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OWENSBORO METROPOLITAN PLANNING COMMISSION

DECEMBER 12, 2002

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The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, December 12, 2002, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: Drew Kirkland, Chairman
- Gary Noffsinger
- Nick Cambron
- Dave Appleby
- Jimmy Gilles
- Scott Jagoe
- Irvin Rogers
- Sister Vivian Bowles
- Judy Dixon
- Dr. Mark Bothwell
- Martin Hayden
- Stewart Elliott,
- Attorney

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CHAIRMAN: Please stand for the pledge of allegiance and invocation given by Ms. Judy Dixon.

(PLEDGE OF ALLEGIANCE AND INVOCATION.)

CHAIRMAN: I'd like to welcome everybody to the December 12th meeting of the Owensboro Metropolitan Planning Commission.

Our first order of business is to consider the minutes of the November 14, 2002 meeting. Are there any corrections or additions?

1 MR. NOFFSINGER: No.

2 CHAIRMAN: If there are none, the Chair is  
3 ready for a motion.

4 MS. DIXON: Move to approve.

5 CHAIRMAN: Motion for approval by Ms.  
6 Dixon.

7 SISTER VIVIAN: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Mr. Noffsinger.

13 ITEM 2

14 Consider adoption of the 2003 OMPC calendar of filing  
15 deadlines and meeting dates.

16 MR. NOFFSINGER: Mr. Chairman, each  
17 commissioner has been given a copy of this calendar  
18 and it is ready for your consideration.

19 CHAIRMAN: Does anybody have any problem  
20 with the current calendar?

21 (NO RESPONSE)

22 CHAIRMAN: Dr. Bothwell?

23 DR. BOTHWELL: None. Motion to approve.

24 CHAIRMAN: Motion for approval by Dr.  
25 Bothwell.

1 MR. CAMBRON: Second.

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Next item.

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8 PUBLIC FACILITIES PLANS  
9 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

10 ITEM 3

11 545 Castlen Street  
12 Building Construction  
13 Consider comments regarding a proposal to construct a  
14 bus/truck wash to serve the City of Owensboro and  
15 other agencies' vehicles.  
16 Referred by: City of Owensboro

17 MR. NOFFSINGER: Mr. Chairman, Planning  
18 Staff has reviewed this application. We find no  
19 conflict with the adopted Comprehensive Plan. Would  
20 recommend that you forward a letter to that affect to  
21 the city.

22 CHAIRMAN: Are there any questions?

23 (NO RESPONSE)

24 CHAIRMAN: If there are none, the Chair is  
25 ready for a motion.

DR. BOTHWELL: Motion for approval.

CHAIRMAN: Motion for approval by Dr.  
Bothwell.

1 MS. DIXON: Second.

2 CHAIRMAN: Second by Ms. Dixon. All in  
3 favor raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Next item.

7 ITEM 4

8 522 Griffith Avenue  
9 Land Acquisition  
10 Consider comments regarding the acquisition of  
11 property located at 522 Griffith Avenue.  
12 Referred by: Daviess County Public Library

13 MR. NOFFSINGER: Mr. Chairman, this  
14 application comes before the Planning Commission for  
15 consideration of acquisition of land by the Daviess  
16 County Public Library.

17 The Kentucky Revised Statutes under KRS  
18 100.324 requires that prior to acquisition of land by  
19 a public facility that that public facility submit  
20 their plans of acquisition to the local Planning  
21 Commission and that that Planning Commission evaluate  
22 the acquisition based upon the adopted Comprehensive  
23 Plan. That is why we are here tonight.

24 The library board has asked that this  
25 commission review the property at 522 Griffith Avenue.  
26 Planning Staff has reviewed the adopted Comprehensive  
27 Plan and the library is recognized as an important

1 cultural facility to this community.

2           The adopted Comprehensive Plan did not  
3 anticipate the expansion of the Daviess County Public  
4 Library. It would be hard pressed to find something  
5 in the Comprehensive Plan that actually dealt with the  
6 expansion; however, if you take a look at the land  
7 development policies that are contained in the  
8 Comprehensive Plan and apply those to a public  
9 facility, then you might look at the situation like  
10 this: The library is recognized as a public service  
11 use. Generally when you look at expansions of  
12 non-residential uses into residential areas, there is  
13 certain criteria that you evaluate. If you evaluate  
14 this acquisition based upon those land development  
15 policies, then you might find that the acquisition  
16 would be in conflict with those policies; however, I  
17 think you have to take a look at the economic  
18 importance of the library to the community. The  
19 ability for that library to either expand or relocate  
20 and weigh that against the land development policies  
21 that this particular public facility does not have to  
22 abide by.

23           So with that I would say that we should  
24 hear from the folks from the library as well as the  
25 neighbors I believe are here to voice their concerns

1 and perhaps ask questions and evaluate that based upon  
2 what I have talked about in terms of the library as a  
3 cultural facility versus land development policies.

4 DR. BOTHWELL: Mr. Chairman, I have a  
5 question for Mr. Noffsinger.

6 Has this land not already been acquired?

7 MR. NOFFSINGER: Dr. Bothwell, it is my  
8 understanding based on what I have read in the  
9 Messenger-Inquirer and in talking with Mr. Frank  
10 Brancato with the Daviess County Public Library that  
11 the property has already been acquired.

12 DR. BOTHWELL: Thank you.

13 CHAIRMAN: Is there anybody here  
14 representing the library?

15 Would you step forward, please.

16 MR. NOFFSINGER: Mr. Chairman, if I might  
17 add while Mr. Brancato is getting up. The  
18 requirements of KRS 100 are mandatory that the  
19 Planning Commission review; however, compliance by the  
20 library board is voluntary. Meaning no matter what  
21 this commission tells or describes to the library  
22 board, the library board has the right to do as they  
23 see fit in the best interest of this community.

24 CHAIRMAN: Thank you.

25 MR. ELLIOTT: State your name, please.

1 MR. BRANCATO: My name is Frank Brancato.

2 (MR. FRANK BRANCATO SWORN BY ATTORNEY.)

3 MR. BRANCATO: Mr. Chairman, I'd be  
4 delighted to make some opening comments and then  
5 receive questions from members of the commission or  
6 the public if that's your wish.

7 CHAIRMAN: I think that would be a very  
8 good idea.

9 MR. BRANCATO: Maybe as a means for  
10 background for those of you who aren't familiar, the  
11 predecessor to the library was the Carnegie Library  
12 which was located and operated on the corner of Ninth  
13 and Frederica.

14 In 1965 that building was significantly  
15 damaged by the weight of the books in the volumes of  
16 collection. The library closed for three months due  
17 to the structural deficiencies which had developed  
18 over time.

19 In 1966 with the promise of state funding  
20 for a new library, the library board purchased a  
21 couple of lots on the corner of Griffith Avenue and  
22 McCreary Avenue as a new location for the library.

23 The existing homes on those lots including  
24 the C.E. Daugherty residence and a small white house  
25 on McCreary was raised. An architect was selected and

1 the board determined that since the neighborhood had  
2 diverse architectural style, the library couldn't be  
3 designed to match any one of them so a decision was  
4 made to build a modern looking building which still  
5 exists today in that same location.

6 The city and the county each made  
7 financial commitments to annually fund the library so  
8 that it could repay a 30 year loan. Each year that  
9 funding commitment became an issue between the city  
10 and the county commencing about ten years after the  
11 initial commitment was made.

12 In 1995 following a litigation brought  
13 about in part because of the financial commitments,  
14 the library was re-established as a separate taxing  
15 district and operates independent of both the city and  
16 the county; although, our function is to service all  
17 residents of the county and area outlying the county.

18 Since 1967 the library has occupied  
19 approximately a two acre site there on the corner of  
20 McCreary and Griffith. We already land locked  
21 facility. We have neighbors, private residential  
22 neighbors to the east and also adjoin the Owensboro  
23 city school property. We have private residential  
24 neighbors to the south. We have McCreary on the  
25 immediate west. Of course, we have Griffith Avenue on

1 the north.

2 The building was constructed with 32,000  
3 feet intended for use which was four times the size of  
4 Carnage Library. Several years ago the library  
5 expanded into the basement which was not designed to  
6 be a library, a public area for the library; although,  
7 the designers had foresight to add a basement which  
8 actually gave us that opportunity. So currently we  
9 occupy 46,500 square feet. There are no areas of the  
10 building which provide an opportunity for internal  
11 expansion.

12 Our current book collection is  
13 approximately 175,000 volumes. This is 23 percent  
14 below what Kentucky has identified as basic standard  
15 books in a collection for a community of our size. So  
16 we're 23 percent below the basis which is 2.5 books  
17 per capita.

