the way we operate
19 now, Lighthouse operates now. This program will
20 operate in the same way. So we can, we will stop
21 people if we feel they're a threat or harm while
22 they're in the program.

23 We'll also have the appropriate staff on the
24 facility, as we indicated in the last meeting, to
25 address anybody that does pose a problem. If they are

1 in, then they'll be immediately removed from the
2 facility.

3 I would ask Ms. James and Mr. Brannon to come
4 forward to address the other questions because those
5 were directly related to their facilities.

6 CHAIRMAN: State your name.

7 MS. JAMES: Janice James.

8 We are not on a foot path, on a walking path
9 or a bike trail. We have a day care behind us. Both
10 our men's and women's center have a day care behind
11 us. The men's have a Y behind them. We have a lot of
12 foot traffic because Versailles Road is very busy.

13 You have to remember that people when they
14 relapse are not on the property. They're gone. That
15 40 percent, and actually it was 31 percent for the
16 women's program. They're out back in the community
17 when they relapse. They're not on site when they
18 relapse. Really any teenager gets the best education
19 about why not to use drugs and alcohol when they stop
20 to talk to our residents on site. Back where they
21 used to be and they're engaging in other behavior,
22 that might not be the story, but on site around that
23 property is really a safe place for anybody. We have
24 a lot of teenagers, visitors who come in and do tours
25 and ask questions of our residents and it's really

1 insightful for them.

2 MR. NOFFSINGER: Question: Do you have public
3 sidewalks?

4 MS. JAMES: Yes.

5 MR. NOFFSINGER: Thank you.

6 MR. BRANNON: Just to kind of restate again.
7 My name is Rodney Brannon.

8 We do have a public sidewalk and there's also,
9 just at the men's facility there's 14 meetings a week
10 on property, 12 step meetings. Thirteen of which are
11 open meetings. Primarily what happens is the family
12 members of the clients will attend those meetings
13 about 15 minutes prior to. Sit in the meeting and
14 then stay and visit 15 minutes after. The clients are
15 staffed 24 hours a day at the resident.

16 Our men's facility sits at Market Street
17 between 11th and 10th. One block south of the
18 facility at 11th and Jefferson there is a park and a
19 community center. That path leads to several 12 step
20 meetings in the community.

21 The neighborhood on the northwest corner is an
22 apartment complex. The manager, the maintenance
23 supervisor at that apartment complex is an alumni of
24 our program. So they run the property.

25 On the southwest corner of that property

1 begins what is now called Sober Living. In 1997, the
2 Healing Place in coordination with just an alcohol and
3 drug abuse center went to the Housing Authority and
4 created a model for Sober Living for individuals who
5 are elderly or disabled as well as in recovery and the
6 average person who would qualify for low income
7 housing and created a Sober Living complex. That is
8 an entire city block. It is adjacent to housing
9 projects and right across the street from that park.

10 No one in the facility, as of October 12th,
11 can be a registered sex offender. So there is
12 adequate compliance to any and all safety issues.

13 Also two blocks north of us is a walking trail
14 along the waterfront. Again, that's not just for
15 folks in the neighborhood. That's for our client
16 because the program we believe the heart of it is
17 spiritual. They go to the waterfront to pray and
18 meditate. They learn new skills other than robbing
19 and stealing and trying to get and seek drugs and
20 alcohol. They learn new coping skills and they go to
21 the waterfront and meditate and work their steps and
22 use that resource just like any other citizen.

23 I don't remember what the other concern was
24 off the top of my head, but I had it. Oh, teenagers.

25 One of the primary resources of men and women

1 in recovery, and I'll stick to the men just for now.

2 As you probably well know just from hearing on
3 the news, there's a lot of crime in Louisville I'm
4 sorry to say. There's not much we can do at the
5 Healing Place about that other than prevent the cycle
6 from continuing.

7 We work in our recovery program with parenting
8 process to eliminate, try to eliminate drug use from
9 beginning with kids of our clients, but we also
10 welcome in quite a few community centers as well as
11 schools. All the high schools usually rotate classes
12 through the Healing Place. They bring in teenagers so
13 that they can be educated not by me but by our clients
14 because our clients were at one time teenagers
15 themselves and they were, they started using drugs and
16 abusing alcohol just at the same time these teens are
17 starting to experiment and makes those choices of
18 their own. So they relish the idea of helping
19 someone.

20 Part of it is spiritual. They believe that
21 their survival is contingent on them helping somebody
22 else. If they can get the satisfaction of preventing
23 a teen from starting the cycle like they did, it's
24 well worth it.

25 I also wanted to just say, I didn't get to

1 mention it earlier. I said I had a little list of
2 things. Come Saturday my daughter will be 15 months
3 old. She's the pride of my life. I've got a son
4 that's due in October. Both are my first two kids, my
5 wife and my first two kids. I bring my daughter to
6 work with me. Sometimes the clients care for my
7 daughter while I'm in a meeting. I know that's
8 probably hard to believe, but they do.

9 One of the reasons why I'm so comfortable with
10 that is because, as I said, I was attached to the
11 Healing Place for quite some time. In 2000 I joined
12 the Healing Place as a part of the board of directors.
13 I was the first alumni board member. Because in 1994
14 I staggered in the doors of the Healing Place as a
15 client. The Healing Place helped put me back on my
16 feet, got me accustom to living life like normal
17 people do in the City of Louisville. I was from
18 Evansville. I stomped around Owensboro, Evansville,
19 Henderson, all of those tracks that most of us are
20 familiar with. I went to college and got my master's
21 degree and now I work for the Healing Place. So I'm
22 comfortable with the guys.

23 I know that the story that they bring in to
24 the detox isn't the same story that they have when
25 they're an alumni.

1 Any other questions?

2 MR. DYSINGER: I have a real quick question
3 for Mr. Meyer.

4 We talked about this a little bit last month
5 and I wondered if you could expand on it a little bit.

6 In terms of the Department of Corrections
7 referrals, how dependent are you on occupancy for
8 funding? How few beds could you have if you didn't
9 have the right kind of applicants and still keep the
10 doors open?

11 MR. MEYER: The Department of Corrections
12 money makes up approximately a third of the projected
13 budget. So we will have to report, they will take up
14 to a third of the beds so-to-speak, but if we can find
15 ways to cut corners and reduce for less, if we find
16 that it's a problem, we're able to do that. We have
17 the discretion and the ability to do that.

18 Ms. James testified she was happy to get
19 those from the Department of Corrections. A lot of
20 those members and participants are already in the
21 program. They're just that. They're people coming
22 through probation. Now just getting some funding
23 through the Department of Corrections.

24 As the operations of the facility go, so do
25 more of our abilities.

1 MR. DYSINGER: Thank you.

2 CHAIRMAN: Before we get some more questions
3 over here, Mr. Meyer, if you've got anything else to
4 add at this time on new information.

5 MR. MEYER: I'd just like to bring Mike
6 Townsend before the board as a representative from the
7 Kentucky Housing Corporation to see if the panel had
8 any questions for him?

9 MR. ELLIOTT: State your name, please.

10 MR. TOWNSEND: Mike Townsend.

11 (MIKE TOWNSEND SWORN BY ATTORNEY.)

12 CHAIRMAN: Any new information we haven't
13 heard before.

14 MR. TOWNSEND: Let me give you a little bit of
15 background.

16 I'm working with the Kentucky Housing
17 Corporation. I've been with them for the last two
18 years.

19 In my former life, I was the director of the
20 Division of Substance Abuse for the Cabinet for Health
21 Services. I held that post for about 25 years. So I
22 saw firsthand the scourge of alcoholism and drug
23 addiction in Kentucky. We used all resources we had
24 at our hand to provide treatment facilities throughout
25 the state.

1 After I retired and Governor Fletcher came in,
2 there was a change in the Housing Corporation. A new
3 approach. Model after the Healing Place of
4 Louisville, the Hope Center in Lexington, when I was
5 the director of the division of substance abuse I
6 realized what miracles were occurring in those
7 programs. Very low cost compared to what we had with
8 other programs.

9 So they've asked me to come back to the
10 Kentucky Housing Corporation to oversee these recovery
11 programs that are in the state. I jumped at that
12 opportunity because I saw such a need in this state.

13 I grew up in Owensboro, Kentucky. This is my
14 home. As I watched the process take place in
15 Owensboro, I was just very much pleased with the
16 support that I saw coming from not only the citizens,
17 but programs like Community Solutions, Lighthouse
18 Recovery. The newspapers, I read the editorials that
19 were written in the newspapers supporting this. That
20 really gave me a lot of pleasure knowing that
21 Owensboro really wanted a program.

22 As Mr. Brannon stated, it's almost like a
23 pipeline from Owensboro, from the Owensboro area to
24 the Healing Place. We call the folks at the Healing
25 Place little Owensboro because they had so many

1 referrals.

2 I remember the first time I came back to
3 Owensboro to talk about the Recovery Kentucky process,
4 there were a number of people in the room that were
5 graduates of the Healing Place that were welcoming
6 this opportunity.

7 I just say that because the programs that
8 we're implementing through Kentucky Housing
9 Corporation, the funding is coming from the Kentucky
10 Housing Corporation, it's coming from the governor's
11 office, and it's coming from the Corrections Cabinet.
12 It's a total package.

13 Kentucky should be proud of the fact that
14 we're using a model that works, a model that's proven
15 itself affective as Ms. James and Mr. Brannon talked
16 about today.

17 Kentucky Housing Corporation's commitment to
18 this, as J.D. mentioned earlier, is about \$4.3
19 million. That's coming from a combination of funds.
20 It's coming from tax credits. It's coming from
21 portable housing trust funds. It's coming from home
22 funds, and another source of fund called Federal Home
23 Loan Bank Fund in Cincinnati.

24 As Mr. Meyer pointed out, that Federal Home
25 Loan Bank funding that they applied for for this

1 program, the \$500,000 that is available for this
2 program is based on an application process that gave
3 bonus points during this realm. So hopefully the
4 Federal Home Loan Bank would give points to those
5 communities that were seeking these funds. So they've
6 got that money in the bank. That ended with September
7 application.

8 If this location is not approved and they have
9 to go to another location, they have to reapply for
10 those funds.

11 Now, that's not saying they won't get it, but
12 there certainly will be much, much more competitive in
13 order to receive those funds. There's a chance they
14 could get them, but there's also a great chance they
15 won't them get them.

