

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 FEBRUARY 13, 2020

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

8 MEMBERS PRESENT: Larry Moore, Chairman
9 Lewis Jean, Vice Chairman
10 Mike Edge, Secretary
11 Brian Howard, Director
12 Terra Knight, Attorney
13 Irvin Rogers
14 Skyler Stewart
15 Fred Reeves
16 Angela Hardaway
17 Larry Boswell

18 * * * * *

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

24 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

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

First of all, we ask that anybody that wants
to speak on any item before this commission, please go
to one of the microphones, state your name and be

1 sworn in by our attorney. We ask that you direct all
2 of your questions to the chair who in turn will try to
3 answer those for you or find answers for you through
4 the Staff or our Director or our attorney. We ask
5 that you stay on topic. Probably the most important
6 is that we ask that you be respectful.

7 With that in mind, the first order will be the
8 minutes. All the commissioners should have received a
9 copy of last month's minutes. Does anyone have any
10 questions, concerns or changes?

11 (NO RESPONSE)

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

14 Commissioner Edge.

15 MR. EDGE: Motion to approve.

16 CHAIRMAN: Do we have a second?

17 MR. JEAN: Second.

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion passes.

23 MR. HOWARD: I will note that the zoning
24 changes heard tonight will become final in 21 days
25 after the meeting unless an appeal is filed. If an

1 appeal is filed, we will forward the record of this
2 meeting along with all applicable materials to the
3 appropriate legislative body for the to take final
4 action.

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6 GENERAL BUSINESS

7 ZONING CHANGES

8 ITEM 3

9 1506 Dean Avenue, 0.397 acres
10 Consider zoning change: From R-1A Single Family
11 Residential to P-1 Professional/Service
12 Applicant: Owensboro Catholic High School, Inc.;
Patrick D. Pace, Executor of the Estate of John P.
Pace, Jr.

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

15 MR. PEDLEY: Trey Pedley.

16 (TREY PEDLEY SWORN BY ATTORNEY.)

17 PLANNING STAFF RECOMMENDATIONS

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

20 CONDITIONS

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

24 2. Access to Owensboro Catholic High School
25 from Dean Avenue shall remain limited to the existing

1 single-access point known as Taylor Avenue.

2 FINDINGS OF FACT

3 1. Staff recommends approval because the
4 proposal is in compliance with the community's adopted
5 Comprehensive Plan;

6 2. The subject property is located in an
7 Urban Residential Plan Area, where
8 professional/service uses are appropriate in limited
9 locations;

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

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

15 5. With access from Dean Avenue being limited
16 to the existing single-access point along Taylor
17 Avenue, the proposal to expand the P-1 zoning onto the
18 0.397 acre property should not overburden the capacity
19 of roadways and other necessary urban services that
20 are available in the affected area.

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

23 CHAIRMAN: Thank you.

24 Anyone in the audience representing the
25 applicant?

1 MR. KAMUF: Yes, Mr. Chairman. Charlie Kamuf
2 representing the applicant, the owner, the Pace
3 family.

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

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

10 I have a couple of pass outs.

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

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

20 As you can see, at the present time all the
21 property, before the zoning at the last meeting, the
22 blue mark that you see here on Parrish Avenue was the
23 entrance that we have. On Taylor Drive there was
24 ingress and egress. On the blue marker that you see
25 there at Parrish Avenue, that was only ingress only.

1 The lot that you see on the right there would be 563
2 feet from Parrish Avenue to Dean Avenue. I might
3 point out that we've owned the property, generally the
4 whole property since about 1949.

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

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

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

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

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

24 The reason that's important is that we start
25 this argument off today knowing that we have an access

1 point on Dean Avenue.

2 You agree with that, Mr. Howard?

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

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

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

22 So we've got an access point on this lot at
23 1500 West Parrish.

24 MR. HOWARD: You have the potential for an
25 access point, but it would have to be reviewed with

1 the site plan or development plan.