18 The enhanced standard for Kentucky is  
19 three books per capita. The comprehensive standard  
20 for Kentucky is four books per capita. Kentucky  
21 standards are less than those of competing in  
22 neighboring states and are not considered to be a  
23 definition of excellent services, but in any event we  
24 are below the minimum threshold for the Commonwealth  
25 of Kentucky.

1                   Approximately three years ago, the board  
2 began to evaluate its facility and the potential for  
3 expansion at the current location. RBS Design, which  
4 is a local architectural firm, undertook a study of  
5 the building and the facility in late 2000 and  
6 presented its report to the board in March of 2001.  
7 The study at that time suggested that 15,500 square  
8 feet could be added to the building.

9                   In early 2002 after receiving the RBS  
10 study and the board having evaluated other libraries  
11 and information from other communities which have  
12 undertaken recent construction, the board contracted  
13 with Library Planning Associates, a library consulting  
14 firm out of the State of Wisconsin, to help develop  
15 information to assess our current program and future  
16 programs and spatial consideration and  
17 relationships. That is which departments best  
18 function next to or near to other departments to  
19 provide the most efficiency for both space and  
20 service.

21                   In addition, Library Planning Associates  
22 contacted various community organizations and  
23 community leaders and obtained input from the public  
24 through a series of surveys that were available for a  
25 couple of weeks in the library and also a survey that

1 was published in the Messenger-Inquirer. That data  
2 was collected and then analyzed in relevant and  
3 meaningful statistics such as location, age, type of  
4 service that people use, frequency of the library and  
5 so on. That data was collected and preliminary  
6 presented to the board a few months ago. Library  
7 Planning Associates is currently in the process of  
8 finalizing its report. We have another session, work  
9 session with them on December 18th. We hope to have  
10 their report by January.

11 In the meantime, we have prepared a letter  
12 to go out to various architectural firms to solicit  
13 design services to do three different, actually  
14 multiple different things, but at least three  
15 different areas, three distinct areas.

16 One is to evaluate the potential for  
17 expansion at the current site. That would involve  
18 remodeling, expansion and rehabilitation.

19 Secondly would be to do the same thing at  
20 several potential other sites, other facilities in the  
21 area.

22 Third is to evaluate potential building  
23 sites for new construction.

24 The problem the library faced is that at  
25 the time 522 became available to us we weren't at a

1 decision point where we actually knew if we were going  
2 to stay there or not stay there. Stay there or  
3 relocate to another facility or locate to a new  
4 construction. We endeavor to obtain an option to  
5 purchase and that wasn't something we could negotiate.  
6 The library negotiating with other adjacent properties  
7 and those prices precluded coming to cohesion. So the  
8 library acted to obtain 522 Griffith Avenue and have  
9 no plans at this point to change the character of the  
10 property because we are not at a decision point about  
11 how we would use that property if we would stay  
12 there. We have not made a decision to stay there. We  
13 have not made a decision to move. So that's where we  
14 are at this point.

15 I hope I gave you some background as to  
16 why we are before this board. As I said in my letter  
17 to the board, we would not make any changes in the  
18 character or use of that property without developing a  
19 plan and coming before this board with that plan.

20 CHAIRMAN: Thank you.

21 Let's see if we have any questions. Let's  
22 first see if we have any questions from anybody on the  
23 commission.

24 (NO RESPONSE)

25 CHAIRMAN: Does anybody from the audience

1 have any questions they'd like to ask?

2 Yes, sir, step forward to the podium,  
3 please.

4 MR. ELLIOTT: State your name, please.

5 MR. COLLIGNON: My name is George  
6 Collignon.

7 (MR. GEORGE COLLIGNON SWORN BY ATTORNEY.)

8 MR. COLLIGNON: My wife Pam I live at 530  
9 Griffith Avenue, a property immediately west of the  
10 site of the library taxing district proposed employee  
11 parking lot.

12 We are grateful to have been notified by  
13 the Planning & Zoning Staff of the meeting as I  
14 inquired about the particulars of this site. We  
15 appreciate this opportunity to speak against this  
16 proposed action of the library board taxing district.

17 Being an architect I design and plan as a  
18 career and in spite of this experience it never  
19 occurred to me that when we moved to town a year and a  
20 half ago that we were so vulnerable to an entity that  
21 does not have to answer to any oversight by this  
22 Planning & Zoning Board. A fact that the library  
23 taxing district chairman, Mr. Frank Brancato, made  
24 very clear at the Dogwood Azalea Neighborhood Alliance  
25 meeting of November 26.

1                   With this statement of fact and obvious  
2                   correct policy that landscaping is not an issue, I  
3                   wish to show you a photo of the condition of the  
4                   current staff parking lot located east of the front  
5                   yard facing Griffith Avenue. I believe that you will  
6                   see one small tree.

7                   I wish also to show you another photo,  
8                   that of the house that is intended to be torn down for  
9                   a staff parking lot as expressed by Mr. Brancato at  
10                  the Neighborhood Alliance meeting referenced earlier.

11                  Mr. Chairman, do I point these to you?

12                  CHAIRMAN: I think Mr. Appleby will handle  
13                  the distribution for you if you want to continue with  
14                  your presentation.

15                  MR. COLLIGNON: Thank you, sir.

16                  One needs little imagination to envision  
17                  how this parking lot might look. One wonders also if  
18                  there are 47 employees and if the current staff  
19                  parking lot is not used to capacity all of the time  
20                  then this lot may also be used for patron parking, a  
21                  natural, as it will be close to the front door and  
22                  facing the lot at the crest of the hill on McCreary.  
23                  It is this potentially serious traffic problem that I  
24                  wish to call to the attention of this committee.

25                  This is the library. This is the property

1 that is in contentions to be developed was told as a  
2 staff parking lot. This is the crest of the hill.  
3 You go up a hill. You go up about 12 to 15 foot as  
4 you're headed north, hit the crest of the hill and  
5 then you go down the hill.

6 For a person to get to the library  
7 entrance at the crest of the hill from the proposed  
8 parking lot, they may cross the street diagonally  
9 below the crest of the hill. Other alternates would  
10 be to walk to the west side of the street. There is  
11 no sidewalk along the west side of the street. So to  
12 get up through here they would have to walk up, cut  
13 cross and go here or they would have to go north,  
14 cross the street, get on a concrete sidewalk, go  
15 across a concrete driveway to get to the front door.

16 Crossing the street from the parking lot  
17 to the entrance diagonally is the most dangerous  
18 situation. Serious injury or death may occur. God  
19 forbid should a careless driver heading north fail to  
20 use caution when coming over the hill headed north.

21 I read in the Messenger-Inquirer Monday,  
22 December 9th, that a woman whose car slammed into a  
23 truck parked on the wrong side of the road near the  
24 crest of a hill was awarded \$27 million by the Warren  
25 County Circuit jury. The woman suffered brain damage.

1 The report said that the truck was parked 158 foot on  
2 a crest of a hill which is approximately the same  
3 distance from the entrance off of McCreary Avenue  
4 where the proposed parking lot would be located. A  
5 similar situation is being created here.

6 This radius is 158 foot. So we're up  
7 here. We hit the top of the hill we've got 158 foot  
8 or at least in the other case it wasn't enough to stop  
9 and someone was injured.

10 I must also point out, as I earlier  
11 mentioned, the entrance to the library is at the crest  
12 of the hill and at the entrance there is a driveway  
13 directly in front of the main entry. Certainly a  
14 convenience.

15 This slopes down, but the driveway add to  
16 the traffic congestion at the crest of the hill. A  
17 visitor must walk on the driveway to get to the  
18 entrance door. The entry, in my opinion, needs to be  
19 moved to the front or back of the building.

20 I want to point out that other taxing  
21 districts that are not subject to planning and zoning  
22 regulations have not so endangered their employees or  
23 patrons.

24 For example, consider the entrances to the  
25 new police station, to this city hall, to the new fire

1 station on South Griffith.

2 Pam and I ask that you please study this  
3 lack of planning and ask the library district to  
4 readdress this action for the following reasons:

5 1) Safety concerns for library taxing  
6 district's employees and patrons crossing McCreary  
7 Avenue. In my opinion, creating this parking lot is  
8 constructing a foreseeable hazard and a patently  
9 hazardous condition and may be a source of future  
10 liability to the library board taxing district and the  
11 City of Owensboro.

12 2) Obvious disregard of the current  
13 Planning & Zoning Comprehensive Plan and public  
14 property purchase notification of the Planning &  
15 Zoning, as was mentioned by a member here awhile ago.