16 What I'm saying to you is, we're committed to
17 Owensboro for this program. We think we have a good
18 location, Owensboro has a good location. I know
19 there's going to be opposition anywhere in the state
20 for this program. Every program that we've
21 implemented in the state or have broken ground, there
22 has been some opposition in the community. We know
23 that just goes with the lack of understanding about
24 recovery. I think for those communities where the
25 programs have been built, the communities have

1 embraced these programs.

2 Drug dealers don't want to be around these
3 people let me tell you. Alcoholics don't want to be
4 around these people. These people are about changing
5 their life. It's a spiritual program. It's a program
6 that they take what they found through that recovery
7 process and they pass it on to each other. So they
8 hold each other accountable through the process.

9 I can assure you that if this program is
10 built, these individuals will be wonderful neighbors.

11 Are there any questions?

12 CHAIRMAN: Any board member have any questions
13 of this gentleman?

14 (NO RESPONSE)

15 MR. ELLIOTT: State your name, please.

16 BISHOP McRAITH: Bishop John McRaith.

17 (BISHOP JOHN McRAITH SWORN BY ATTORNEY.)

18 BISHOP McRAITH: Today we have heard
19 considerable talk about the wonderful program of the
20 facilities in Lexington and Louisville.

21 We have not heard much about the fact of our
22 close neighbors in Henderson. As we sit here, we're
23 in the process of building a multi-million dollar
24 facility like these for women.

25 So we are in great need for a facility like

1 this in this area for men and we don't have one.

2 Now, I'm not here to argue about where the
3 best place is. I'm only here to support this program.
4 To say that I've lived in this community for 25 years
5 and I'm convinced that there's plenty of good minds
6 and big hearts that will see that we will not lose
7 this opportunity and have this money that we could not
8 afford to give us help to solve a serious problem that
9 affects many, many of our families. Thank you.

10 CHAIRMAN: Someone else come forward.

11 MR. ELLIOTT: State your name, please.

12 MS. BOONE: Misty Boone.

13 (MISTY BOONE SWORN BY ATTORNEY.)

14 MS. BOONE: After the board meeting in August,
15 we were told to get some evidence of our own as we
16 were suggested to.

17 I myself took it upon myself to find out some
18 more information about the facility.

19 I made a phone call to the the Healing Place
20 in Louisville. I spoke to a gentleman named Chuck. I
21 had three questions, just three simple questions that
22 I needed answers and I need clarified.

23 The first question that I had I wanted to
24 know, how many beds do you have in your facility?
25 They told me they had approximately, this is a guess,

1 70 something regular beds that were filled. I believe
2 they had 28 detox beds. I may be wrong on that. You
3 may have to correct me. So that answered that
4 question.

5 My next question was: How many or do you take
6 - - I asked, do you take people through the court
7 system? They said, yes, they do.

8 The next question I had: How many do you
9 have, how many beds do you have available for them? I
10 said, however many you have open or do you have a
11 percentage? They informed me that it is however many
12 beds they have open. That came from a gentleman named
13 Chuck.

14 Talked to the same. I talked to a lady named
15 Amber. She is from the Hope Center. Same questions.
16 Same answers.

17 Then I took it upon myself to call J.D. Meyer,
18 he's on the board, to get some questions answered for
19 myself. I have before you the questions that I asked
20 him and I would like for the Chairman or somebody to
21 ask him the same questions I asked him. Him himself,
22 not somebody here to represent J.D. Meyer, but
23 himself, to get his responses to these questions, and
24 remind him he's still under oath. Yes and no question
25 will be sufficient.

1 Mr. Chairman, before he answers those
2 questions, I'm going to go ahead and get my stuff
3 finished.

4 I have e-mails here from Greenbelt users. I'm
5 presenting them all to you. The Greenbelt issue has
6 been brought up. I want to give you these. I
7 promised I would.

8 CHAIRMAN: Mr. Meyer, do you want to start
9 with Number 1 please, sir?

10 MR. MEYER: Yes, I am.

11 MR. NOFFSINGER: Mr. Meyer, Question 1: Is it
12 true, yes or no, that 30 percent of the beds will be
13 open for people already in the prisons or jails who
14 will be receiving shock probation only and the rest of
15 the beds are unlimited to the ones who come through
16 the court system (court appointed)?

17 These are questions submitted by Misty Boone
18 for the record.

19 MR. MEYER: I believe that it is true that the
20 facility, as we have already pointed out in my
21 discussions with Mr. Dysinger, operational funding
22 comes through servicing certain clients from the
23 Department of Corrections. Preliminary estimates are
24 that that will be about a third of the 100 beds. We
25 do not intend to take all of them to avoid and make

1 sure we keep diversification from happening.

2 MR. NOFFSINGER: Question 2: Is it true that
3 currently there are 100 percent residents at the
4 Healing Place that have been through the court system,
5 court appointing?

6 MR. MEYER: I do not understand the question
7 as presented.

8 MS. BOONE: Would you like for me to clarify?

9 MR. NOFFSINGER: Please.

10 MS. BOONE: What I asked him was, there has to
11 be some way to tell your residents from your walk-ins,
12 from your jail court appointed people. If they get in
13 trouble, you have to know either to kick them out or
14 you have to be able to call their jail or whoever they
15 are going to kick them out. How many in that facility
16 are there with a court order, they haven't necessarily
17 through a jail, they haven't necessarily been to
18 prison or jail. They've been to court and it says,
19 you can go here or here. How many did you have in
20 that facility?

21 MR. NOFFSINGER: So no walk-ins basically, off
22 the street.

23 MS. BOONE: That's what I asked. How many was
24 in that facility at this present time?

25 MR. MEYER: I do not know the answer as that

1 is a question that should be presented to the Healing
2 Place. I directed Ms. Boone and provided her with
3 Mr. Brannon's cell phone number.

4 MS. BOONE: Disagree. He informed me that it
5 was currently 100 percent court appointed. If that's
6 incorrect, please have someone from the facility to
7 tell me.

8 MR. MEYER: Ask Mr. Brannon to come forward.

9 CHAIRMAN: State your name.

10 MR. BRANNON: Rodney Brannon.

11 Currently just to I guess address everything.
12 We don't have, we won't have any clients under per
13 diem. These are from the Department of Corrections or
14 from the courts. There is not a 100 percent
15 participation from the court order. There is
16 currently about 15 percent of our total population
17 that is either there under probation and parole or
18 court ordered. If any client, regardless of their
19 route or referral to a facility was to be discharged,
20 it wouldn't be based on them having a court order or
21 their mom dropped them off or any other issue. They
22 would be discharged based on their behavior.

23 Honestly I wished I had gotten the call. The
24 gentleman I believe that she's referring to, the
25 program is such that there is a peer role model, peer

1 counseling, peer accountability model.

2 Again, there aren't folks like me dealing with
3 the clients day-to-day one on one. They're having
4 peer counseling. One of those peer counselors as was
5 described earlier is willing and able to assist at any
6 capacity that he can, but if he's on the phone
7 challenged with questions he can't answer, he might
8 give a wrong answer. I wish I had been notified.

9 CHAIRMAN: Mr. Meyer, you come back up with
10 Mr. Brannon and start with Number 3.

11 MR. NOFFSINGER: Number 3: Is it also true,
12 yes or no, that the board is thinking about using the
13 graduates from the program to be the security at
14 night?

15 MR. MEYER: Yes. That is quite a possibility
16 and given the testimony from the graduates of the
17 Healing Place and the Hope Center presented before the
18 board tonight, I don't see that as one single problem.

19 MR. NOFFSINGER: Number 4: Is it true, yes or
20 no, there will be no detox beds at this proposed
21 facility?

22 MR. MEYER: That is true.

23 MR. NOFFSINGER: If no, how will the walk-in
24 get the help that they would need?

25 MR. MEYER: We have a hospital or other

1 facilities. I believe River Valley may have some - -
2 River Valley I believe has the detox facility and the
3 hospital. That will be provided by other services in
4 our community.

5 MR. DYSINGER: Will or will not have detox?

6 MR. MEYER: We will not have a detox facility.

7 MR. NOFFSINGER: Number 5: Is it true, yes or
8 no, that most all of the residents would have gone
9 through their detox in jail, hospitals and other
10 places?

11 MR. MEYER: I would have to check the
12 definition, but I believe anybody stopping using drugs
13 is continuously in detox. If they go to the hospital
14 or another place and are there for a week, they may
15 then come to our facility when there's no longer a
16 medical need to have them supervised. They may be in
17 a facility at that time who will be observed by staff.

18 MR. NOFFSINGER: Number 6: Is there only
19 going to be 12 to 15 paid staff for this proposed
20 facility? Yes or no.

21 MR. MEYER: That is the number supported in
22 the budget and as a proposal. Of course, that is a
23 proposal. If there's more needed, we can get more,
24 provided we have the appropriate funding to do so.

25 CHAIRMAN: Thank you.

1 Does that answer your questions to the best?

2 MS. BOONE: Yes.

3 CHAIRMAN: Next.

4 MR. ELLIOTT: State your name, please.

5 MR. SALAMAH: Ramez Salamah.

6 I have questions for any of the people.

7 The lady mentioned that 40 percent of the
8 client in the female facility have committed felony.
9 Now, across the board, how many of the male facility
10 have committed a felony? That's my first question.

11 My second question to Mr. Meyer. You said you
12 screen people as they come into the facility. My
13 question to you: Do you take child molesters who is
14 on drugs? You have mentioned that, it sounds like you
15 have the criteria to admit people to the facility.
16 You have mentioned that sometime the census in the
17 facility go down you have some corner to cut. Does
18 that mean like you can change your admission criteria
19 to accept more violent people?

20 MS. JAMES: Well, you have to remember that 85
21 percent of people who have felonies have them because
22 they have an addiction to drugs and alcohol and are
23 arrested because of that or trafficking or in pursuit
24 of. Actually one of the worst crimes, the number one
25 crime for our women and our men is writing cold

1 checks. It's not violence. It's things that allow
2 them to get their drugs and alcohol. So, yes, they do
3 have felonies, but no, that's not our intention to
4 bring anybody in to any of these programs who we even
5 have any perception that they might be violent. It
6 hasn't occurred. Either the men's program or the
7 women's program that we've had fights and things of
8 that nature. It just doesn't happen.

9 Neither one of us accept anybody who is on the
10 sexual abuse list. We always screen for that. We
11 screen out anyone who is not appropriate for our
12 program, but most people who are addicted to drugs and
13 alcohol, just because they have a criminal charge,
14 that's not a reason to screen them out. Because most
15 people will have if they've been in their addiction
16 very long.