2 MR. KAMUF: Okay. I might say it was
3 unanimous vote at that time.

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

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

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

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

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

24 As a matter of fact, I was kind of shocked to
25 see that these conditions of the Staff were placed on

1 there. Maybe we wouldn't even have bought the
2 property on the corner if we had known that there was
3 going to be some issues about the access point.

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

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

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

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

22 We would like for the Board to approve the
23 rezoning just as you did on the December property. We
24 have just bought -- one reason that we don't have all
25 of the information and the engineering information is

1 that I think it was maybe November, Tom can tell you,
2 that the people on the corner of 1500 West Parrish
3 came to us. We didn't go to them. They came to us
4 and wanted to us sell the property. At that time we
5 bought the property and we didn't have an opportunity
6 to meet with the engineers. Immediately after the
7 rezoning in January 20th we entered into a contract
8 with the Pace family. We haven't had an opportunity
9 to do the engineering work. These contracts just came
10 one after another. We need the flexibility.

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

21 If you look at the plat that you have in front
22 of you, the only area that Catholic High can expand is
23 along Dean Avenue. Catholic High along West Parrish
24 is tied up. Linden is tied up. And as we have this
25 area that you can see here, it's 563 feet from the

1 center line of Parrish to Taylor Drive. We think that
2 would be a bad situation for everybody to have that
3 length of property with no access points, other than
4 the one on the property designated as Lot Number 1.

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

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

24 We need this existing access point which we
25 obtained in December.

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

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

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

23 This was not the case two months ago. What
24 did it say at bottom? At 0.560 acres in size, the
25 proposal should not overburden the capacity of the

1 roadway. Nothing has changed. By zoning this lot P-1
2 and allowing an access point will not overburden the
3 roadways.

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

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

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

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

24 Make your motion that the access to the
25 subject property shall be in accord with OMPC zoning

1 ordinance and subdivision regulations and the Access
2 Management Manual. That's what you did in the other
3 case. It specifically states in that report at the
4 top that you see, and this is the third paragraph from
5 the top on the right. "Any future changes to the
6 property would have to comply with the applicable
7 portions of the Owensboro Metropolitan Zoning
8 Ordinance and subdivision regulations. We agree.

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

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

23 In other words, the zoning on the property --
24 once the property on the corner was zoned, it's nearly
25 automatic. It's a logical expansion. It's stronger

1 than zoning. The Staff Report pretty well states
2 that, hey, the property should be rezoned.

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

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

11 CHAIRMAN: Thank you, sir.

12 Anyone in the else wish to speak to this
13 issue?

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

16 CHAIRMAN: Sure.

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

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

23 MR. KAMUF: Here is the engineer, he can help.
24 I don't know, Fred.

25 MR. REEVES: Typically 3700 feet is a city

1 block?

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

4 MR. WEAVER: David Weaver.

5 (DAVID WEAVER SWORN BY ATTORNEY.)

6 MR. WEAVER: City blocks vary. Yes, roughly,
7 3 to 500 feet maybe.

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

10 MR. KAMUF: Right.

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

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

21 Plus too, if we had two access points where we
22 can get kids out of the parking lots, maybe the one on
23 Dean Avenue that we're talking about, which would be
24 the new access point, they could turn left into one on
25 Taylor Avenue, they could turn right. I don't

1 think -- along with your point. The further we move
2 the access point towards Taylor Avenue, the better
3 sight distance you're going to have with the hill.
4 You know, if you think about that hill, coming up the
5 hilltop is about the front of Catholic High. The
6 access point on this front lot doesn't work nearly as
7 well as an access lot on the rear lot.

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

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

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

20 MR. WEAVER: Sure.

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

23 MR. WEAVER: That second access point you
24 really need to try to separate the buses from the
25 passenger cars.

1 MR. REEVES: That's the main issue, to
2 separate the buses?

3 MR. WEAVER: That's one of the issues.
4 There's several issues.

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

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

9 Commissioner Boswell.

10 MR. BOSWELL: Thank you, Mr. Chairman.

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

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

22 Like Charlie said, if we could just have that
23 condition being access on Dean Avenue shall be in
24 compliance with the zoning ordinance, to the
25 subdivision regulations, and the Access Management

1 Manual; the understanding that we're going to be
2 working with the Planning Staff and the Engineering
3 Staff on logical and safe access points on Dean
4 Avenue.