16 3) Past disregard of Planning & Zoning  
17 parking screening requirements based on the present  
18 staff parking lot on Griffin Avenue as opposed to what  
19 they may or may not provide for screening or  
20 landscaping of the proposed lot.

21 Finally, please take into account the rule  
22 of law rather than of a man.

23 Pam and I object to this action of the  
24 library taxing district because it will affect our  
25 current lifestyle which is simply to be allowed to

1 live in peace and tranquility, quiet enjoyment of our  
2 property and to not be affected by an unsupervised  
3 non-secured parking lot.

4 Pam and I have lived in this community all  
5 of our lives. We're volunteers, taxpayers, church  
6 going, upright citizens who live our lives adhering to  
7 the principals of the law, and like most of us depend  
8 upon law to bring order and peace to our lives.

9 Thank you. I'd be glad to answer any  
10 questions.

11 CHAIRMAN: Thank you.

12 Does anybody on the commission have any  
13 questions of Mr. Collignon?

14 (NO RESPONSE)

15 CHAIRMAN: Does anybody in the audience?

16 (NO RESPONSE)

17 CHAIRMAN: Mr. Brancato, in his  
18 presentation I think he raised several questions.  
19 Would you want me to reiterate what I think his  
20 questions are or would you like to go ahead and just  
21 start?

22 MR. BRANCATO: Well, I think I understood  
23 his concerns.

24 Again, I guess my problem is there are  
25 assumptions there that simply haven't been made or

1 determined by the library board. I guess the only  
2 thing I can agree with is if the door would be moved,  
3 the main entrance would be moved as part of the  
4 remodel, if the decision is to stay there.

5           Again, I don't know how I can  
6 over-emphasizes this. A decision to stay has not been  
7 made. A decision to move has not been made.

8           I did not say at the public meeting that a  
9 parking lot would be built. What I said was in  
10 response to a question is if we stay there then we  
11 would build staff parking at that location. The  
12 reason for staff parking is we don't want the public  
13 to have to cross the street to go to the library. We  
14 agree that the current entrance to - I'm sorry - the  
15 current exit for the drive-thru is in a dangerous  
16 location because it's just below the crest of the  
17 hill, but one remedy for that is to reverse the  
18 process. To make that the entrance and the current  
19 entrance become the exit so the exit is at the top of  
20 the hill and that would give you linear vision of both  
21 directions.

22           The board has looked at all of these  
23 things. That's why we're going to make a solicitation  
24 for an architect to help us overcome these existing  
25 design challenges if the decision is to stay there.

1 MR. APPLEBY: I have a comment.

2 CHAIRMAN: Yes, sir, Mr. Appleby.

3 MR. APPLEBY: These are all concerns that  
4 I understand and I understand the neighbors concerns,  
5 but this is not a development plan review. As I see  
6 it, all we're attached to do is make a determination  
7 of whether or not this is or is not in conflict with  
8 the Comprehensive Plan; is that not right, Mr.  
9 Noffsinger?

10 MR. NOFFSINGER: Yes, sir, that is  
11 correct. You are considering land acquisition.  
12 You're not considering a site plan or a potential use  
13 of the property. However, before we leave this item,  
14 I do have some comments I want to make regarding  
15 access to the property that I feel would be important  
16 to get into the record should the library move forward  
17 with a site plan for this property in the future.

18 CHAIRMAN: Continue.

19 MR. BRANCATO: And I would agree that the  
20 existing staff parking does not conform to current  
21 planning & zoning regulations, but those regulations  
22 were not in affect when that staff parking lot was  
23 constructed. What we did commit to the neighbors, I  
24 wasn't under oath then so I'll say it again today  
25 since I am under oath, we're going to do everything we

1 can to comply with the regulations irrespective of the  
2 fact that we're not required to comply with them. We  
3 will present our plan. It will be thorough in detail  
4 and come before this board before any action is taken.

5 CHAIRMAN: Thank you.

6 Does anybody else have any questions of  
7 Mr. Brancato or Mr. Collignon?

8 MR. COLLIGNON: Sir, I was not here to  
9 argue legally with this gentleman. I just want to  
10 make a point that I think it's creating a serious  
11 hazard which in my opinion will endanger the finances  
12 of this city and library taxing district. I yield to  
13 others who will speak to this point.

14 MR. CAMBRON: I have a question for Mr.  
15 Brancato.

16 Give me a time frame on what you are  
17 looking at? How far are you looking before you make a  
18 decision on what you're going to do?

19 MR. BRANCATO: Our next board meeting is  
20 the 18th where we should have received the final  
21 report from LPA. We need that information to solicit  
22 architectural services. Our plan is to send out this  
23 letter to the architectural firms who have expressed  
24 an interest in the project as well as those that we  
25 have discovered through research using the AIA and

1 other data basis who have done library design work.  
2 Send that solicitation letter out and require the  
3 submissions within 30 days so that we can review it at  
4 our January board meeting.

5 That's an ambitious schedule, but that is  
6 our schedule. Assuming that we can make a decision at  
7 our January board meeting, then we would hope to have  
8 an architect on board by February. Then I would  
9 anticipate that the scope of work that this architect  
10 is going to perform would be in the two to four to six  
11 months which is the evaluations. Maybe some place  
12 around that time we would come back before the board.

13 MR. CAMBRON: Sometime in August?

14 MR. BRANCATO: Yes. That's an ambitious  
15 schedule. We acknowledge that, but that is the time  
16 frame we're looking at.

17 SISTER VIVIAN: Did I understand you to  
18 say that you are having your study address the issue  
19 of having branches perhaps other places in the city  
20 rather than just expanding at the main library site?

21 MR. BRANCATO: No. Maybe I misstated  
22 what, I might have misstated that.

23 We evaluated the branch concept. Branches  
24 are very expensive. We did an analysis in 1995 and we  
25 updated that analysis this year. It would take about

1 38 percent or the equivalent of an increase of 38  
2 percent of our budget to operate a branch that would  
3 wind up something around 17,000 square feet as opposed  
4 to an addition of the range of 25,000 square feet.  
5 Branches wind up being open a lot less hours than main  
6 library services and non-functional or you have a  
7 complete duplication or significant duplication of  
8 your entire status.

9 For example, it's difficult to have a  
10 children's program at one facility and not at another.  
11 So you wind up having duplicate children programs,  
12 duplicate research programs. Kentucky does not have  
13 many branches in its area in districts. Now, cities  
14 sometimes will have branches, but cities underwrite  
15 the operation of their branches so it's kind of a  
16 different function. What we are evaluating is whether  
17 the library in total should move to another location.

18 CHAIRMAN: Thank you.

19 Does anybody else on the commission have  
20 any questions?

21 (NO RESPONSE)

22 MR. CAMBRON: Is Chair is ready for a  
23 motion?

24 CHAIRMAN: We have one other person that  
25 wants to make a comment.

1 MR. ELLIOTT: State your name, please.

2 MR. WILLIS: Mark Willis.

3 (MR. MARK WILLIS SWORN BY ATTORNEY.)

4 MR. WILLIS: My name is Mark Willis. I  
5 live at 1708 McCreary Avenue. That is directly across  
6 McCreary Avenue from the library. Basically if I'm  
7 standing in my front door I'm looking across McCreary  
8 at the front door of the library. That also puts me  
9 directly beside the piece of property that the library  
10 has acquired and that we're here about tonight.

11 I understand the concerns just expressed  
12 by Commissioner Appleby about where this process  
13 stands procedurally. I will try not to go into issues  
14 beyond where we are tonight which is the acquisition  
15 of the property.

16 I'm an attorney, but I don't do any  
17 planning and zoning work. I don't represent anyone  
18 here this evening. I'm just here as a property owner.  
19 I'm not going to read extensively out of the  
20 Comprehensive Plan. I know that the commission and  
21 its staff knows what's in there, but one thing I'd  
22 like to do is just point out where the plan and this  
23 acquisition of property are in conflict because they  
24 are.

25 Section 100 in your Comprehensive Plan is

1 Goals and Objectives. You have a section in there on  
2 land use in residential areas. Of course, we're  
3 talking about a residential area here.

4 That section says in part that one of the  
5 goals in a residential area is providing protection  
6 from heavy thru traffic. Also says that other uses  
7 that might be in a residential area, like the one we  
8 have with the library that wants to expand, must have  
9 adequate area for future expansion and also be  
10 designed so that its presence doesn't conflict with  
11 residential use on issues like noise, parking and  
12 traffic.