17 Does that answer your question.

18 MR. SALAMAH: Yes. So clearly the program
19 will not admit child molester?

20 MS. JAMES: Absolutely not. The women are
21 close to day care. We screen them anyway. We're next
22 to day cares and we can't allow it so we screen for
23 all of it.

24 MR. SALAMAH: Other question: Do you have a
25 clear criteria you go by as you admit people and

1 that's not changeable based on the economic of the
2 facility?

3 MS. JAMES: Absolutely not. Because there are
4 plenty of people for us to serve. We have a huge
5 waiting list. As I'm sure Owensboro has a lot of
6 residents that need to be served. So we don't have to
7 change the criteria. We wish we had more beds just to
8 serve the people that are appropriate and that we
9 screen as appropriate.

10 MR. DYSINGER: J.D., could you respond to that
11 one too, the criteria?

12 MR. MEYER: Yes. To answer the question about
13 would a child molester be allowed on the facility?
14 The answer to that question is, no. I believe under
15 the recent passage of legislation, with the Catholic K
16 through 3 campus being located near Lourdes Parrish,
17 not only will our criteria not allow it, but Kentucky
18 state law will not allow it.

19 I have a six year old son, a five year old
20 daughter, an 11 month old daughter who all will go
21 through that school. Every one of them will. My six
22 year old is there now.

23 We will not change our criteria. As Ms. James
24 pointed out, our program right now has a waiting list
25 that you couldn't believe to get in. We have to turn

1 people away. Changing the criteria only does one
2 thing to the integrity of the program. That is cause
3 it to decline, and we're not about to let that happen.

4 CHAIRMAN: I think we're pretty well getting
5 to the point. Let's get some that haven't talked yet.

6 The lady back there hasn't spoke yet and a
7 gentleman back there.

8 MR. ELLIOTT: State your name, please.

9 MS. MORRISON: Laura Morris.

10 (MS. LAURA MORRIS SWORN BY ATTORNEY.)

11 MS. MORRIS: I have been involved in a general
12 way in this community for several years through
13 Community Conversations.

14 Looking at some of the problems, our community
15 has a fight working with law enforcement and with
16 families with drug addiction, alcohol addiction and so
17 forth.

18 I was part of the team that met for about two
19 years to see what Daviess County looks like where drug
20 and alcohol addiction was. And it was all across the
21 city and the county. I doubt that there is a single
22 person here tonight that has not in some way been
23 personally affected. Their family or someone that
24 they love with some sort of substance or alcohol
25 abuse.

1 I happen to be the mother, the daughter, the
2 niece and the daughter-in-law of an alcoholic. Our
3 son was in recovery from drug and alcohol abuse in the
4 past.

5 There is a great need in Daviess County. We
6 have shipped people off for care that they need here.
7 The program that we started at our detention center is
8 full with lots of people waiting to get in, for men
9 only. I would like to see an opportunity for, well,
10 an equal opportunity, as addiction is an equal
11 opportunity across economic, socio economic line.

12 I have a particular question I would like to
13 have answered. That is: In the very fact that
14 families are impacted, not just the person in
15 addiction, will they have an opportunity in this new
16 facility, which I pray that we will have here in the
17 beginning - - I will say I was very concerned for
18 safety issue. I said, oh, my gosh, why are they
19 putting it near the walking path, the Greenbelt? I'm
20 satisfied and I'm a very highly skeptical kind of
21 person. I've looked at the statistics and I'm very
22 satisfied that we will have a good facility, a
23 beautiful facility that will even enhance some of the
24 neighborhood. I believe that. It has excellent
25 statistics. That bring up the safety issue.

1 I am so proud of the people that have given
2 long days and years of their lives to see that we give
3 this for our county, for our citizens and the
4 surrounding counties.

5 The one thing you need to think about with
6 addiction. There's this term called revolving door.
7 I've heard it used with my friends who happen to be
8 the jailer, the sheriff, chief of police. If we don't
9 treat it, if you done give help, then we are simply
10 releasing into the community more and more people who
11 are helpless to help themselves and who really is just
12 dragged down. I mean this is a major center for crank
13 or methamphetamine. We have to deal with addiction.
14 We have to teach people skills that they need to
15 survive.

16 I understand some of you will feel this is a
17 bad thing that's impacting on your place, your
18 particular corner of the world. Think bigger than
19 just yourself.

20 If we have problems, I tell you, you call the
21 Messenger-Inquirer and they'll be glad to print them.

22 Don't convict it until it gets a chance to
23 prove itself because I think it will be something that
24 will greatly enhance our community and give a lot of
25 people a second chance or a good chance for living

1 free. Thank you.

2 CHAIRMAN: I think we've listened, we agree
3 that there is problems here. Their program is good.
4 We can understand all of your all's reasons.

5 We listened to it last month. I think we've
6 heard enough testimony at this time to go from here as
7 a board.

8 I'm going to give each one of you on each side
9 five minutes to summarize it up and then we're going
10 to call it off. We'll make a decision from there. So
11 you all have got five minutes. You all have got five
12 minutes and then we'll take a brief recess and then
13 come back and go from there.

14 MR. THOMPSON: Mr. Chairman, we haven't been
15 able to present anything on adverse property.

16 CHAIRMAN: If you've got some new information,
17 then come on. Since we haven't listened to you all,
18 we'll give you a little time.

19 MR. ELLIOTT: State your name, please.

20 MR. ZABORAC: I'm Todd Zaborac.

21 (MR. TODD ZABORAC SWORN BY ATTORNEY.)

22 MR. ZABORAC: I'd like to share a little bit
23 with you all.

24 I've lived in Daviess County now for 25 years.
25 Last April 23rd I was busted by the Daviess County

1 Sheriff's Department for manufacturing methamphetamine
2 while possession of a fire arm.

3 Four months later on December 1st, or actually
4 I've got to back up.

5 December 1st I got bust the first time. Four
6 months later on April 23rd I got busted for the second
7 time for trafficking 40 grams of methamphetamine.

8 I am a convicted felon. I am a meth addict.
9 By the grace of the courts, Judge Payne court ordered
10 me to the Healing Place on the 30th of April.

11 I spent nine months of my life there. I
12 didn't know how to live life. My life was pure hell
13 just to be honest with you. I didn't know how to work
14 a job. I had plenty of good jobs. I had lost every
15 one of them.

16 The safety issue that has been brought up I'd
17 like to speak on. I know firsthand from being a
18 client there at the Healing Place, a men's facility.
19 In the nine months I spent there, I never once saw
20 anything bad happen. We walked through neighborhoods
21 every night. We walked through downtown Louisville
22 every night to meetings. We trudged everywhere we
23 went.

24 There was no time that I was scared to have my
25 mother, my now wife, my sister, my grandmother,

1 anybody there at the Healing Place.

2 After being taught how to live life again on
3 life's terms, I'm now a productive member of this
4 society here. I have a good job. I volunteer for the
5 Lighthouse program teaching recovery dynamics to them
6 and run in their community.

7 Without going through what I did, I wouldn't
8 be standing here right now today. I wouldn't be able
9 to talk to any of you. I would be dead. There is no
10 doubt in my mind that I would be dead.

11 What the Healing Place has done for me is it
12 gave me another chance of my life.

13 Two weeks ago one of my good friends killed
14 himself here in Daviess County. He was an addict.
15 How many people has got to die in this town before
16 Owensboro will wake up and know that there is a
17 serious methamphetamine, drug and alcohol problem in
18 Owensboro.

19 If you go to the Healing Place, you're going
20 to see a little pub like this and it's God. God is
21 working in each of their lives.

22 When I went there, I didn't think when I got
23 done with the program that I would be clean and sober.
24 I've been clean and sober now for a year and a half.
25 I thought once I went through this program, I got out,

1 got through my court trouble, I'd be right back at it
2 doing the same thing over again. That ain't how it
3 works. You go through this program and you fake it
4 until you make it. That was one of the saying there,
5 and that's what I did. I faked it until I made it. I
6 didn't know how to follow rules. I didn't know how to
7 live life on life's terms at all. After nine months
8 of there, I can do it now. It took a few little bumps
9 in the road through my recovery to do it, but I was
10 able to do it.

11 Everybody that's in jail - - I've got I don't
12 know how many friends are sitting in Daviess County
13 right now. They might be convicted felons by the time
14 they get out of there, but that's the only offense
15 they've got is drug related.

16 The safety issue. If you don't know about
17 something, how can you speak on it. Unless you've
18 been there firsthand and been through one of the
19 facilities, you can't say it's not going to be safe.
20 If you don't know, you don't know. Thank you.

21 CHAIRMAN: Have we got anything else new?
22 Granted that you all went through the program. You
23 did a good job. It's worthwhile. We're not arguing
24 on that. We need to come on a couple of items of the
25 cost and the density over here. Present yours and

1 then finish up five minutes on each side after that.

2 MR. THOMPSON: Mr. Chairman, Members of the
3 Board, just a quick preference.

4 There's been a lot of good comments tonight.
5 A lot of good dialogue, a lot of question and answers.
6 A lot of emotion.

7 Let me just say that I don't think there's a
8 person in this room that doesn't believe the need for
9 this type of facility to exist in Owensboro and
10 Daviess County. I don't think anybody would disagree
11 with that.

12 All these testimonies that we've heard from
13 the people that are in the program, all the great
14 testimony from the people that are from Louisville and
15 Lexington about the quality of their two centers is
16 tremendous. I hope that we can have that in Owensboro
17 and Daviess County.

18 Nobody here tonight is arguing the fact that
19 we don't need this facility. I think that's given. I
20 think that's been very well demonstrated and
21 qualified.

22 The issue here tonight, if I can just kind of
23 circle back and get away from all the emotion for a
24 motion and get back to the facts.

25 If we go back to the Board of Adjustment,

1 Article 7 within the Owensboro Metropolitan Planning
2 Commission Ordinance and we look at 7.32, the
3 Conditional Use Permit, there are two things that
4 you're charged with tonight principally to make your
5 decision.

6 Number one is, can this property be properly
7 integrated into the neighborhood and will the granting
8 of the conditional use and construction of the
9 property, the construction of the project have an
10 adverse influence on the property value? I think
11 those are the two most salient points that we should
12 deal with tonight.

13 Whether or not we need the project, even
14 though it's well documented. People have done a great
15 job, and I applaud all these people that are
16 supportive of this project. They're great citizens.
17 They're great people of Owensboro and Daviess County.
18 I'm glad we have them because they have a real passion
19 for this community and they want to make it a better
20 place to call home.