5 MR. BOSWELL: I think also I wanted
6 clarification.

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

17 MR. WEAVER: Yes. If you kind of think about
18 it from a logical perspective, correct me if I speak
19 out of turn, but I believe Catholic High is okay with
20 only gaining one new access point to Dean Avenue. We
21 feel stronger that it will work best on this second
22 lot that we're getting as opposed to the first lot
23 because of Fred Reeves said a minute ago. The safety
24 issue getting back away from that hill, crest of that
25 hill. We just need some flexibility at this point.

1 MR. BOSWELL: I know that can be a problem
2 because as a past student at Catholic High, I know
3 that sometimes you can burn rubber leaving the parking
4 lot pretty easily there.

5 MR. WEAVER: Yes.

6 MR. BOSWELL: Thank you.

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

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

17 MR. SETTLE: Gates Settle.

18 (GATES SETTLE SWORN BY ATTORNEY.)

19 MR. SETTLE: Any time there are situations in
20 the neighborhood we try to address them as quickly as
21 we can. We get over the years, I've been there nine
22 years, as we get phone calls or somebody comes over
23 and has a complaint, we always try to address that as
24 quickly as we can. Over the past nine years, we've
25 had situations where we've had people park on Linden

1 Avenue, on Parkview, and we received complaints and
2 phone calls and we immediately addressed it. We tried
3 one year allowing our students to park on Parkview
4 just to keep them -- my biggest concern when I got
5 there is that we have kids walking with their backs on
6 Parrish Avenue. They're walking with their backs to
7 traffic. They'll park at the Sportscenter and come
8 down. This day and time with texting and everything
9 going on, I've always been concerned about our
10 students' safety on Parrish Avenue. Even with that
11 crossing Parrish Avenue is another issue. That's been
12 one of our major concerns, my major concern since I've
13 been there is student safety.

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

19 One of the biggest consequences you can have
20 for a 16-year-old is not being able to drive to
21 school. So we've used that occasionally. We hope
22 we've been good neighbors. We're going to continue to
23 be good neighbors. We're not trying to make things
24 more difficult for anybody. Just our number one
25 concern is student safety.

1 CHAIRMAN: Thank you, sir.

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

4 MR. SETTLE: Sure.

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

7 MR. SETTLE: Yes.

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

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

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

17 MR. SETTLE: Oh, just be present?

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

20 MR. SETTLE: Absolutely. Absolutely. We have
21 two assistant principals right now in the parking lot
22 just for pick up, making sure that buses coming in and
23 out, the bus situation. From time to time one of our
24 Dean of Students does go down towards the end of Dean
25 Avenue, and as somebody mentioned, it's hard to catch

1 students once they get out, figuring out who is
2 burning the tires and that kind of thing. We can try
3 to do a better job of that. That's for sure.

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

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

12 MR. REEVES: Thank you.

13 CHAIRMAN: Any other questions?

14 Commissioner Boswell.

15 MR. BOSWELL: Thank you, Mr. Chairman.

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

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

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

24 MR. HOWARD: In December, we had a rezoning
25 come through and there was no information provided

1 what was going to happen. They don't meet access
2 spacing for an access point on Parrish Avenue. So
3 Mr. Kamuf is correct. We didn't limit that lot to --
4 we limited access to Dean Avenue only potentially.

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

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

24 If it ends up at the end of the day that
25 there's a single access point for both of those

1 parcels to Dean Avenue, it's probably fine, but we
2 don't know what the plan is. We're trying to evaluate
3 things with less than ideal knowledge provided to us.

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

20 MR. KAMUF: May we answer that?

21 CHAIRMAN: First of all, Commissioner Boswell.

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

24 If that were to be rezoned, could it be
25 limited that they could use that just for that

1 purpose?