13 I'm going to try not to repeat what Mr.  
14 Collignon said, but if this proposal and the use of  
15 this site as a parking lot, which has been at least  
16 verbalized in the past, were to occur, that's going to  
17 put seven points of ingress or egress into the  
18 immediate and fairly small area that's right in front  
19 of the library. You're going to have the intersection  
20 of Griffith onto McCreary. You're going to have the  
21 entry of a parking lot onto this property. You're  
22 going to have the alley that's beside it. The entry  
23 of their circle drive in front, the exit of it, I  
24 can't see that it makes much difference if switch one  
25 to the other. Their existing parking lot and a

1 private drive.

2 As Mr. Collignon pointed out, in the midst  
3 of this area where you have seven points of  
4 ingress/egress, you're going to have people be it  
5 patrons of the library or employees, I don't know that  
6 that makes much difference, crossing diagonally up a  
7 hill toward the library to get there. In the same  
8 midst this area, you have the crest of the hill right  
9 in front of the library. I don't know that it makes  
10 any difference. It's not like I have anything  
11 adequate to back me up or something. People don't  
12 drive the speed limit on McCreary. Even a person  
13 driving the speed limit coming up from Ford is not  
14 particularly likely to see someone. If you were to  
15 just draw where this parking lot might be and where  
16 the entrance of the library is, you can pretty much  
17 draw someone going one to the other.

18 A person coming up from Ford is not going  
19 to have a particularly good chance of seeing the  
20 person making that trip across the street,  
21 particularly when you take into account there's going  
22 to be seven places in that area where there might be  
23 cars coming in or out. That person is not going to be  
24 the only thing they have to be looking out for.

25 That same section of the plan also says

1 that the facilities such as the library that's in this  
2 neighborhood in suppose to have adequate room to  
3 expand in the future. It's evident that even if this  
4 expansion were to occur, you're suppose to still have  
5 room to expand in the future. That would not be there  
6 without further intruding evidently, at least under  
7 the way they're proceeding right now, further  
8 intruding into the residential area at some future  
9 time taking further property in future expansion  
10 needs.

11 There's a section in Goals and Objectives  
12 in your plan that's titled Community Facilities. That  
13 applies to the library. Some of the things that it  
14 says to do is express the opinion, and I think that  
15 everybody sitting here will agree that the library is  
16 important to this community. It's important to this  
17 neighborhood. We moved to our house in part because  
18 it's across the street from the library. We like  
19 being close to it. My wife and kids use it. We  
20 understand that the library is important and useful.  
21 Maybe we enjoy it and consider it more important than  
22 most people. Maybe that's in part why we live there.

23 This provision says in dealing with  
24 facilities like the library that the commission is  
25 suppose to encourage innovation and research in order

1 to improve its facility. It's suppose to involve  
2 citizens in all stage of the planning process for  
3 facilities like this. It's suppose to provide  
4 facilities in making most efficient use of the land  
5 and the building by integrating community services and  
6 facilities whenever that's possible.

7 We might need to see more about the  
8 library's plans before it can really be determined  
9 whether that's met. It's not clear by any means at  
10 this point that that goal is satisfied.

11 Section 4.30 is your land development  
12 policies. You had one on cultural facilities. That's  
13 the library.

14 It says, all of these services are likely  
15 to be enhanced and expanded at either their present  
16 city locations or at new locations where demand and  
17 opportunities arise.

18 I think that further look into this might  
19 show that the demand and opportunity in this community  
20 is for a branch in another part of the library's  
21 territory where it might be closer to people who are  
22 right now far from the library and who don't get  
23 there. If their current facility is too small by as  
24 much as they say, then perhaps that could service the  
25 branch and something else could be built.

1                   In 4.30 there's land use and traffic  
2 compatibility. That reads that the intensity and  
3 configuration of land uses should be commensurate with  
4 the functional characteristic of adjoining streets and  
5 should avoid heavy thru traffic in residential areas.

6                   The proposed acquisition of this does the  
7 opposite of avoiding high traffic. The idea is a  
8 bigger facility, more people coming in and out.

9                   This area is in the middle of town. We  
10 have high schools at two ends. We have the library.  
11 Then we have commercial development and residential  
12 development on all sides of us. It is a heavy thru  
13 traffic area already. It's about popping at the seams  
14 and I don't believe that it could sustain a bigger  
15 library design to bring in more people.

16                   On the land use plan Section 4.40, it  
17 talks about approving logical expansions. As your  
18 planning director alluded to, there's a section in  
19 here that looks at each type of use of property  
20 depending on where it is.

21                   The library is a professional service use  
22 located in an urban residential area. Logical  
23 expansions of that type of facility means that it can  
24 expand contiguous land, but your plan says if that's  
25 across the street, the expansion shall be at least one

1 acre in size. It's not. It also says the expansion  
2 of this use should not overburden capacity of roadways  
3 in affected area. It will.

4 As I said, the library is our neighbor.  
5 We want it to remain our neighbor. I'm not here to  
6 say that the library has been unreasonable in how its  
7 proceeded. We realize that it's a hard challenge  
8 about the expansion. We just like to make sure the  
9 expansion is justified, that alternative for expansion  
10 at the existing site that don't infringe into existing  
11 residential areas. That a branch is considered.

12 I appreciate the commission's time.

13 CHAIRMAN: Are there any more questions or  
14 comments?

15 MR. NOFFSINGER: I do have some things  
16 that I would like to get into the record.

17 I'd just like to say that it is  
18 encouraging to see that someone has read the  
19 Comprehensive Plan other than this commission.

20 Mr. Willis, you did a very fine job of  
21 pointing out certain issues and sections of the  
22 Comprehensive Plan.

23 To address the use of the property, which  
24 again we're only considering the acquisition, but to  
25 address the use of the property as a parking lot, I do

1 want to get into the record that although the Daviess  
2 County Public Library enjoins some exemptions from  
3 zoning, they would not enjoin an exemption from the  
4 access management manual. Griffith Avenue is a major  
5 collector. There's not sufficient frontage along  
6 Griffith Avenue for a driveway to be installed. So  
7 that means the access to this property, if it's used  
8 as a parking lot, would have to come off of McCreary.

9 Now, evaluation of the sight distance,  
10 stopping sight distance along McCreary shows that an  
11 entrance could be installed on McCreary that's located  
12 50 feet from the intersecting right-of-way line of  
13 McCreary and Griffith Avenue. It would begin at that  
14 point and then extend up to a point that's 75 feet  
15 from that intersection.

16 Now, that would meet minimum stopping  
17 sight distance for vehicle movement. It doesn't meet  
18 the desirable standard, but we're trying to achieve  
19 the minimum. It's close to meeting the desirable  
20 standard. That is based upon a survey by the city  
21 engineering department.

22 I do want to get that into the record that  
23 should this be a parking lot that the library needs to  
24 consider where that access point will be located.

25 Again, Mr. Willis, your comments well

1 taken in terms of the land development policies and  
2 that is what I spoke to. You know, my question and  
3 concern goes beyond what this particular lot is being  
4 proposed for. My concern is what happens if the  
5 library no longer exist at this location and then what  
6 type of use would go in at that location. It could  
7 present some challenges not only for the neighborhood  
8 and for the community but this board as well in terms  
9 of we have a rather large building there that has very  
10 minimal parking. It would be a real challenge to  
11 address a future, a new use of this property should  
12 the library decide to locate elsewhere. That's all I  
13 have.

14 CHAIRMAN: Thank you, Mr. Noffsinger.

15 Yes, ma'am, did you have a brief comments  
16 you'd like to make?

17 MRS. WILLIS: Yes. It will be brief.

18 My name is Kristie Willis and I'm here  
19 representing the Dogwood Azalea Neighborhood Alliance.  
20 I also live at 1708 McCreary Avenue, directly across  
21 from the existing library where I am at home with two  
22 children and a third on the way.

23 MR. ELLIOTT: Mrs. Willis, let me swear  
24 you in.

25 (MRS. KRISTIE WILLIS SWORN BY ATTORNEY.)

1                   MRS. WILLIS: I just wanted to point out  
2                   what I'm hearing neighbors saying. We had a meeting  
3                   where 45 neighborhood alliance people or people from  
4                   the neighborhood and our alliance came as well as  
5                   Frank Brancato and Debbie Mesplay to discuss this  
6                   possible expansion. Forty-five people came because  
7                   they had concerns. I've also gotten numerous  
8                   telephone calls of concerns.