21 Nobody is challenging that. I really applaud
22 their advocacy. We desperately need a facility like
23 they want in Owensboro and Daviess County.

24 The salient question is: Where is the best
25 place to put it for all concerned? That's why we're

1 here tonight.

2 So the issue is really the appropriateness of
3 the location and will it have an adverse influence on
4 property value?

5 If we can get back to those two facts, and I'd
6 just like to address quickly the issue that's very
7 important. Adverse property value. The ordinance
8 again says, make sure that the conditional use of the
9 project would not have an adverse influence on
10 existing or future development or the subject property
11 of its surrounding neighborhood.

12 I'd like to ask George Cox to come up to be an
13 expert witness. George Cox is perhaps the most
14 reputed and certainly the most experienced appraiser
15 in Owensboro and Daviess County. Up until a few years
16 ago, he was the only appraiser in Daviess County that
17 had the highest appraiser designation which is an MAI.
18 Now there's two. He has one of those two.

19 George has been in business for 40 years. He
20 has appraised over 40,000 one to four family
21 residents. He's totally disinterested. He doesn't
22 live in the neighborhood. He's a professional. He's
23 testified many, many times before public forum, such
24 as court, and he's also been a past president of the
25 real estate, the State Real Estate Appraiser's Board.

1 I think he's very qualified to speak on the issue of
2 adverse property values and speak on them from a
3 professional experience license standpoint.

4 So I'd like to ask George Cox to come forward
5 just for a minute on the subject of adverse property
6 value.

7 MR. ELLIOTT: State your name, please.

8 MR. COX: George Cox.

9 (MR. GEORGE COX SWORN BY ATTORNEY.)

10 MR. COX: Mr. Chairman, Counsel, Board
11 Members, I've been asked to come here tonight for one
12 reason and one reason only and that's to talk about
13 property value.

14 In my experience, 40 years being in this
15 business, I learn something every day. Tonight I
16 think I learned something. That if you build a jail
17 in a neighborhood, the property value goes up. I
18 don't think that happens.

19 In my opinion, to build this facility where it
20 is, where it's proposed to be built, it will have an
21 adverse impact on the property values. It's an
22 intrusion of an inharmonious group into a
23 neighborhood.

24 Real estate is different from any other
25 commodity that you can think of simply because of it's

1 location. It cannot escape its environment. That's
2 why it's so important to analyze the neighborhoods.
3 That is one of the primary things that is taught in
4 every class that I've taught. I've taught both at the
5 college and at the professional level.

6 Real estate is fixed in locations. The market
7 has to come to a head. If you make a mistake, you
8 can't unring the bell. Keep that in mind.

9 Those properties out there, especially those
10 ones in close proximity to this proposed facility,
11 without a doubt in my opinion will suffer a loss in
12 value.

13 One other thing here. Instructions to
14 appraisers on the valuation and analysis of
15 single-family one to four unit dwellings. The
16 directive number is 4150.2. It goes through and
17 describes site analysis, site requirements,
18 neighborhood definition, pending sites. Number three,
19 inharmonious land uses. Let me read verbatim what it
20 says.

21 "The appraiser must identify all inharmonious
22 land uses in a neighborhood. Clearly define the
23 current and long-term affect that inharmonious uses
24 will have on the market values and the economic life
25 of the subject property. If inharmonious land uses

1 represents a serious detriment to either the health or
2 represents a serious or safety of the occupant or to
3 the economic security of the property, clearly note
4 safety of the occupants or to the economic security of
5 the property clearly note this on the BC and UAR."
6 The last sentence. "Recommend that the property be
7 rejected by the lender."

8 MR. DYSINGER: Can I ask a question about
9 that, Mr. Chairman?

10 CHAIRMAN: Go ahead.

11 MR. DYSINGER: Boil that down for me. Does it
12 basically say that if there's anything in the
13 neighborhood that makes it unsafe that it should be
14 rejected by the lender. Is that the gist of that?

15 MR. COX: Yes. I read that verbatim.

16 MR. DYSINGER: I understand, sir, but I'm not
17 a real estate expert. Is that basically what it says;
18 it puts an unsafe situation it should be rejected by
19 the lender?

20 MR. COX: Yes.

21 CHAIRMAN: Any other board members have
22 questions?

23 (NO RESPONSE)

24 MR. COX: What I practice now is mostly in
25 litigation. I do a lot of court work. A lot of

1 testimony.

2 If I had to appraise this property on a before
3 and after basis, as I'm required to do in most cases,
4 there's no question that the aftermath of this
5 property would be less than before, assuming that this
6 facility is built in this location.

7 MR. DYSINGER: Because it would be unsafe?

8 MR. COX: It's an infiltration of an
9 inharmonious use in the neighborhood. The market
10 participants of buyers, perception is reality to that.

11 Safety is the number one issue in buying of
12 single-family homes.

13 MR. DYSINGER: Since you're here, sir, with
14 your expertise could you give us a theory as to why
15 the property values increased around the jail?

16 MR. COX: I don't think they did increase.
17 I'm saying that I heard testimony by Mr. Clark that it
18 went up. I know the property that he's talking about,
19 the condos on the river. As a matter, I appraised
20 them when they were built. I appraised two or three
21 of them two or three times. They've always had a
22 tough time to sell. We've had an extended marketing
23 time, and I've got records to prove it.

24 MR. WARREN: So you're saying that what we
25 have in black and white here is wrong? Because we

1 have the numbers down in black and white.

2 MR. COX: What numbers?

3 MR. DYSINGER: The sale prices.

4 MR. WARREN: Buy prices and sale prices.

5 MR. COX: Sale prices, you have to go beyond
6 the sale prices. You don't look just at the numbers.

7 MR. WARREN: They still sold for that price.

8 MR. COX: They sold based on certain
9 parameters. When you deal in market value, you're
10 dealing with all cash. It doesn't mean that you take
11 a trade-in or you leave a car in the garage, that if
12 you buy this you get the car free. That's what
13 happened. That's why you have to be very careful when
14 you talk about prices.

15 I'll let you price your house. I'll buy your
16 house for any price you set on it if you let me
17 dictate the terms. Pay any price if you let me
18 dictate the terms and the conditions.

19 MR. DYSINGER: So the houses around the jail
20 sold at unfavorable terms. I'm sorry, sir, I'm not
21 trying to argue.

22 MR. COX: No. In my experience in that
23 neighborhood, since that jail was built out there, the
24 values have not increased comparably to other areas of
25 the town.

1 MR. WARREN: So they haven't increased
2 comparably in Owensboro, but they have increased?

3 MR. COX: Right.

4 MR. WARREN: They didn't decrease.

5 MR. COX: I can't say it didn't decrease, but
6 what I'm saying is that if you compare apples to
7 apples, you can't compare. Those properties you have
8 to look at the price. You have to look at the price
9 range of properties, the kind of properties they are,
10 and the neighborhood.

11 MR. WARREN: Mr. Cox, I contend that you're
12 comparing a facility that has never been built.

13 MR. COX: I'm sorry.

14 MR. WARREN: I'm saying you're not comparing
15 apples to apples either. You're telling us all this
16 stuff about a building that has not yet been built.
17 You know, it might happen that this is a harmonious
18 situation.

19 MR. COX: Well, it might, but based on my
20 experience that won't happen. I'm doing the extension
21 on the bypass, for the extension of 54 bypass. I've
22 got 48 apartments to do out there. I'm going to make
23 the assumption on the absent value of those properties
24 without that road being built. It's the same thing
25 that I'm doing here.

1 MR. DYSINGER: Can you point, sir, to an
2 instance in your experience that would be similar to
3 this situation?

4 MR. COX: Not necessarily. I checked these
5 other facilities out. Like the one in Harlan I think
6 is going to be built next to a jail. The one in
7 Hopkinsville is going to be built next to Western
8 State Hospital. So there's really no way to
9 categorize an adjustment for that factor because
10 that's already built into the market. None of these
11 facilities that I've seen have put in a comparable
12 residential area.

13 But based on the studies that I've done; power
14 line easements, pipeline easements to heavily traveled
15 roads, there will be an adverse impact.

16 CHAIRMAN: Any more board members have any
17 questions of Mr. Cox?

18 (NO RESPONSE)

19 MR. THOMPSON: Mr. Chairman, the next salient
20 point here that we need to discuss and that's the
21 property integration in the neighborhood.

22 Remember now that the primarily character, the
23 principal character of the neighborhood that this
24 project is proposed to be built in is low density
25 single-family detach. That without any question is

1 the principal character of the neighborhood.

2 So let's look. Shouldn't a good test be
3 instead of whether this can be integrated or not and
4 look at it from an extemporaneous standpoint, let's
5 look at the other projects around Kentucky. They're
6 the project or part of the Recovery Kentucky Program
7 and see where they're being built and let's see real
8 quickly how they're being integrated in our community.

9 I don't have enough of these for everybody to
10 see one. This is the aerial photograph of the Hope
11 Center in Lexington, which by the way is a tremendous
12 complex. I applaud the directors. I know they're
13 doing a tremendous job there, but I'm afraid the
14 gentleman that came up early on with the slide
15 presentation wasn't totally candid about the
16 neighborhood.

17 If you look at this picture, see the L-shaped
18 building that's kind of in the middle that has an
19 orange roof? Do you see the orange roof? That's the
20 Hope Center that's located there at 360 West Loudon.
21 A beautiful facility. No question about that. Very
22 well run. Very well maintained, but let's look at the
23 character of the neighborhood that it's in. It's
24 certainly not residential.

25 If you look, and I'm not sure it's north, but

1 if you go north you'll see the intersection on Louden
2 and New Town Pike so I'm going to say that's north.
3 It may not be, but just the top part of the picture
4 let's say that's north.

5 So if you go south of this, you see an
6 apartment complex that's very near this with all those
7 brownish roofs. That's an apartment complex. If go
8 across the street, there's a YMCA. That's an
9 institutional facility. If you go across the street a
10 little bit to the east, that's Lex Marx. All where
11 those white top buildings are, that's a huge
12 manufacturing complex. If you go a little bit further
13 up to the north, right at the intersection is the
14 health department. On the other side of that
15 intersection is the Department of Vocational &
16 Rehabilitation. If you go a little bit down to the
17 south of the orange colored building, it's a farmers
18 feed mill. Finally if you go right across the street
19 from the farmers feed mill, there's a GE glass plant.

20 Yes, there's some single-family residences in
21 this area, but certainly not predominately
22 single-family like the proposed site in the
23 neighborhood that's the subject.