2 MR. HOWARD: No. KRS does not allow a
3 rezoning to take place with a stipulated use. Once
4 it's zoned P-1, it's zoned P-1. Again, if it's
5 consolidated in and it's all part of the operation of
6 the school, not a big deal at all. You know, if it
7 was a standalone professional lot, I could see why
8 neighbors would have concerns about that. I can see
9 from a planning perspective why we would have concerns
10 about that.

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

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

20 MR. BOSWELL: Thank you.

21 CHAIRMAN: Commissioner Rogers.

22 MR. ROGERS: Brian, let me ask you. With the
23 access point off of the first lot, 1500, I thought I
24 understood them to say that they could get by with
25 that one access if it could be flexible to be moved.

1 If we can rezone this, would they have the flexibility
2 to move that existing on the 1500 entrance wherever it
3 would work out best for them?

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

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

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

24 The original condition that the subject
25 property be consolidated with the main campus of

1 Catholic High. The second being that a single access
2 point to Dean Avenue be allowed from -- with either
3 what Mr. Kamuf referred to as Lot 1 or Lot 2. I'm not
4 sure exactly how you'd want to word that.

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

9 CHAIRMAN: Mr. Kamuf, anything else?

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

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

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

22 MR. REEVES: One more.

23 I'm going to assume that Mr. Weaver's firm is
24 going to be engaged by Catholic High School to
25 determine where this ingress/egress location will go?

1 MR. KAMUF: That's correct, Mr. Reeves.

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

9 MR. WEAVER: Absolutely.

10 CHAIRMAN: Any other commissioners?

11 Mr. Boswell.

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

14 You're proposing that the access point on Lot
15 2 to be located at that 301 foot point? That's where
16 that access point is going to be to Lot 2 or are you
17 asking for flexibility to move that?

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

1 that access point.

2 MR. BOSWELL: Thank you.

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

5 Yes, sir.

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

8 MR. BROWNSON: My name is Terry Brownson.

9 (TERRY BROWNSON SWORN BY ATTORNEY.)

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

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

20 In the first block of Dean going south from
21 Parrish is what I would call an alley which has been
22 also known as Taylor Avenue. Those of you all that
23 know what it is, it's not a very wide kind of street.

24 Traffic can be a little crazy in and out of
25 Catholic High in the mornings and after school, but

1 most other times, including even when there's athletic
2 events, the traffic is reasonable. And in my opinion,
3 Catholic has been a good neighbor. They have been
4 responsive to any questions or concerns.

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

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

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

1 students cross the street.

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

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

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

23 It should be obviously that rezoning 1506 Dean
24 Avenue would immediately intrude upon and change the
25 nature of our heretofore establish residential

1 neighborhood, since there is nothing but single-family
2 dwellings facing Dean Avenue. That fact should not be
3 taken lightly, and certainly not without a full study
4 of the impact of that on the residential neighborhood
5 on which it's intruding.

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

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

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

21 As mentioned student and athletic event
22 traffic can be crazy at times, but very limited times
23 on Dean Avenue with people entering and leaving the
24 rear entrance of Catholic off Taylor Avenue. The
25 impact of this is the backing up of cars on both

1 Parrish end and Griffith Avenue end of Dean. The
2 addition of additional cars into the parking lot there
3 would only make this worse, regardless of where it's
4 coming out of.

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

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

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

23 CHAIRMAN: Thank you, sir.

24 MR. BROWNSON: Be happy to answer any
25 questions.

1 CHAIRMAN: Any questions of this gentleman?

2 (NO RESPONSE)

3 CHAIRMAN: Anyone else in the audience that
4 would like to speak to this issue?

5 MR. JOHNSON: I have a few things.

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

8 MR. JOHNSON: My name Andy Johnson. I live
9 1505 Dean Avenue, right across the street from 1506
10 Dean Avenue.

11 (ANDY JOHNSON SWORN BY ATTORNEY.)