9                   I have numerous concerns. The biggest  
10                  thing is just to point out that, like my husband said,  
11                  that we already have a lot of great cultural resources  
12                  in our neighborhood including the library and we're  
13                  not going to say we don't enjoy having them here. We  
14                  do enjoy having them there. We also enjoy our  
15                  property. We have a community in an area of town  
16                  where people have sunk hundreds of thousands of  
17                  dollars of their own money to have the neighborhood  
18                  look as it did even before the library got there.

19                  What we don't want to see is a 20 year  
20                  short-term plan of the library where they are land  
21                  locked unless they continue to tear down homes that in  
22                  20 years they move elsewhere. We don't want our  
23                  property defaced.

24                  I have pictures of what our neighborhood  
25                  in that corner looked like 40 years ago. Other than

1 the library you'll see that it looks pretty much the  
2 same. We'd like to keep it that way.

3 I also want to address the snowballing  
4 issue we're concerned about. We are concerned if the  
5 library continues to grow and expand as Frederica  
6 Street continues to grow and expand, we don't want  
7 that whole area growing and expanding as commercial  
8 development. We're an urban residential neighborhood  
9 and we want to keep it that way.

10 We're happy for the library to grow. We  
11 just want them to look at other options. We like  
12 having a library in our neighborhood, but there's  
13 property such as the Longfellow Center. Lots of  
14 people have mentioned the branch option. We just want  
15 them to explore these other issues more than we've  
16 seen thus far having attended some of the library  
17 board meetings.

18 Also to point out this public alley.  
19 There is already a lot of problems there as far as  
20 traffic, vandalism to our neighborhood because of not  
21 only the car traffic but the foot traffic in our area  
22 with two high schools. From 3:00 on this becomes a  
23 congestion nightmare honestly. We just don't want to  
24 increase the vandalism in the area where you have more  
25 blacktop, more area. Come 9:00 the library goes

1 home. We're still there as a neighborhood. We have  
2 to live with people congregating in the library  
3 parking lot as it is now. We don't want to have even  
4 more area for people to congregate.

5 Like I said, we consider the library a  
6 neighbor. We want them to grow, but not by defacing  
7 our neighborhood and then leaving or being in the same  
8 boat 20 years from now. Thank you.

9 CHAIRMAN: Thank you.

10 Yes, sir. Would you like to make a few  
11 comments?

12 MR. ELLIOTT: State your name, please.

13 MR. DARLING: My name is Bob Darling.

14 (MR. BOB DARLING SWORN BY ATTORNEY.)

15 MR. DARLING: I am Chairman of the Old  
16 Owensboro Neighborhood Alliance. Several members of  
17 the board here tonight have witnessed the concerns the  
18 neighborhood alliance has had in the past month alone  
19 on issues. We've always felt the Zoning & Planning  
20 has always been very receptive to talk to us. Whether  
21 they agree with us or not, at least they have been  
22 very receptive and we do appreciate that.

23 Some issue I would like to bring up  
24 tonight for the public record are issues that I don't  
25 believe the library can deny.

1                   First one I'd like to get into is the  
2                   \$100,000 over cost of the amount of property they  
3                   purchased. This property was sold on 802 for  
4                   \$125,000. The library just recently purchased the  
5                   property for \$225,000.

6                   DR. BOTHWELL: Mr. Chairman, I don't think  
7                   this is our realm.

8                   CHAIRMAN: It has no place at this  
9                   meeting. I mean really the cost we don't determine  
10                  cost or the amount of money that's being spent.

11                  MR. DARLING: Maybe I can move on real  
12                  fast.

13                  The neighborhoods are very concerned when  
14                  businesses start moving in the neighborhoods. If this  
15                  property is blacktopped, that will be a signal to the  
16                  Zoning Planning Board to move on to have other  
17                  businesses possibly say that they wish to move here.

18                  I was just trying to say that I think one  
19                  thing that could be determined definitely is this will  
20                  be taken off the tax rolls. This will be removed from  
21                  the tax rolls. In 2002 the tax amount on this for the  
22                  city was \$946.56. For the county was \$358.80. Using  
23                  their rates for this year, for the next year for the  
24                  \$225,000 amount the city would have received \$2,065  
25                  and the county would have received \$783 which makes a

1 total of \$2,848 that will be removed from the tax  
2 rolls just while they make their decision.

3 CHAIRMAN: Mr. Darling, once again this  
4 board has no jurisdiction over that.

5 MR. DARLING: I understand, but I'm just  
6 saying they don't know what they're going to do with  
7 it but it is costing us money while this process is  
8 going on.

9 CHAIRMAN: Thank you.

10 Does anybody else have any comments or  
11 suggestions?

12 Yes, ma'am.

13 MR. ELLIOTT: State your name, please.

14 MS. BURDETT: Charlotte Burdett.

15 (MS. CHARLOTTE BURDETT SWORN BY ATTORNEY.)

16 MS. BURDETT: I do not live in the  
17 neighborhood, but I am concerned. I had suggested the  
18 other day at the meeting that we had that other  
19 communities such as Bowling Green had the same problem  
20 with their public library and he they had opened up a  
21 branch in the old train station which is very  
22 affective. I think we are, like they mentioned,  
23 missing out on the east end because I know as a  
24 retired teacher and have a little one of my own we  
25 have - - there is a big need for an AR Center for

1 their books that they're reading. If it was on the  
2 east end, because a lot of parents that work and  
3 coming home to get dinner. They have children and if  
4 they run to town it's about a half an hour by the time  
5 they wait around and look up all their AR books, which  
6 is a requirement in schools. They have AR points that  
7 involve AR groups. By the time they get those in an  
8 hour and then run back home, it's time for bed and  
9 they're really rushing in the evening to get all of  
10 that done. I feel like that this is something that we  
11 need to look at is a branch for that end of town for  
12 the parents and also - -

13 CHAIRMAN: Excuse me. Our board does not  
14 make that decision. That's the decision of the  
15 library board. I appreciate your thoughts and  
16 comments, but, you know, really that's nothing that  
17 this board can deal with. We have no jurisdiction  
18 over that at all.

19 MS. BURDETT: Not at all where they can  
20 locate or anything?

21 CHAIRMAN: No, ma'am. They present a plan  
22 to us and then we look at their plan, but actually  
23 this board, as Mr. Noffsinger I think very well  
24 covered at the beginning of it, because of the library  
25 status, this board cannot even disapprove what they're

1 going to do. We're reviewing it. Where they go, what  
2 they do, that's strictly the library board issue. We  
3 have no jurisdiction over that.

4 MS. BURDETT: Thank you.

5 CHAIRMAN: Yes, ma'am.

6 MR. CAMBRON: Chair ready for a motion?

7 CHAIRMAN: The Chair is ready for a  
8 motion.

9 MR. APPLEBY: I have one comment.

10 We are not dealing with the zoning or land  
11 use issue at this point. We're still looking at  
12 whether or not the acquisition of the property is or  
13 is not in conflict with the Comprehensive Plan. It  
14 may very well be that when they bring forth the  
15 development plan or an overall site plan that we'll  
16 find that's in conflict, but I don't know that the  
17 acquisition of property is in conflict with the  
18 Comprehensive Plan. That's my opinion.

19 CHAIRMAN: Is that in the form of a motion  
20 or just an opinion, Mr. Appleby?

21 MR. APPLEBY: Well, I would make a motion  
22 that we find this is not in conflict with the  
23 Comprehensive Plan, the acquisition of the property.

24 CHAIRMAN: You're making a motion for  
25 approval?

1 MR. APPLEBY: Yes.

2 MR. CAMBRON: I would second that.

3 CHAIRMAN: We've got a motion for approval  
4 by Mr. Appleby. We've got a second by Mr. Cambron.  
5 All in favor raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, please.

9 -----

10 ZONING CHANGES - CITY

11 ITEM 5

12 3230 Buckland Square, 7.942 acres  
13 Consider zoning change: From B-3 Highway Business  
14 Center to R-3MF Multi-Family Residential  
Applicant: O'Bryan Heirs, c/o Bill Wright

15 MR. ELLIOTT: State your name, please.

16 MS. STONE: Becky Stone.

17 (MS. BECKY STONE SWORN BY ATTORNEY.)

18 PLANNING STAFF RECOMMENDATIONS

19 Staff recommends approval because the proposal is  
20 in compliance with the community's adopted  
21 Comprehensive Plan. This recommendation is made  
22 subject to the condition and findings of fact that  
23 follow:

24 Condition:

- 25 1. Approval of a final development plan.