24 This certainly is a mixed use development I
25 think that you can agree. This is in Lexington.

1 Now, let's go and look. We've already talked
2 briefly about the one in Louisville. The one in
3 Louisville, as the gentleman said, and unfortunately I
4 don't have enough of these either, but the one in
5 Louisville I believe, as the gentleman said, is in a
6 commercial area, and it is. It's in a downtown lower
7 income, very dense area.

8 You can see by the pictures. You can see all
9 of Humana and all the buildings in the forefront where
10 the one in Louisville is. There's an apartment
11 complex right next it.

12 There's no Humana next to Higdon Road and
13 Veach Road. There's no apartment complex. There's no
14 YMCA. There's no institutional facility at all. It's
15 all single-family residential. That's not the
16 character of the project in Louisville.

17 Let's go on for another test and see what's
18 going on at Morehead. I've got all the letters from
19 Recovery Kentucky that have told me where the location
20 is.

21 Let's look quickly at the one in Morehead
22 which is called the Inspiration Center. The one in
23 Morehead looks just like the one in Daviess County.
24 Certainly is needed, but let's quickly look at the
25 characteristics of this site in Morehead to see how

1 they're integrating it into the community, and are
2 they integrating in to an exclusive single-family
3 residential area or is it more harmonious with the
4 surrounding?

5 I think I put an X on there where the site is.
6 The site which is on US 60 in Morehead, it's 1111 US
7 60 West. You can see the highway right in front of
8 it. It's right next to the Morehead Utility Plant
9 Board Maintenance Facility.

10 That by the way used to be the former sewage
11 treatment plant location for the City of Morehead.

12 Behind it is a huge, I thought it was a river
13 but it's called Triplett Creek that's behind it that
14 you see there. Right next-door to the Morehead
15 Utility Plant Board Facility is the electric
16 substation. Across the street is a cemetery.

17 Again, in Morehead this isn't being placed in
18 an exclusive residential neighborhood. It's being
19 placed at a minimum of mixed use development where it
20 can more properly be integrated. Consistent with the
21 other one that we've just talked about.

22 Now, quickly let's look at two other ones.
23 Let's look at Harlan County. I don't have an aerial
24 of Harlan County. It's located at 5050 Highway 30A in
25 Ebarts, but I refer to an article from the Courier

1 Journal that I submit for the record dated April 22nd.
2 It says, "3.9 being in Cumberland Community Center is
3 part of Recovery Kentucky which was announced in
4 2004."

5 The center sits next to the new Harlan County
6 Jail in Eberts. The site in Harlan is not next to an
7 exclusive residential neighborhood or only a
8 residential neighborhood. It's next to a jail.
9 That's how it's being integrated into the community.

10 Finally, let's look at the sixth one in
11 Hopkinsville. As Mr. Cox mentioned, the one in
12 Hopkinsville is located at 2400 Russell Road on the
13 ground of Western State Hospital.

14 I think a lot of us that have to Hopkinsville
15 know where Western State Hospital is. This is being
16 built on the ground of Western State Hospital.

17 So not one of these facilities, which are all
18 fine facilities and very much needed, but they're
19 being properly integrated. They're in mixed use
20 communitie. Where commercial is nearby. Where
21 industrial is nearby. Where institutional use is
22 nearby. In many, many cases right next-door and
23 across the street. None of that is relevant to this
24 site.

25 There is no institutional use in this

1 neighborhood. There is no multi-family. There is no
2 commercial. It's not the proper site. That's the
3 issue that we're making. Not the need, but the site
4 location.

5 Let's go on one more point to try to stay on
6 the facts and summarize. There was some discussion
7 about funding, which funding shouldn't be relevant to
8 the decision you make tonight. Is it important?
9 Absolutely. But is it relevant for the zoning
10 ordinance? It's not. Because if it were a lot of
11 people would come up here and say, if you don't
12 approve my conditional use or my rezoning I'm going to
13 lose thousands of dollars. Well, you don't say, okay,
14 based on that we're going to waive the zoning
15 ordinance because of your funding issue.

16 Let me talk about the funding issue. Again,
17 we desperately need this project in Owensboro and
18 Daviess County. We've heard tonight that if we don't
19 approve it that we're going to lose a \$500,000 Federal
20 Home Loan Bank of Cincinnati grant that's part of the
21 financing vehicle that's being used.

22 So today, and I'm somewhat familiar with the
23 Federal Home Loan Bank because I was invited to be on
24 that board about three years ago.

25 In any event, I called Laura Sandman who is a

1 housing analysis with the Federal Home Loan Bank of
2 Cincinnati. I personally talked to her today on the
3 phone. She is familiar with this application. I
4 asked her if in fact the Lighthouse Recovery project
5 for Daviess County were to seek an alternative
6 location would they lose their funding as has been
7 represented tonight perhaps. She said, no. She said,
8 not necessarily. You can request -- and I tried to
9 write all of this down. I've got her phone number if
10 somebody wants to call tomorrow and verify this. I'm
11 under oath here so I'm trying to regurgitate this the
12 best I remember it as she told me.

13 She told me, she said, you can request a
14 modification to an approve location. A modification
15 for an alternative site. They will consider that
16 modification. She said that you have to secure some
17 control of the alternative site. Either a purchase
18 contract or an option. Like the people of the
19 Lighthouse Recovery here I think have a purchase
20 contract or maybe have an option. She said, you have
21 to verify it. Mr. Townsend is right on track about,
22 he says, they may be able to do this or they may not.
23 She said, you have to verify that the new property
24 meets the original or similar parameters of the
25 initial application; in other words, hopefully it will

1 score as well as the site did that has already been
2 approved. She said, in order to proceed with this,
3 they would have to get a letter from Lighthouse
4 Recovery of Daviess County indicating that they
5 weren't going forward with the original site, but they
6 were looking for an alternative site. Said it would
7 be in their best interest to get an alternative site
8 put together as quickly as possible to send that
9 information up to them. She said it would take 30 to
10 60 days to process a modification request. It would
11 take 30 to 60 days. So she did not say that they
12 would lose the funding. We don't want them to lose
13 the funding. I want this in Daviess County. We don't
14 want to lose that money. We won't lose that money if
15 in fact we act quickly.

16 So the question that comes me, well, everybody
17 here that seems to be on this side might be painted as
18 non-citizens. I hope nobody challenges that of me and
19 I hope nobody challenges that of all these good
20 neighbors, the stakeholders that live out here because
21 they're good citizens too and they have some intense
22 concerns about this, but they all agree unanimously
23 that we need to have this facility in Owensboro and
24 Daviess County. Just in the right location.

25 So they're going to say, well, what about

1 these citizens? They're all talking about problems.
2 Not in my backyard and all that stuff.

3 I'm not up here tonight to be part of the
4 problem. I want to be part of the solution. I want
5 to see this facility built in Owensboro and Daviess
6 County. I don't want to lose that money. You know, I
7 don't think we will lose it.

8 I've been working with a real estate broker of
9 some refute that's spent a lot of time over the last
10 few days and we've come up with three or four sites.
11 We have one site that I have in this folder that is
12 immediately available that I think would be a win/win
13 situation for everybody.

14 This site is on the west side of Owensboro.
15 To be specifically it's west of Audubon Plaza Shopping
16 Center. It's zoned A-U. Exactly like this proposed
17 site is. It's in the county, which I think J.D. would
18 testify needs to be in the county. The price on it is
19 very, very close to the price that they're paying for
20 the proposed project. It has 6.6 acres, which is
21 almost the same size as the subject property. Bus
22 service is available and it's not in a floodplain. So
23 I think the development cost would be a lot less
24 because there wouldn't have to be as much fill.

25 This site is available today. I mean we

1 verified this. It's available today. I've got
2 pictures in here of if you all would - - I'll just
3 quickly pass this around.

4 The only point I want I want to make is that
5 what I'm saying there could be a win/win situation in
6 this deal. We could move the site to an area that is
7 more compatible and more harmonious to this facility.
8 Because that area that I'm talking about is not
9 totally residential. It's a mixed use like all those
10 other six that I've already testified to. It's
11 available and it could be purchased.

12 I would work tomorrow and spend whatever time
13 is necessary, I think a lot of these good neighbors
14 would, to make this happen because we don't want to
15 lose this project in Daviess County.

16 In summary, these people are looking to you
17 gentlemen and ladies on the Board of Adjustment to do
18 two things. The zoning ordinance protects their
19 welfare. The regulations protect their quiet
20 enjoyment of life. They're asking you to exercise
21 those and to protect their welfare and to protect
22 their quiet and enjoyment under the ordinance and not
23 allow an incompatible inharmonious use to come in and
24 ask them to put themselves at risk. Because they're
25 the ones that have the potential risk. The

1 stakeholders that are already there.

2 We do have an alternative. We've already
3 testified that we will not lose the \$500,000. That
4 came right from a lady in the Federal Home Bank, and
5 we have an alternative site that I think can be put
6 together in a matter of days, resubmit the
7 application.

8 I'll do everything in my power to work with
9 Mr. Meyer and all the good people that are trying to
10 make this project a reality. To do everything that I
11 can to get that site approved. It would be a win/win.
12 The community would get it. The neighborhood would
13 not be disadvantaged. We can move forward and
14 continue to provide the kind of treatment that the
15 citizens of Owensboro and Daviess County deserve.

16 CHAIRMAN: Any boards members have any
17 questions of him?

18 MS. MASON: The site that you're talking
19 about, does it access to the Greenbelt also?

20 MR. THOMPSON: It's not next to the Greenbelt.
21 It's got a county road. It has access to a bus route.

22 It's a mixed use community. There's some
23 commercial there. There's some industrial. There is
24 a couple of residences there. But it's a mixed use
25 development, which is the proper integration of a

1 facility like this.

2 That's where I testified about the other six
3 locations in Kentucky. They're all in settings like
4 this. None of them are in a setting like is being
5 proposed for this project, which I think is strong
6 testimony.

7 CHAIRMAN: Any board members have any other
8 questions?

9 (NO RESPONSE)

10 CHAIRMAN: Do you all have a couple of
11 questions at this time pertaining to this item?

12 MR. PIERCE: I do.

13 Again, my name is Richard Pierce.

14 Mr. Chairman, I have one item of
15 clarification.

16 The site on Louden that he pointed out in
17 Lexington is the site of the men's facility, which I
18 believe is also a new construction site.

19 The site which I photographed and showed you
20 is the women's facility which is on Versailles Road.
21 I was not untruthful about being at the Hope Center.