12 MR. JOHNSON: I hope that the commissioners
13 will not approve the second entrance on Dean because
14 my driveway is right across there. I mean we've lived
15 there for 15 years. When we first moved there, we
16 knew that Catholic was there. We knew what to expect.
17 I went to Catholic. My wife went to Catholic. So we
18 knew what to expect.

19 By putting an entrance anywhere along that
20 hill to me would be dangerous. Because I see every
21 day the driving, how much traffic backs up, how they
22 come over the hill. Where this is at right here is
23 over the crest of the hill. So you're not going to
24 see that entrance until you get on top of that hill.
25 And if that's an entrance or an exit, you're not going

1 to have very many cars. Cars are going to be backed
2 up on Parrish because that's so close to Parrish. You
3 probably only get five or six cars there. So it's
4 going to be congestion. It's going to be worse.
5 Catholic has been there since '49. Taylor Avenue has
6 worked for them for this many years. I don't see how
7 having another entrance is going to impede on Bonnie
8 and Barry's house there, having people coming in and
9 out of their driveway right there. Their house is
10 right next to that. I know there's other houses that
11 are next to Taylor Avenue, but those people bought
12 those houses knowing that that road was there. This
13 is going to be a big change. It's going to hurt our
14 property value quite a bit, I think.

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

25 I would like to see the commissioners not

1 approve this. Thank you.

2 CHAIRMAN: Thank you.

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

5 CHAIRMAN: Yes, sir.

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

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

16 CHAIRMAN: Thank you, sir.

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

19 Let me point this out. This is Owensboro
20 Senior High School. They have three entrances. They
21 have an entrance to their rear parking lot off of
22 McCreary, and then they have a small one here off of
23 Ford, and then there is one here on Frederica.
24 McCreary is probably one of the most exclusive
25 neighborhoods in Daviess County. Whenever the library

1 was there and they later transferred it from the
2 library to the school, it didn't have any effect
3 whatsoever on the property values on McCreary. I'm
4 not a real estate guy, but that's been my experience.
5 The only one I could think of is the one there on
6 McCreary and Griffith Avenue with the library first
7 and then the parking lot that they have at Senior High
8 School. I don't think it would cause those property
9 values any different than what they are now with the
10 rezoning that we had at 1500 West Parrish.

11 CHAIRMAN: Thank you, sir.

12 Anyone else in the audience?

13 Yes, sir.

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

16 MR. PHILLIPS: Barry Phillips.

17 (BARRY PHILLIPS SWORN BY ATTORNEY.)

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

1 there's a stream coming down through there, and I can
2 see a problem.

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

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

13 CHAIRMAN: Thank you, sir.

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

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

22 CHAIRMAN: Thank you, sir.

23 Any other questions from the audience?

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

1 MS. ROUSE: Susan Rouse.

2 (SUSAN ROUSE SWORN BY ATTORNEY.)

3 MS. ROUSE: We've lived on Dean for 27 years.

4 It's a residential street. It is. Just like
5 Mr. Brownson said, every house on that street that
6 faces that street is a residence. You're trying to
7 turn it into a different kind of property now. I feel
8 like regardless of McCreary or whatever, I feel like
9 it's going to negatively effect us.

10 To state who has concerns for your students'
11 safety, and I totally understand that, but there's
12 kids on Dean Avenue too. Little kids that live there.
13 Not long ago we had kids, little kids running around.
14 There's kids that live right there on Taylor. So
15 there's grandkids that come visit. I think Bonnie
16 said that one of her grandchildren almost got run over
17 by a student. I'm just saying, you know, there's kids
18 that live there too. So let's think about all the
19 children's safety. Not just the students. These kids
20 are old enough to know better. Little ones growing up
21 may not understand not to get out in the street or get
22 away from cars. So let's think about that.

23 You counted 15 cars parking over at the
24 Sportscenter. I don't see how 15 extra cars going in
25 and out of Taylor Drive is going to make a difference.