1 Findings of Fact:

2 1. The subject property is located in a Business  
3 Plan Area, where urban mid-density residential uses  
4 are appropriate in limited locations;

5 2. Sanitary sewers are available to the site;

6 3. The subject property adjoins existing R-3MF  
7 Multi-Family Residential zones;

8 4. The applicant's proposal is a logical zoning  
9 expansion of existing R-3MF Multi-Family Residential  
10 zoning and use on contiguous land that will not  
11 overburden the capacity of roadways and other  
12 necessary urban services that are available in the  
13 affected area;

14 5. The proposed zoning change will not reduce  
15 the acreage of B-3 zoning required by the zoning  
16 ordinance for the Heritage Park development.

17 MS. STONE: We would like to enter the  
18 Staff Report as Exhibit A.

19 CHAIRMAN: Is there anybody here  
20 representing the applicant?

21 MR. ELLIOTT: State your name, please.

22 MR. SULLIVAN: Mike Sullivan.

23 (MR. MIKE SULLIVAN SWORN BY ATTORNEY.)

24 MR. SULLIVAN: Mike Sullivan. I'm the  
25 attorney for the O'Bryan Heirs. I'm here to answer

1 any questions you may have and I'm afraid after the  
2 presentation given by my partner, Mark Willis, I may  
3 not ever be back here. I'm here to answer any  
4 questions.

5 CHAIRMAN: Anybody have any questions or  
6 comments from the audience?

7 (NO RESPONSE)

8 CHAIRMAN: Does anybody on the commission  
9 have any questions or comments?

10 (NO RESPONSE)

11 CHAIRMAN: I believe the Chair is ready  
12 for a motion.

13 DR. BOTHWELL: Mr. Chairman, I make a  
14 motion to approve based on Findings of Fact 1 through  
15 5 and Condition 1.

16 MR. JAGOE: Second.

17 CHAIRMAN: Motion for approval by Dr.  
18 Bothwell. Mr. Jagoe has a second. All in favor raise  
19 your right hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 Next item.

23 ITEM 6

24 1729 Frederica Street, 0.33 acres  
25 Consider zoning change: From P-1 Professional/Service  
to B-4 General Business  
Applicant: 1735 Rentals

Ohio Valley Reporting  
(270) 683-7383

## 1 PLANNING STAFF RECOMMENDATIONS

2 Staff recommends approval because the proposal is  
3 in compliance with the community's adopted  
4 Comprehensive Plan. This recommendation is made  
5 subject to the condition and findings of fact that  
6 follow:

## 7 Condition:

8 1. A 60-foot roadway buffer from the centerline  
9 of Frederica Street shall be required upon a change in  
10 the existing use.

## 11 Findings of Fact:

12 1. The subject property is located in a  
13 Professional/Service Plan Area, where general business  
14 uses are appropriate in very-limited locations;

15 2. The current use of the subject property is a  
16 principally permitted use in a B-4 General Business  
17 zone;

18 3. The subject property adjoins B-4 General  
19 Business zones and uses to the north and to the south;  
20 and,

21 4. The applicant's proposal is a logical  
22 expansion of the existing contiguous B-4 General  
23 Business zone that will not significantly increase the  
24 extent of the zone in the vicinity and will not  
25 overburden the capacity of roadways and other

1 necessary urban services that are available in the  
2 affected area.

3 MS. STONE: We would like to enter the  
4 Staff Report as Exhibit B.

5 CHAIRMAN: Is there anybody here  
6 representing the applicant?

7 MR. EBELHAR: Yes.

8 MR. ELLIOTT: State your name, please.

9 MR. EBELHAR: Jeffrey T. Ebelhar.

10 (MR. JEFFREY EBELHAR SWORN BY ATTORNEY.)

11 MR. EBELHAR: Mr. Chairman and Members of  
12 the Commission, I'm just here I answer any questions  
13 that you may have. I am one of the owners or partners  
14 in 1735 Rentals that owns this property.

15 CHAIRMAN: Thank you.

16 Is there anybody from the audience that  
17 has any questions?

18 (NO RESPONSE)

19 CHAIRMAN: Anybody from the commission?

20 (NO RESPONSE)

21 CHAIRMAN: Thank you.

22 MR. CAMBRON: Is Chair ready for a motion

23 CHAIRMAN: Chair is ready for a motion,

24 Mr. Cambron.

25 MR. CAMBRON: Motion for approval based on

1 Condition 1 and Findings of Fact 1 through 4.

2 MS. DIXON: Second.

3 CHAIRMAN: Motion for approval by Mr.

4 Cambron. Second by Ms. Dixon. All in favor raise

5 your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, please.

9 ITEM 7

10 100 Block of Weikel Drive, 4.27 acres  
11 Consider zoning change: From R-2MF, R-3MF  
12 Multi-Family Residential to B-4 General Business  
13 Applicant: Goetz Development Company

14 PLANNING STAFF RECOMMENDATIONS

15 Staff recommends approval because the proposal is  
16 in compliance with the community's adopted  
17 Comprehensive Plan. This recommendation is made  
18 subject to the conditions and findings of fact that  
19 follow:

20 Conditions:

21 1. No driveway access point shall be allowed to  
22 the subject property from J.R. Miller Boulevard.  
23 Access shall be limited to Weikel Drive.

24 2. A minimum 60-foot high solid element with one  
25 tree per 40-feet of linear boundary in an average  
10-foot wide landscape easement shall be provided

1 between the subject property and residential property  
2 to the north and west.

3 Findings of Fact:

4 1. The subject property is located within an  
5 Urban Residential Plan Area, where general business  
6 uses are appropriate in very-limited locations;

7 2. The subject property is contiguous to  
8 existing B-4 General Business zones that generally  
9 abut the same street;

10 3. The subject property contains 4.37 acres of  
11 land, which exceeds the minimum criteria of one and  
12 one-half acres in size for expansion across an  
13 intervening street;

14 4. The subject property is buffered from the  
15 adjoining R-1B Single-Family residential property by  
16 Harsh Ditch; and,

17 5. The applicant's proposal is a logical  
18 expansion of existing B-4 General Business zone that  
19 will not significantly increase the extent of the zone  
20 in the vicinity and will not overburden the capacity  
21 of roadways and other necessary urban services that  
22 are available in the affected area.

23 MS. STONE: We would like the Staff Report  
24 entered as Exhibit C.

25 CHAIRMAN: Thank you.

1                   Is anybody here representing the  
2                   applicant?

3                   MR. ELLIOTT: State your name, please.

4                   MR. KAMUF: Charles Kamuf.

5                   (MR. CHARLES KAMUF SWORN BY ATTORNEY.)

6                   MR. KAMUF: I represent Goetz Development.

7                   We agree to the conditions and agree to place the  
8                   landscaping easement within the 10-foot public utility  
9                   easement that is existing on the property. I think  
10                  the other issues pertaining to Kipling Drive will be  
11                  presented at the preliminary plat which I think is  
12                  Item 14.

13                  We're here to answer any questions. We're  
14                  in line with the Staff Report and agree with the  
15                  conditions on what I just said.

16                  CHAIRMAN: Thank you, Mr. Kamuf.

17                  Does anybody in the audience have any  
18                  questions of Mr. Kamuf?

19                  (NO RESPONSE)

20                  CHAIRMAN: Does anybody on the commission  
21                  have any questions?

22                  Mr. Noffsinger.

23                  MR. NOFFSINGER: Just point of  
24                  clarification.

25                  Landscaping should go in the landscape

1       easement and not in the public utility easement as you  
2       stated.

3                   MR. KAMUF:   Please?

4                   MR. NOFFSINGER:  You stated that the  
5       landscaping would go on the public utilities easement.  
6       It should go on the landscape easement.

7                   MR. KAMUF:  In other words, there is a  
8       public utility easement to the rear of that.

9                   MR. NOFFSINGER:  There could be a conflict  
10      with the public utility easement to the rear.  We  
11      stated in the condition that it would go in the  
12      landscape easement provided.

13                  MR. KAMUF:  That would be one in the same,  
14      I think.

15                  MR. APPLEBY:  It is in most cases.

16                  MS. STONE:  We don't have a development  
17      plan submitted yet.  Just a preliminary plat so we  
18      would need to make sure there wasn't a conflict with  
19      the utilities located in that utility easement.  You  
20      may have to put landscape easement outside of the  
21      utility easement.

22                  MR. KAMUF:  According to our engineer, it  
23      will work with that easement.  That shouldn't be a  
24      problem.  We're agreeing to place it within the public  
25      utility easement.  If there's a conflict, we'll have

1 to look at it.