22 MR. THOMPSON: I didn't mean to imply that,
23 but the one on Louden is the one I'm speaking to.

24 MR. PIERCE: Secondly, I have a question.

25 Mr. Thompson spoke to the lady with the

1 Federal Home Loan Bank and she gave an assessment as
2 to the likelihood of success for failure upon
3 reallocation and what Mr. Thompson's experience has
4 been with that type of state and/or federal financing,
5 which is site specific.

6 CHAIRMAN: Mr. Thompson.

7 MR. THOMPSON: I'm not sure I understood the
8 question.

9 MR. PIERCE: Did she give you any indication
10 as to the likelihood of success or their acceptance of
11 such a site or did she merely state that, yes, there
12 is a process by which they can go through and will
13 evaluate whether or not they can keep the funding?

14 MR. THOMPSON: She did not state to the
15 likelihood of success or the likelihood of failure,
16 but she did speak to the most salient point was, there
17 was a vehicle to change the site and not lose the
18 funding. There was a vehicle to do that. They would
19 have to make the decision based upon the information
20 they get on the new site and how it scores, but the
21 probability would be I would say 50/50 that it would
22 be approved or not approved. There is a vehicle so
23 it's not lost if this project is not approved.

24 MR. PIERCE: I'd also like to ask Mr. Thompson
25 if he was ever contacted early on in this process by

1 Mr. Meyer or anybody with Lighthouse for assistance in
2 locating a site either in the city or county?

3 MR. THOMPSON: I wasn't attempted to be
4 contacted to find another site. I was contacted by
5 the phone. The message just said, called. I have
6 talked to Mr. Meyer most recently, two days ago. I
7 was not contacted as to find another site.

8 MR. PIERCE. No, I don't mean another site. I
9 meant back when this process started. There were
10 several people contact within the community for help
11 in locating sites that fit the criteria. I was
12 wondering if perhaps you were one of those contacted?

13 MR. THOMPSON: No, I was not.

14 MR. PIERCE: Thank you.

15 CHAIRMAN: Mr. Meyer, you have any questions
16 right now?

17 MR. MEYER: I don't have any questions.

18 MR. PEDLEY: I have a question of Mr. Meyer.

19 Mr. Meyer, I prepared some things before I
20 came down tonight. A lot of it has been answered.

21 One of the things is, do you feel you and your
22 board has given full and proper consideration to the
23 issues of the neighbors on Higdon Road, the Greenbelt
24 walking trail, and the future development land north
25 of Higdon Road and the floodplain issues? Have you

1 considered other sites where none of these issues
2 exist? Have you considered the cost of developing
3 this site dealing with bringing it out of the
4 floodplain? Straight access Veach Road flooding
5 versus a developed site, which are available?

6 The other thing is if this is denied, what
7 happens to the funding? Will you lose funding? If
8 so, can you reapply for funding at another site?

9 MR. MEYER: Mr. Pedley, I apologize. As we've
10 gone at this very long, I cannot remember the very
11 first question nor the second.

12 If we could take those in succession, allow me
13 to answer and address them, I'd love the opportunity
14 to do so.

15 MR. PEDLEY: We'll go back then.

16 CHAIRMAN: One at a time, please.

17 MR. PEDLEY: Do you feel you have given full
18 and proper consideration to the issues of the
19 neighbors of Higdon Road?

20 MR. MEYER: I believe our board, we feel that
21 we have given adequate consideration to all the
22 concerns that have been expressed by the neighbors in
23 that individual area as to the issue of safety and
24 property values.

25 The ones that I knew going in the answers to,

1 and if it were behind my house I would not have any
2 problems with it.

3 MR. PEDLEY: Did you give consideration of the
4 Greenbelt walking trail and the future development of
5 the land north of Higdon Road?

6 MR. MEYER: We did give consideration to the
7 development of that land north of Higdon Road. We
8 also considered the development to the land south of
9 Veach Road on Salem Drive and in that area, which is I
10 would point out proposed to be a commercial
11 development. So we're looking north standing on the
12 bypass and we're ignoring everything behind it when we
13 look to say or determine that this is solely
14 residential purpose. It is not.

15 I believe there's a piece of property that is
16 not directly across from the facility that access is
17 Kipling Drive off of J.R. Miller Boulevard. That is
18 attached in your packet. I believe the name of the
19 road is Wiekel Drive. There is a conceptual plan
20 there. The conceptual plan shows commercial use.

21 We have given adequate consideration. We do
22 not believe based upon use of the Hope Center and the
23 Healing Place, and specifically the Hope Center's
24 women's facility, that this facility represents an
25 improper integration in our community.

1 MR. PEDLEY: Did you consider the floodplain
2 issues? The Higdon Road elevation is 390. Base flood
3 in that area is 394. That means you've got to raise
4 that site four feet. Then your building has to be one
5 foot above that. Did you consider all the cost
6 related to that type of development and the fact that
7 Higdon Road floods and the fact that Veach Road
8 floods? There are times when you cannot get to that
9 facility. The flood of '97, if I'm correct, Veach
10 Road was flooded. You could not get to that facility
11 if you had built there.

12 MR. MEYER: I don't recall it. I was not
13 living in Owensboro at that time. I know the flood in
14 '97 was a rare flood.

15 We did give consideration to the fact that
16 this property is in a floodplain. In working with
17 Mr. Pierce and his company and in working with
18 Mr. Bryant, we have determined, as every other
19 property out there, we are able and can move it out of
20 the floodplain. There are adequate funds in the
21 proposed budget to allow us to cover the cost of such
22 building of the land.

23 MR. PEDLEY: Did you consider other sites when
24 you were selecting sites? Did you consider other
25 sites when none of these issues exist?

1 MR. MEYER: We did consider several sites. We
2 contacted numerous individuals in the community.

3 Mr. Thompson may not recall. I do recall
4 meeting with him when the governor announced this
5 project and asked him if he had any ideas.

6 We had talked, I had a map from the PVA office
7 that was printed out that showed me all of the land
8 within Daviess County, close in the city of Owensboro
9 that was marketed or that was deemed county property
10 that would be eligible for the program. We had looked
11 at all those sites.

12 The Hedden family, who is here tonight and
13 have been sitting with us, Mrs. Hedden is a member of
14 our board, came forward and got involved. They came
15 forward and wanted to help with this project and
16 offered their support and offered to convey their
17 land.

18 That property has been under contract, I would
19 point out, under a purchase agreement since April of
20 2005. All we're waiting on is the final approval from
21 this board.

22 MR. PEDLEY: Final question. If this is
23 denied, what happens to your funding? You stated
24 earlier you would lose \$500,000. Can you select
25 another site and reapply for this funding?

1 MR. MEYER: If the application is denied, we
2 lose control. Life is a lot about control. I can you
3 tell you my destiny now if this site is approved. We
4 will be breaking ground as soon as possible. We have
5 everybody lined up to go forward.

6 If this is not approved, I don't know what
7 will happen. I lose control. Maybe my site will be
8 approved, but maybe it won't. Maybe I'll lose that
9 money. Maybe I won't. We lose control. We lose the
10 guarantees that we have worked for for the last 18
11 months.

12 As Mr. Townsend said, if we have to reapply,
13 we're not allowed to move our site within our existing
14 approval with Federal Home Loan Bank. The scoring
15 criteria is different. Some of those preferential
16 scoring treatments that were for these types of
17 facilities no longer are there.

18 In our opinion, if we're not approved tonight
19 and it's delayed 30, 60, 90 days, we're delayed in
20 construction and completion, then it's quite possible
21 the whole project could be forgotten.

22 MR. PEDLEY: I'm not opposed to this project.
23 I support this program 100 percent. I assure you that
24 every board member here we're compassionate caring
25 people. We want this project done, but we must

1 address issues of the neighbors and that site. We
2 must do it.

3 I'm asking these questions because I want it
4 in this record. If this goes to the courts and maybe
5 the appeals court, I want everything in the record. I
6 want the questions asked and I want the questions
7 answered.

8 MR. MEYER: This is a controversial issue.
9 This is a community issue. They should be and they
10 deserve to be answered.

11 MR. PEDLEY: The other thing is this issue,
12 this decision should be done by the Kentucky statute,
13 regulation of the Kentucky statute and the zoning
14 ordinance. This burden should not be put on these
15 seven people or these six people here tonight. This
16 should be by Kentucky statute regulations and the
17 zoning ordinance. This is a tough situation to sit
18 here and try to analyze and come to a decision. So
19 with that I'm through.

20 MR. MEYER: Thank you.

21 CHAIRMAN: Other questions? You got anything
22 new to add?

23 MS. JAMES: Mr. Chairman, I would just like to
24 put some documents into the record, please, for
25 further use.

1 CHAIRMAN: While she's bringing these forward,
2 we're going to take a ten minute break.

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

4 CHAIRMAN: Let each side, unless you all have
5 got somethings you want to tell us otherwise, take
6 five minutes on each side and then we'll make some
7 decision one way or the other; good, bad or something
8 else.

9 Which one of you wants to go first?

10 MR. MEYER: Again, I want to thank you. We've
11 been here for what seems to be an eternity.

12 Mr. Pedley, I agree that you guys are in a
13 difficult situation, but somebody put each and every
14 one of you on that board for a reason. You each bring
15 with you your own experiences and your own knowledge
16 of the world that we live in. You're there to make
17 decisions that affect our community and our society on
18 a daily basis.

19 We respectfully request that you all approve
20 this Conditional Use Permit. I believe that the
21 evidence presented tonight shows that this facility
22 will not cause or represent a safety issue for the
23 neighbors. We've talked about that through and
24 through.

25 We also believe that property values will not

1 be adversely affected. As my granddad used to say,
2 the proof is in the pudding. Well, the proof is in
3 our packet that we submitted to you all that you have
4 addressed and looked at this evening.

5 We know that this is a lot of information. We
6 know that you all understand the project and the
7 potential out there for good.

8 I want to address briefly the potential for
9 our proposed site.

10 We've been at this, we've adequately
11 considered all the properties in Daviess County. The
12 Hedden family has been kind and faithful through and
13 through with us, the ups and downs on this project.

14 I don't believe it's fair at the eleventh hour
15 to come in with some alternative site. There's a
16 newspaper article I have. My wife makes fun of me
17 today for it. It read, "Meyer wants land." It was
18 written in March 16th of 2005. It was our call to the
19 community for somebody to come forward and say, here,
20 here is some land. We combed this county through and
21 through. Had several sites that Mr. Townsend and
22 other representatives of Kentucky Housing Corporation
23 came and looked at. We identified this site.