1 I don't see why we need another ingress/egress out of
2 that parking lot if you're just adding 15 more cars.
3 I just don't think that's going to tax that any more
4 than it's already taxed.

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

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

1 have to say.

2 CHAIRMAN: Thank you.

3 Anyone else?

4 (NO RESPONSE)

5 CHAIRMAN: Any commissioners?

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

8 CHAIRMAN: Certainly.

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

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

19 MR. REEVES: I guess this question may be for
20 Mr. Kamuf and maybe for Mr. Settle also.

21 This isn't going to impact this school year
22 right? It's February.

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

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

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

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

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

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

25 MS. KNIGHT: Please state your name for the

1 record.

2 MR. LEE: Tom Lily.

3 (TOM LITTLE LEE SWORN BY ATTORNEY.)

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

19 So we're just saying, we'll let the engineers
20 look at our entire campus and give us a traffic flow
21 and give us the safest options on Dean Avenue. We
22 want to own it first because we could also spend 25,
23 \$30,000, which again, we're a not for profit. We're
24 strictly privately funded. Almost half of our kids
25 are on tuition assistance, and it's a big expense.

1 We're going to be good neighbors of regardless
2 of what you decide. Good people, I understand their
3 concerns. We want to make that aesthetically
4 attractive to Catholic High. It needs a lot of work.
5 We need aesthetics on Parrish Avenue. This summer we
6 would like to get a lot of that done. We'd like to
7 redo that parking lot. It's in terrible shape.

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

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

23 CHAIRMAN: Thank you.

24 I have a statement. The one last month or
25 whenever it was, December, I guess, it gave you an

1 access point to Dean Avenue, did it not?

2 MR. KAMUF: That's correct.

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

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

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

17 MR. KAMUF: We certainly would want to put
18 that access point. We bought this lot, or we're
19 buying it or will buy it or can buy it, thinking that
20 that access point would be at a better location than
21 where it would be at the present time on that hill.
22 The safety issue was the big issue with us and trying
23 to get the second lot. As far as the parking, in
24 other words, the parking is not issue on the other
25 lot. With any kind of site plan, any type of minor

1 subdivision plat, we can park on the property. That's
2 not an issue. We're talking about 15 more cars. The
3 big issue is not necessarily the additional cars.
4 It's the other problems that we've got there on
5 Parrish Avenue getting the traffic in and out as quick
6 as possible because we have a bottle neck in the back.

7 CHAIRMAN: Thank you.

8 MR. KAMUF: I hope I answered it,
9 Mr. Chairman.

10 CHAIRMAN: Thank you, sir.

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

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

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

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

25 MR. EDGE: I think if I'm hearing it right,

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

11 MR. KAMUF: I think so, yes.

12 MR. EDGE: Does it make sense?

13 CHAIRMAN: Sure it does.

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

1 question?

2 MR. EDGE: Yes, I'm fine.

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

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

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

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

25 MR. BROWNSON: Our concern is with the access

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

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

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

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

1 CHAIRMAN: Yes, sir.

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

4 MR. BROWNSON: Yes.

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

16 MR. BROWNSON: It all has to do with traffic
17 flow. If they said that Taylor Avenue had to go out
18 and turn right and go to Griffith, this one had to
19 left and go towards Parrish, but then we've got the
20 problem how short that is until you get to Parrish. I
21 just don't see how it's going to solve any of those
22 problems. Then once again the concern about what it
23 does to the neighborhood, nature of the neighborhood.
24 Yes, it's just a few minutes a day. Like everybody
25 said, we all moved there knowing that.

1 CHAIRMAN: Thank you, sir.

2 Yes, ma'am.

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

5 MS. JOHNSON: Monica Johnson.

6 (MONICA JOHNSON SWORN BY ATTORNEY.)