2 MR. NOFFSINGER: Thank you.

3 CHAIRMAN: If there are no further  
4 questions, the Chair is ready for a motion.

5 MS. DIXON: Motion to approve.

6 CHAIRMAN: Motion for approval by Ms.  
7 Dixon.

8 MR. GILLES: Second.

9 CHAIRMAN: Second by Mr. Gilles. All in  
10 favor raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please.

14 ITEM 8

15 906 West Second Street, 0.122 acres  
16 Consider zoning change: From B-4 General Business to  
17 R-4DT Inner-City Residential  
18 Applicant: Brad Hutchins, Ed Varble

18 PLANNING STAFF RECOMMENDATIONS

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

21 This recommendation is made subject to the findings of  
22 fact that follow:

23 Findings of Fact:

24 1. The subject property is located in a Business  
25 Plan Area, where urban low-density residential uses

1 are appropriate in very-limited locations;

2 2. The subject property is currently in use as a  
3 single-family residence and a zoning change to R-4DT  
4 will bring the use into conformance with the Zoning  
5 Ordinance and be consistent with housing densities in  
6 the immediate vicinity; and,

7 3. The applicant's proposal is a logical  
8 extension of adjoining R-4DT zone and uses.

9 MS. STONE: We would like to enter the  
10 Staff Report as Exhibit D.

11 CHAIRMAN: Is anybody here representing  
12 the applicant?

13 (NO RESPONSE)

14 CHAIRMAN: Does anybody from the audience  
15 have any questions?

16 (NO RESPONSE)

17 CHAIRMAN: Anybody from the commission?

18 (NO RESPONSE)

19 CHAIRMAN: Chair is ready for a motion.

20 MR. APPLEBY: Motion for approval with  
21 Staff Recommendations and Findings of Fact 1 through  
22 3.

23 CHAIRMAN: Thank you.

24 SISTER VIVIAN: Second.

25 CHAIRMAN: Second by Sister Vivian. All

1 in favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item.

5 -----

6 ZONING CHANGE - COUNTY

7 ITEM 9

8 7841 KY 2830, 5.24 acres (WITHDRAWN)  
9 Consider zoning change: From A-R Rural Agriculture to  
10 I-1 Light Industrial  
11 Applicant: Rick Gipson, Sharon Gipson, Lauren  
12 Worthington

11 MR. NOFFSINGER: Mr. Chairman, Item Number  
12 9 has been withdrawn.

13 -----

14 DEVELOPMENT PLAN

15 ITEM 10

16 9227, 9239 KY 54, 0.853 acres  
17 Consider approval of amended final development plan.  
18 Applicant: Vessels Enterprises, Inc.

18 MR. NOFFSINGER: Mr. Chairman, this plan  
19 has been reviewed by the Planning Staff and  
20 Engineering Staff. The plan is not in order in terms  
21 of its compliance with the zoning ordinance.

22 The Planning Staff in review of the  
23 application finds that there is existing on this  
24 particular piece of property a convenient store as  
25 well as two pump islands. The applicant is proposing

1 to construct a car wash facility. Back a few years  
2 ago when the pump stations were installed, the  
3 development plan was approved by this commission and  
4 the applicant was allowed to continue the facilities  
5 on the property as they are. Right now there is  
6 parking, which would be required parking for this  
7 particular use, that's located almost entirely within  
8 the right-of-way of Kentucky 54 and Crisp Road.  
9 During review of the plan, the Planning Staff  
10 requested that the parking within the front on Crisp  
11 Road be removed and the applicant at this time would  
12 be allowed to continue the use of the parking that's  
13 located within the right-of-way of Kentucky 54.

14 We ask the applicant provide some on-site  
15 parking in another location to accommodate the parking  
16 that would be lost.

17 The applicant is here tonight to I guess  
18 share his reasons why he would not want to do that.  
19 This recommendation comes in terms of being consistent  
20 with other developments that are similar in nature  
21 that the Planning Staff has recommended improvements  
22 and this commission has required those improvements.

23 DR. BOTHWELL: Mr. Noffsinger, when was  
24 the original, when you're referring to the original  
25 zoning proposal and approval, when was that made?

1                   MR. NOFFSINGER: The site has existed with  
2 the non-conformity parking for many years. I'm not  
3 sure exactly how long it existed. Back I'm going to  
4 guess five years ago, somewhere in that neighborhood,  
5 there was an expansion of the property. The applicant  
6 bought some adjoining property to the east and added  
7 that to his site and came in with the development plan  
8 to install a new pump island and to use a building  
9 that was located on the property for storage. Since  
10 there was no major development occurring, the planning  
11 commission granted approval of that development plan  
12 and the zoning change and we did not require any  
13 improvements regarding parking at that time. The  
14 applicant came in this time to construct a new  
15 building on the site. That's when we ask that the  
16 property at least be brought somewhat into compliance  
17 with the ordinance. Not full compliance, but at least  
18 some improvements be made.

19                   DR. BOTHWELL: Thank you, Mr. Noffsinger.

20                   CHAIRMAN: Is there somebody here  
21 representing the applicant?

22                   MR. ELLIOTT: State your name, please.

23                   MR. RINEY: Jim Riney.

24                   (MR. JIM RINEY SWORN BY ATTORNEY.)

25                   MR. RINEY: I'm Jim Riney. I'm

1 representing the project. We provided the technical  
2 information. As you see, the owner, Mark Vessels, is  
3 here. He will speak a little later, but he asked me  
4 to give you a couple of bits of information.

5 One of them was exactly what Dr. Bothwell  
6 just asked. If memory serves me correctly, the  
7 development plans that we had prepared for this  
8 property in the past. I think originally was prepared  
9 somewhere around 1995. That development plan showed  
10 in essence about the same parking layout and so forth  
11 as we're discussing tonight. That plan was amended,  
12 if memory serves me correctly, about 1996. So it has  
13 been presented to this board and approved at least on  
14 two different occasions.

15 Mr. Vessels has had the property for  
16 somewhere in the league of 10 to 12 years, I believe.  
17 He has operated the business, as Mr. Noffsinger said,  
18 as a convenient store. He's here to speak on some of  
19 his concerns, but one of the issues I understand is  
20 concern to him is the safety of his employees,  
21 particularly during the nighttime hours of the  
22 convenient store. The parking that is the issue right  
23 now is along what is some county road right-of-way,  
24 but if you look at it it gives the appearance that  
25 it's just a driveway coming off of Ward Road back in

1 the back of this property.

2 With that I'll go ahead and ask Mr. Vessel  
3 to come forward and give you some of his information  
4 on the parking situation.

5 MR. ELLIOTT: State your name, please.

6 MR. VESSEL: Mark Vessel.

7 (MR. MARK VESSEL SWORN BY ATTORNEY.)

8 MR. VESSELS: I've owned the store in  
9 Whitesville for 11 years now. The car wash that I'm  
10 wanting to build is on the far east side of the  
11 property. The parking that they're wanting to take is  
12 on the far west of the property right beside my  
13 building. It's a short stretch of Crisp Road. It is  
14 Crisp Road, but it's like 240-feet of road and it's  
15 between my store and Bellomy's Insurance Agency. So  
16 basically anybody that uses that little stretch of  
17 road is either going to do business with myself at the  
18 store or they're going to do business with Bellomy's.  
19 Other than that, there's really not any traffic there.

20 As far as a safety thing, there's never  
21 been a wreck on that little short stretch of road in  
22 the 11 years that I've been there. I've talked to the  
23 Bellomy's and they say in their 20 plus years they've  
24 never seen an accident on that short stretch of road.

25 I do have some pictures here taken from 54

1 showing that it is a short stretch of road. There's  
2 just a few parking places over to the side that my  
3 employees use and maybe four or five cars at the most  
4 would be parked there.

5 One of my biggest concerns is, I mean to  
6 me a store clerk is a fairly dangerous job. It's  
7 pretty common where people get hurt cross the country  
8 where they're shot or whatever because of the late  
9 hours basically. A lot of places will have one  
10 person, one girl or one lady or one man working in a  
11 convenient store and then closing the store. I won't  
12 do that. My conscious won't let me do that. I've got  
13 to have two girls there. I know something can still  
14 happen, but I want two people there so they can leave  
15 together. To me it would be much more safe.

16 My biggest concern is that instead of  
17 these girls having to walk just straight to the side  
18 of the building, they would have to walk behind the  
19 building. There's a ditch back with trees where  
20 someone could hide. The way the building is  
21 constructed, there's a potential for somebody to hide  
22 back there and wait for them to go to their cars.  
23 That really concerns me much more than a possibility  
24 of a wreck or something along the short stretch of  
25 Crisp Road. I think that's about all I have.