24 We believe that if you look at the integration
25 issue, you will see that this facility will be

1 properly integrated into our society, into that
2 community and in to that area. This is not solely a
3 residential area. There's a lot to be said to what it
4 will become because there's a lot of undeveloped land.

5 We know if look to the south on the other side
6 of the bypass and that's predominately commercial. We
7 looked to the west. That's proposed commercial. It's
8 uncertain as to the property in the middle what it
9 will become.

10 The telling evidence is those shots of the
11 Hope Center, women's facility, and how it borders the
12 neighbors. It's appropriate to bring these people
13 back in the community. We heard a lot tonight from
14 how they are productive citizens again.

15 Share with you just briefly a couple of the
16 statistics. For every dollar spent on recovery,
17 there's a \$4.16 corresponding result in reduced
18 crime-related cost. For every \$1.00 spent, if you add
19 in the cost of crime plus the recovery through
20 employment taxes of these individuals, you have a
21 \$5.34 return. You put the math of this facility, the
22 construction alone would avoid roughly \$18 million in
23 crime-related cost. It would lead to a total,
24 including the employment increase, of about 23
25 million.

1 From the operation standpoint, you're looking
2 at crime cost avoid of \$2.6 million. Cost figures on
3 the employment tax issue is roughly \$3.3 million.

4 Now, I don't believe in giving those
5 statistics we've strayed from what you all have to
6 consider tonight because the definition of a
7 conditional use in the Kentucky Revised Statute is a
8 use which is essential to or which promote the public
9 health, safety or welfare in one or more zones.

10 I don't know what is more telling evidence
11 than it would approve all of the zones in Owensboro.

12 Most important, the lives that this facility
13 will affect. I believe you have to consider that
14 along with the health and welfare and safety of the
15 property owners.

16 We believe that this is an opportunity. This
17 is an opportunity to affect lives, to approve our
18 community, impact our economy. Most of all this is an
19 opportunity to be a leader in the state. There are
20 ten programs. We're in the running to be one of those
21 ten. We're the third largest city in this state.
22 This is our opportunity to shine.

23 As I said, the project, everyone knows it's
24 needed. We respectfully request that you all approve
25 the Conditional Use Permit.

1 Thank you all for your time and attention.

2 CHAIRMAN: Mr. Thompson, you've got ten
3 minutes being he used ten minutes.

4 MR. THOMPSON: I want to thank you all for
5 your time and attention and the service that you
6 provide to this community. This isn't an easy issue,
7 an easy decision. There has been great points made on
8 both sides. There's been a lot of emotions expressed
9 tonight.

10 I just want to reiterate again that the
11 salient point here tonight is not whether this project
12 is needed. This project is needed. That is very well
13 demonstrated and qualified. The issue is not the
14 funding, whether the funding is going to be lost or
15 jeopardized. That's not the issue. The issue is what
16 the ordinance says. The ordinance says that we are to
17 look at the proper integration into the neighborhood.
18 The ordinance talks about addressing adverse values.
19 Will the project, what proposed use adversely affect
20 the investment that the neighbors already have in
21 their neighborhood.

22 Just simply looking at those salient points
23 again. Putting aside the need issue and putting aside
24 the number of crimes that are drug-related, because
25 those are all good points, but they're not relevant to

1 the decision that you need to make tonight.

2 If you simply look at the integration issue.
3 Only if you took in to look at the other six sites, in
4 terms of where they have been located in their
5 respected community. None of them have been located
6 in an environment that is like or compatible to the
7 environment that this proposal is being asked to be
8 placed in. All of them without exemption, and it can
9 be documented and we did document it, are in mixed use
10 development. We're not talking about mixed uses being
11 a couple of blocks away or three or four blocks away.
12 We're talking about right across the street or right
13 adjacent to it. In every one of those site, we've
14 presented it. Not one of these is being put into a
15 zone, a strict zone that only allows low density
16 single-family detached housing, like this project is
17 being proposed to put into that kind of zone. For
18 that reason we submit under the zoning ordinance that
19 this proposal is not compatible and cannot be properly
20 integrated because it is not in character with the
21 principal use of the property in this neighbored.

22 Then the other issue that we talked about that
23 I think is very, very relevant, besides the proper
24 integration, is the adverse influence on property
25 value. We've heard testimony from an appraiser, a

1 licensed 40 year experienced appraiser that perception
2 is reality. That his professional opinion that the
3 location of a facility like this will have an adverse
4 influence on property value.

5 Now, just ask yourself about it though. Look
6 at it this way: There's two things at issue. There's
7 a proposed project that, yes, has a lot of time
8 invested. A lot of good people put tremendous man
9 hours into it and they've done a lot of work in
10 putting the application together, but they have not
11 risk any dollars. They've got human capital at risk,
12 but they have not risked any tangible hard dollars.

13 These people, many of which are right there
14 tonight, these neighbors, they have a hard investment
15 in that property today. They are the stakeholders.
16 They're already there. They don't have a chance to go
17 anywhere else.

18 This proposed project, as I testified a few
19 minutes ago, can go somewhere else and can still be
20 viable and can still get funding and can still work to
21 meet the needs of this community from a social
22 standpoint.

23 These people can't go anywhere else after this
24 project. What if only one property is affected by 25
25 or 30 percent, or what if just two of them. That is a

1 big risk to ask these individuals here tonight to bear
2 because they don't have any option. They can't pick
3 up.

4 Now, people that might think about moving into
5 this neighborhood after the project is built, if it
6 is, they have an option. They can either say, well, I
7 don't think it's much of a risk. I'm going to go in
8 there or I'm not going to go in there, but they have
9 that option. These people here tonight that are the
10 stakeholders out there, that are the neighbors that
11 live there in that environment that are looking to you
12 all to protect them with the zoning ordinance tonight,
13 to ensure that the use is compatible with their use,
14 to make sure it harmonious, to make sure that it's
15 consistent with their principal use, and to protect
16 their health, safety and welfare, and to protect their
17 enjoyment. That's what they're asking of the zoning
18 ordinance. That's the purpose of the zoning ordinance
19 and a conditional use. They are the stakeholders.

20 Again, nobody here is discriminating against a
21 particular class. Nobody is discriminating against
22 drug addiction. We would be, as we testified a month
23 ago, we would be in opposition to any type of
24 institutional use that's right next-door to where all
25 of these houses are.

1 Vittitow Subdivision runs down Higdon Road.
2 There are 21 houses on there that constitute, comprise
3 12.8 acres. The density there is 1.6 units per acre.
4 Whether you define 100 units and 38 residents as one
5 unit I think is debatable, but it's certainly a much,
6 much more dense development right next-door to
7 property that has primarily half acre lots.

8 Again, look at the other five, six sites and
9 ask yourself that question. Are they located next to
10 primary properties that have half acre lots?

11 So the records needs to show, again, in the
12 findings of fact that we're not discriminating against
13 a particular class. The issue tonight happens to be a
14 substance abuse facility. So you have to specifically
15 speak to it. If we were any other type of
16 institutional facility, we would be objecting to that
17 because it's not compatible.

18 If it was a nursing home, if it was a
19 multi-family housing project, if it was an Alzheimer's
20 clinic, those aren't compatible. They're not
21 compatible with the principal use in an A-U zone.

22 One other thing about the funding. Mr. Meyer
23 is an excellent citizen. Has done a tremendous job on
24 this project and I really applaud him for where his
25 heart is, but he talked about control. That if they

1 switch sites that they will lose control. Shouldn't
2 we be trying to find a win/win for everybody that's
3 involved? We've got their great interest and we've
4 got the important and significantly equal interest of
5 these people in this neighborhood.

6 I proposed something, and we looked for a week
7 or two and found a couple of properties that we think
8 will work, but one specifically I think is better than
9 the site that they are proposing. I think personally,
10 and I don't have the experience that they do, but I
11 have some experience in dealing with the Federal Home
12 Loan Bank. That it will score better than the project
13 that they have and it would be a win/win for
14 everybody.

15 I even suggested to Mr. Meyer that we table
16 for 30 days and go out and put the property together,
17 submit to the Federal Home Loan Bank. I'm even
18 willing to go up there with him to make an application
19 to them to see if we couldn't expedite in them making
20 a decision on this alternative site because they want
21 that project to be here too. There's no certainty
22 that they would lose the funding, and I've been told
23 that. That there's no certainly. There's no guarantee
24 that they would. There's no guarantee that they
25 wouldn't, but the important thing is there's an

1 opportunity to look at an alternative site. By doing
2 that everybody in this room would benefit. Everybody
3 would win. Nobody would leave feeling disadvantaged.
4 Everybody would feel like that you all protected their
5 interested as varied as they are.

6 So from the control standpoint, I don't think
7 that is really relevant because what about the control
8 that the neighbors lose if the project goes ahead and
9 they are put at risk? What if there's just one safety
10 issue? Hopefully there's none, but what if there's
11 just one? What if there's one property value that
12 gets significantly adversely influenced?

13 I think that's a big risk to ask people to
14 take. An alternative site we would have to ask that
15 because that wouldn't be an issue.

16 In conclusion, I think the zoning ordinance in
17 Owensboro and Daviess County does provide an
18 appropriate alternatives for a project like this. I
19 think they exist today. I just presented an example
20 of some of those.

21 I think that we can immediately reposition,
22 find a site that's compatible with this type of
23 institutional project, submit it, get it funded, have
24 this project go forward.

25 I don't think asking for 30 days is too much

1 given what's at risk here. They spent a lot of time
2 working on this already. I've got projects delayed
3 all the time to look to see if there's a better answer
4 or to make sure we have all the facts. I don't think
5 that that's unreasonable.

6 I just end by saying that I applaud you for
7 your dedication and your concern about this issue, but
8 you remember what's at stake here.

9 Try, if you can, remove yourself from the
10 emotions of the issue and deal with the facts about
11 the proper integration of this project versus where
12 the other six that have been announced have been put
13 in Kentucky, and about the testimony on the adverse
14 influence and also about the fact of there is an
15 alternative site that's available and would work.

16 I appreciate your time. This has been a long
17 night. I respectfully on behalf of all the
18 stakeholders, again I use that word because that's
19 exactly what they are. They have their investment
20 riding on this decision. On behalf of them, I ask
21 your humble approval of what I've said, but the denial
22 of this Conditional Use Permit or at least tabling it
23 for 30 days to where we can try to work in an
24 alternative site. Thank you.

25 CHAIRMAN: Any board member have any other

1 questions or comments?