7 MS. JOHNSON: I definitely understand
8 Owensboro Catholic's issue here. I guess my main
9 concern of everything is the safety of the students as
10 well. We live at 1505 Dean Avenue, our driveway is
11 closest to Parrish Avenue. I can tell you from my
12 experience, I've been a driver for a really long time,
13 and multiple times I can't even count the number of
14 times I've almost or have pulled out in front of
15 traffic right there because of the way the hill is
16 situated and where the driveway is. And you're
17 talking about making an exit or an entrance right
18 across the street. As an experienced driver, if I'm
19 doing that and you're talking about 16 and 17-year-old
20 kids, I would hate to see one of them get T-boned
21 pulling out and going left. That's really my big
22 concern.

23 CHAIRMAN: Thank you.

24 Yes, sir.

25 MR. WEAVER: I just wanted to kind of add onto

1 what Mr. Reeves said a second ago.

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

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

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

25 An access point is never -- I think Brian was

1 trying to allude to it earlier. We don't necessarily
2 have that access point until we have a plan that's
3 been approved by the City Engineer and Planning Staff
4 or where an access point would be. So all the zoning
5 is, is the ability. All of it needs to be designed
6 and make sure it's in compliance, and that's what
7 we're asking for.

8 CHAIRMAN: Thank you.

9 MR. ROUSE: My name is Mark Rouse.

10 (MARK ROUSE SWORN BY ATTORNEY.)

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

17 CHAIRMAN: Thank you, sir.

18 Yes, sir.

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

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

25 (BILL CONLEY SWORN BY ATTORNEY.)

1 MR. CONLEY: We love having Catholic as our
2 neighbor. They've been a good neighbor. I think it's
3 a no-brainer that if this happens everybody's property
4 value is going to drop. I think there's no doubt
5 about that.

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

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

20 CHAIRMAN: Thank you, sir.

21 MR. KAMUF: May I answer that?

22 CHAIRMAN: You certainly may.

23 MR. KAMUF: As Mr. Weaver said, this has to be
24 approved by the city engineer. Another plan, that we
25 don't know whether it will work or not, maybe you have

1 access in off of Dean Avenue and they would come out
2 on Taylor Avenue. There's a lot of deals that we want
3 to look at them, but we can't look at them until we
4 get ownership of the property. This contract is not
5 going to be over, our contract is that once we get it
6 rezoned we do it. If we don't get it rezoned, the
7 contract is over. They've been trying to sell the
8 property there for how long, Pat?

9 MR. PAT PACE: Several months.

10 MR. KAMUF: Several months.

11 CHAIRMAN: Thank you, sir.

12 Anyone else?

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

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

20 CHAIRMAN: I'm sorry, what?

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

23 CHAIRMAN: Thank you, sir.

24 I think we've discussed this about everything
25 we can discuss about Dean Avenue and Lot 1 and Lot 2.

1 If there are no other questions or comments, chair is
2 ready for a motion.

3 MR. EDGE: I'll make a motion.

4 CHAIRMAN: Yes, sir, Commissioner Edge.

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

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

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

16 MS. KNIGHT: It may depend.

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

21 MR. KAMUF: Sure.

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

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

24 MS. KNIGHT: No. Right now we're just dealing
25 with 1506. We're not dealing with Tract 1.

1 MR. KAMUF: My issue with the minor
2 subdivision plat, whether we do it now or do it later.
3 We don't have any problem with that.

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

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

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

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

20 MS. KNIGHT: Correct.

21 MR. EDGE: I make the motion to approve
22 according to the Staff's Recommendations, but
23 Condition 1 would include consolidating all of the
24 Catholic High properties. And Number 2, the access
25 point could be determined by the engineers, whether

1 Lot 1 or Lot 2 is defined according to 1500, property
2 at 1506, whichever would be appropriate.

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

8 MR. EDGE: Right.

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

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

16 MS. KNIGHT: Yes.

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

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

22 MR. EDGE: Between those two parcels, correct.

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

25 MR. EDGE: Findings of Fact 1 through 4.

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

10 MR. REEVES: I'll second the motion.

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

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

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries.