2 MR. PEDLEY: Bring Mr. Meyer back up.

3 CHAIRMAN: Mr. Meyer.

4 MR. PEDLEY: What are your thoughts and
5 consideration about postponing for 30 days to look for
6 an alternate site or try to work this out so everyone,
7 as Mr. Thompson said, is in a win/win situation?

8 MR. MEYER: That's a difficult question for me
9 to answer. In consulting with the representative from
10 Housing Corporation, I don't think that's appropriate
11 at this time or one we can make. Thank you.

12 CHAIRMAN: The chairman probably shouldn't get
13 involved here and say something, but I'm going to
14 anyway.

15 You all have give this much stuff to look at
16 tonight. If we've got to go through this, read it,
17 understand it, we're going to have to have 30 days or
18 some time before we can make a decision. If you want
19 us to look at it and consider all the information,
20 both sides of you have presented. That's all I've got
21 to say. We need time to look at this first.

22 MR. MEYER: I believe if that's a decision
23 which your board needs more time, that's one to rest
24 with your board.

25 CHAIRMAN: Thank you.

1 MR. MEYER: Thank you.

2 CHAIRMAN: Have you got anything new to add?

3 MS. STIFF: I do. I have just one thing I'd
4 like to say.

5 MR. ELLIOTT: State your name.

6 MS. STIFF: I'm Debbie Stiff.

7 (MS. DEBBIE STIFF SWORN BY ATTORNEY.)

8 MS. STIFF: We have some booklets. If you're
9 going to consider things further, we have some things
10 of interest that we thought that you might like to
11 look at.

12 One other note of interest that I don't think
13 was specifically addressed. We found out in our
14 search that the excavation and the field permit needed
15 to dig the retention basin is one in the same permit
16 to also haul in more dirt. If this facility gets
17 built up four feet, with the retention basins and the
18 hauling in of dirt, consider what that will do to the
19 residents on Higdon Road.

20 CHAIRMAN: This is all discussion, unless the
21 board members have some other question to ask at this
22 time.

23 (NO RESPONSE)

24 MS. MASON: I'm in agreement with what you're
25 saying about all this information. If it's going to

1 go into the record, we don't have any time to read it
2 before we have to make a decision tonight, if it has
3 to go into the record.

4 MS. DIXON: Mr. Chairman, I'm incline to
5 disagree with that. I think most of what appears in
6 here we have seen or heard in some shape, form or
7 fashion, either from last month I've been reading
8 minutes up until right before I came or as presented
9 here tonight, power-point presentations and so forth.
10 So I'm ready to make a motion and we can act
11 accordingly.

12 I move that a Conditional Use Permit to
13 construct and operate a substance abuse recovery
14 facility at 4301 Veach Road to serve a maximum of 100
15 residents be granted.

16 My motion is based upon the following findings
17 of fact:

18 The facility would serve the health, safety
19 and welfare of the public because based upon evidence
20 and testimony, both written and oral, our community
21 has a need for such services for people suffering from
22 substance abuse. The governor has designated funds
23 for such a facility to address an increasing problem
24 for our commonwealth.

25 Testimony has indicated evidence of the court

1 system being overloaded with individuals with
2 substance abuse problems. Very few families have not
3 been touched by substance abuse in some form. Based
4 upon testimony the Recovery Center will be modeled
5 upon other recovery centers which have exhibited
6 excellent records of success.

7 Testimony has been presented that proper
8 screening and supervision will be provided. The
9 center can be integrated into the neighborhood which
10 borders upon commercial uses not very far which would
11 provide excellent employment opportunities for
12 recovering residents. The location is near public
13 transportation. The proposed placement of the center
14 is also near the Social Security office which provides
15 a service for residents.

16 Testimony by the Owensboro Metropolitan
17 Planning Staff has indicated that density is not a
18 significant issue concerning the placement of the
19 center at this location.

20 As exhibited by testimony the individuals who
21 will be residents of the center will be there out of
22 the desire to recover from their addictions and return
23 to their families and become productive members of our
24 community.

25 Other permits have been granted for similar

1 facilities, one in particular the Boulware Center, in
2 or near residential neighborhoods.

3 I live near a homeless shelter and have for
4 years.

5 I also move the following conditions be
6 attached to the permit:

7 1. A minor subdivision plat be submitted to
8 increase the half right-of-way from 25 to 30 feet.

9 2. Landscaping along the vehicular use area
10 adjacent to residential properties be extended
11 approximately 100 feet to the west into the existing
12 utility easement. Evergreens be planted that mature
13 with a low spread around the base of the tree.

14 That's my motion.

15 MR. DYSINGER: Mr. Chairman, due to a
16 preponderance of evidence, I second that motion.

17 CHAIRMAN: Before I ask for a vote, we've got
18 one other item we've got to have here tonight so which
19 ever way it goes, please give us the respect to answer
20 the last item on the program.

21 With that is there any other comments from the
22 board?

23 (NO RESPONSE)

24 CHAIRMAN: Staff have anything else?

25 MR. NOFFSINGER: No, sir.

1 CHAIRMAN: With that all in favor raise your
2 right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries.

5 Next item, please.

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7 ADMINISTRATIVE APPEAL

8 ITEM 7

9 322 East 7th Street, zoned R-4DT
10 Consider request for an Administrative Appeal to
11 change a non-conforming parking lot for an existing
12 apartment building to a redesigned non-conforming
13 parking lot for an existing apartment building with
14 defined access points and landscaping
15 Reference: Zoning Ordinance, Article 4, Section 4.53,
16 Article 7, Section 7.34
17 Applicant: Community Development Department, City of
18 Owensboro, RNA Rental East, LLC

19 MR. NOFFSINGER: Mr. Chairman, this
20 application comes before this board. It actually
21 improves a non-conforming situation located at 7th and
22 Crittenden Street. They are proposing to take a site
23 that has an apartment complex on it. It has pretty
24 much open pavement and parking out to Crittenden
25 Street and redesign that in such a way where they will
26 have controlled access off of Crittenden Street and
27 landscaping and a functional parking lot.

28 The Planning Staff, we have no issues with
29 what they're proposing to do. Certainly we think it

1 makes for a better situation; however, there will be
2 landscaping proposed to be located in a public
3 right-of-way. This board does not have the authority
4 to grant landscaping to be located in a public
5 right-of-way nor would we recommend that you do so.

6 That must be approved by the City of Owensboro
7 through their engineering department. It is under my
8 understanding via this letter that I have from the
9 City Engineer that he is okay with the proposal.
10 However, we do recommend that you recommend the change
11 from one non-conforming use of the premise to another
12 and the site specifically as it is right now to
13 improve the situation, but you are not in any form
14 approving the location of landscaping within the
15 public right-of-way.

16 CHAIRMAN: Is the applicant here have any
17 comments?

18 MR. ELLIOTT: State your name, please.

19 MR. VOLK: Michael Volk, City of Owensboro.

20 (MR. MICHAEL VOLK SWORN BY ATTORNEY.)

21 MR. VOLK: This apartment complex, as
22 Mr. Noffsinger stated, is kind of in bad shape. With
23 it being next to the new city park we're constructing,
24 the Wendell Foster Center also asked us if we could
25 provide a clear way from their facilities to the park

1 for their wheelchair patients. This was a major
2 obstacle here. We will be more than glad to get
3 something from RNA Rentals that says they will take
4 care of the landscaping issue.

5 MR. NOFFSINGER: Excuse me. Landscaping is
6 not an issue. It's just this board cannot approve the
7 landscaping in the public right-of-way nor do we
8 recommend that they do so. That's up to the City of
9 Owensboro. We don't want to get into a situation
10 where we're requiring it or it makes it look like
11 we're requiring it in the city right-of-way. You can
12 certainly do the project without the landscape
13 materials. That's all we're saying. If the
14 landscaping does go in, the City of Owensboro would
15 have to approve it.

16 MR. VOLK: Would it help you for future use if
17 you had something from the owner stating he would take
18 care of the landscaping?

19 MR. NOFFSINGER: What do you mean by "take
20 care of it"?

21 MR. VOLK: Well, we had thought about getting
22 him to sign some sort of document that says he
23 understands that that is his landscaping to maintain.

24 MR. NOFFSINGER: I think that would be a great
25 idea. It would help all of us, especially the city.

1 Because we're in a situation now where we're having to
2 remove some of the landscape materials that was put in
3 the city right-of-way as a result of a variance that
4 the board of adjustment granted many, many years ago
5 or a landscape adjustment board. We're having to
6 remove some of that because it's a real sight
7 visibility problem in the right-of-way. I'm not
8 saying that this will, but you might want to protect
9 the city and motoring public by some type of
10 maintenance agreement or reserve the right to remove
11 it in the future should it become a problem.

12 MR. VOLK: We submit that to you, just forward
13 it to you?

14 MR. NOFFSINGER: That would be fine. We'll
15 just put it in the record so we have a paper trail on
16 it. It would be good.

17 MR. DYSINGER: Is that going to require a
18 condition?

19 MR. NOFFSINGER: No, sir.

20 CHAIRMAN: Need a motion to grant the appeal.

21 MR. DYSINGER: Move that we find for the
22 appellant.

23 CHAIRMAN: Is there a second?

24 MR. WARREN: Second.

25 CHAIRMAN: All in favor raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
2 CHAIRMAN: Motion carries.
3 Move for one final motion.
4 MS. DIXON: Move to adjourn.
5 MS. MASON: Second.
6 CHAIRMAN: All in favor raise your right hand.
7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
8 CHAIRMAN: We are adjourned.
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1 STATE OF KENTUCKY.)
2)SS: REPORTER'S CERTIFICATE
3 COUNTY OF DAVIESS)

4 I, LYNNETTE KOLLER FUCHS, Notary Public in and
5 for the State of Kentucky at Large, do hereby certify
6 that the foregoing Owensboro Metropolitan Board of
7 Adjustment meeting was held at the time and place as
8 stated in the caption to the foregoing proceedings;
9 that each person commenting on issues under discussion
10 were duly sworn before testifying; that the Board
11 members present were as stated in the caption; that
12 said proceedings were taken by me in stenotype and
13 electronically recorded and was thereafter, by me,
14 accurately and correctly transcribed into the
15 foregoing 188 typewritten pages; and that no signature
16 was requested to the foregoing transcript.

17 WITNESS my hand and notary seal on this the
18 30th day of September, 2006.

19

20

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

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23 COMMISSION EXPIRES: DECEMBER 19, 2006

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COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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