24 ITEM 4

25 4709, 4719 Highway 54, 49.850 acres
 Consider zoning change: From R-1A Single-Family

1 Residential and A-U Urban Agriculture to A-U Urban
Agriculture
2 Applicant: Barry Sparks; Cheryl Sparks Peay, et al.

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

5 MS. EVANS: Melissa Evans.

6 (MELISSA EVANS SWORN BY ATTORNEY.)

7 PLANNING STAFF RECOMMENDATION

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

10 CONDITIONS

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

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

17 FINDINGS OF FACT

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

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

25 3. Each dwelling will be located on a

1 separate, large tract that potential for productive
2 agricultural use once the consolidation and
3 re-division has been finalized; and,

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

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

9 CHAIRMAN: Thank you.

10 Anyone in the audience representing the
11 applicant?

12 APPLICANT REP: Yes.

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

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

17 (BARRY SPARKS SWORN BY ATTORNEY.)

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

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

25 I've agreed with them to take my house and

1 entrance and take my ground and put it to that and be
2 co-owners of the rest of the property.

3 CHAIRMAN: Thank you, sir.

4 Any commissioners have any questions of Mr.
5 Sparks?

6 (NO RESPONSE)

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

9 MR. JEAN: I would like to make a motion that
10 we approve this amendment based on the Staff Report,
11 site visit, testimony we've heard here this evening,
12 with Conditions 1 and 2 and Findings of Fact 1 through
13 4.

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

16 MR. BOSWELL: Second.

17 CHAIRMAN: Second by Commissioner Boswell.
18 All those in favor of the motion and the second please
19 indicate by raising your right.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion passes.

22 -----

23 MINOR SUBDIVISION PLATS

24 ITEM 5

25 5840 Old Highway 54, 5.020 acres
Consider approval of a minor subdivision plat

1 Applicant: Richard B. & Abbey P. Freels; Dennis P. &
2 Cynthia A. Wedding

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

12 CHAIRMAN: Any commissioners have any
13 questions concerning this plat?

14 (NO RESPONSE)

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

17 MR. REEVES: Motion to approve this
18 application.

19 CHAIRMAN: Do we have a second?

20 MS. HARDAWAY: Second.

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

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion passes.

1 -----

2 NEW BUSINESS

3 ITEM 6

4 Consider approval of December 2019 financial statement

5 CHAIRMAN: All the commissioners should have

6 received the December financial statement and have had

7 an opportunity to look that over. Any changes or

8 adjustments?

9 (NO RESPONSE)

10 CHAIRMAN: Seeing none Chair is ready for a

11 motion.

12 MR. ROGERS: Motion for approval.

13 CHAIRMAN: Motion by Commissioner Rogers for

14 approval. Do we have a second?

15 MS. HARDAWAY: Second.

16 CHAIRMAN: Second by Ms. Hardaway. All those

17 in favor of the motion and the second please indicate

18 by raising your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries.

21 ITEM 7

22 Comments by the Chairman.

23 CHAIRMAN: He has none.

24 ITEM 8

25 Comments by the Planning Commission

1 (NO RESPONSE)

2 ITEM 9

3 Comments by the Director

4 MR. HOWARD: No, thank you.

5 CHAIRMAN: We have one final motion.

6 MR. EDGE: Motion to adjourn.

7 CHAIRMAN: We have a motion by Mr. Edge. Do

8 we have a second?

9 MS. STEWART: Second.

10 CHAIRMAN: Second by Ms. Stewart. All those

11 in favor please indicate by raising your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: We were adjourned.

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

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and
4 for the State of Kentucky at Large, do hereby certify
5 that the foregoing Owensboro Metropolitan Planning
6 Commission meeting was held at the time and place as
7 stated in the caption to the foregoing proceedings;
8 that each person commenting on issues under discussion
9 were duly sworn before testifying; that the Board
10 members present were as stated in the caption; that
11 said proceedings were taken by me in stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into foregoing 66
14 typewritten pages; and that no signature was requested
15 to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 10th day of March, 2020.

18

19

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

23 COMMISSION EXPIRES: DECEMBER 16, 2022

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

25