1                   CHAIRMAN: Does anybody on the commission  
2 have any questions of the applicant?

3                   (NO RESPONSE)

4                   CHAIRMAN: Does anybody in the audience  
5 have a question of the applicant?

6                   (NO RESPONSE)

7                   MR. ROGERS: Mr. Chairman, I have a  
8 comment.

9                   Crisp Road here, when new 54 came through  
10 that's the reason Crisp Road was left for access to  
11 old 54. There's probably ten residents that live on  
12 old 54 there. They access 54 going east coming out  
13 Ward Road going east or going to Whitesville. If they  
14 need to go west to Owensboro, 500 foot down the road  
15 from Crisp Road 54 Y's into, old 54 Y's into new 54.  
16 So there's very little traffic on Crisp Road unless  
17 the neighbors want to come through that alley to go to  
18 the grocery or whatnot.

19                   CHAIRMAN: Do you have any other comments,  
20 Mr. Rogers?

21                   MR. ROGERS: No.

22                   MR. CAMBRON: Is Chair ready for a motion?

23                   CHAIRMAN: Let me finish passing these. I  
24 think Mr. Rogers is very familiar with the area.

25                   If you want to go ahead while we're

1 passing these photos, you want to go ahead and make  
2 your motion.

3 MR. CAMBRON: My motion would be to allow  
4 Mr. Vessels to go ahead and proceed with his project.  
5 I've been out there several times. I don't see enough  
6 traffic to warrant that. I think that's my motion. to  
7 allow him to do that.

8 CHAIRMAN: You make a motion for approval?

9 MR. CAMBRON: Motion for approval.

10 CHAIRMAN: We've got a motion for approval  
11 by Mr. Cambron.

12 MR. ROGERS: Second.

13 CHAIRMAN: We have a second by Mr. Rogers.  
14 All in favor raise your your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Next item, please.

18 ITEM 11

19 4600, 4604 Towne Square Court, 0.766 acres  
20 Consider approval of final development plan.  
21 Applicant: RNA Farms, Inc.

22 MR. NOFFSINGER: Mr. Chairman, this plan  
23 is in order. It's been reviewed by the Planning and  
24 Engineering Staff and ready for consideration.

25 CHAIRMAN: Is anybody here representing  
the applicant?

1 (NO RESPONSE)

2 CHAIRMAN: Does anybody in the audience  
3 have any questions?

4 (NO RESPONSE)

5 CHAIRMAN: Does anybody on the commission  
6 have any questions?

7 (NO RESPONSE)

8 CHAIRMAN: If not, the Chair is ready for  
9 a motion.

10 DR. BOTHWELL: Motion for approval, Mr.  
11 Chairman.

12 CHAIRMAN: Motion for approval by Dr.  
13 Bothwell.

14 SISTER VIVIAN: Second.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item, please.

20 ITEM 12

21 3329 Wathens Crossings, 1.500 acres  
22 Consider approval of final development plan.  
23 Applicant: Daviess County Farm Bureau Federation

24 MR. NOFFSINGER: Mr. Chairman, this plan  
25 has been reviewed by the Planning Staff and Engineering  
Staff. Found to be in order and it too is ready for

1 your approval.

2 CHAIRMAN: Anybody here representing the  
3 applicant?

4 MR. RINEY: Yes.

5 CHAIRMAN: Do you have any comments you  
6 would like to make?

7 MR. RINEY: No.

8 CHAIRMAN: Does anybody in the audience  
9 have any questions of the applicant?

10 (NO RESPONSE)

11 CHAIRMAN: Does anybody on the commission?

12 (NO RESPONSE)

13 CHAIRMAN: Chair is ready for a motion.

14 MR. HAYDEN: I make a motion for approval.

15 CHAIRMAN: Motion for approval by Mr.  
16 Hayden.

17 MR. GILLES: Second.

18 CHAIRMAN: Second by Mr. Gilles. All in  
19 favor raise your right hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 Next item.

23 -----

24 MAJOR SUBDIVISIONS

25

1 ITEM 13

2 Covington Ridge, Section 2, 8.766 acres  
3 Consider approval of major subdivision preliminary  
4 plat.

Applicant: Robert J. Wimsatt

4

5 MR. NOFFSINGER: Mr. Chairman, this plat  
6 has been reviewed by the Planning Staff and  
7 Engineering Staff. Found to be in order and it's  
8 ready for consideration.

9 CHAIRMAN: Anybody here representing the  
10 applicant?

11 MR. WIMSATT: Yes.

12 CHAIRMAN: Do you have any comments you  
13 would like to make?

14 MR. WIMSATT: No.

15 CHAIRMAN: Are there any questions of the  
16 applicant?

17 (NO RESPONSE)

18 CHAIRMAN: Any questions by the  
19 commission?

20 (NO RESPONSE)

21 CHAIRMAN: Chair is ready for a motion.

22 MS. DIXON: Move for approval.

23 CHAIRMAN: Motion for approval by Ms.

24 Dixon.

25 DR. BOTHWELL: Second.

1                   CHAIRMAN: Second by Dr. Bothwell. All in  
2 favor raise your right hand.

3                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4                   CHAIRMAN: Motion carries unanimously.

5                   Next item, please.

6                   ITEM 13A - Related Item

7                   Covington Ridge, Section 2, 13.757 acres  
8                   Consider approval of major subdivision final plat for  
9                   development purposes.  
10                   Surety not applicable  
11                   Applicant: Robert J. Wimsatt

12                   MR. NOFFSINGER: Mr. Chairman, this plat  
13                   has been reviewed by Planning Staff, Engineering  
14                   Staff. Found to be in order and ready for  
15                   consideration.

16                   CHAIRMAN: I know the applicant is here.

17                   Does anybody have any questions of the  
18                   applicant?

19                   (NO RESPONSE)

20                   CHAIRMAN: Anybody from the commission?

21                   (NO RESPONSE)

22                   CHAIRMAN: Chair is ready for a motion.

23                   MS. DIXON: Motion for approval.

24                   CHAIRMAN: Motion for approval by Ms.

25                   Dixon.

                  MR. APPLEBY: Second.

                  CHAIRMAN: Second by Mr. Appleby. All in

1 favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item.

5 ITEM 14

6 Dutch Banks, 9.962 acres  
7 Consider approval of major subdivision revised  
8 preliminary plat.  
9 Applicant: Goetz Development

10 MR. NOFFSINGER: Mr. Chairman, this plan  
11 has been reviewed by the Planning Staff and  
12 Engineering Staff. Found to be in order and ready for  
13 consideration.

14 CHAIRMAN: Do we have anybody representing  
15 the applicant?

16 MR. KAMUF: Mr. Chairman, Charles Kamuf  
17 again.

18 When we initially filed for this rezoning  
19 we talked with the neighbor, Mr. Chapman over there,  
20 and it was his request at that time that we not extend  
21 Kipling Drive into Weikel Drive. You understand?  
22 Weikel Drive goes from Jefferson Street all the way to  
23 J.R. Miller Boulevard. It was his request and the  
24 request the of neighbors. That was one of the main  
25 reasons.

26 We also, there was a request, and I'll

1 read this into the record, by Commissioner VanWinkle.  
2 This is dated November 4th and I'll file it in the  
3 record, November 4, 2002.

4 "Dear Charlie, In response to our  
5 conversation concerning the Poet" - and this is known  
6 as the Poet Subdivision - "the Poet neighborhood with  
7 you and our city engineer and with additional feedback  
8 from citizens in that area, I would recommend that the  
9 completion of Weikel Drive to J.R. Miller Boulevard.  
10 I would also recommend that Kipling Drive stay as it  
11 is and not be extended to J.R. Miller Boulevard. If  
12 you have any questions concerning this situation, do  
13 not hesitate to give me a call."

14 If you look at this, and I can pass this  
15 around. This is a blow up of the area. What it  
16 shows, this is a self-contained area. You understand.  
17 This was a different farm than the farm that was  
18 developed into the Poet Subdivision. What we have  
19 here is this is a dead end street, as you can see the  
20 sign. At the dead end here, as you can see there is a  
21 rise and there's kind of a crest there. So what takes  
22 place is that when you get up, it's very difficult to  
23 extend the street. That's number one. This is the  
24 screening that we talked about which is in the public  
25 utility easement. That's a roll of trees. At the

1 bottom of that there's a ditch. So when the neighbors  
2 asked me not to extend it, that's another reason that  
3 we did it.

4 As you can see, also along there there are  
5 two streets that you can extend. One is Kipling and  
6 the other street that goes in that particular area is  
7 Whittier Drive. I might point this out to you, if I  
8 can. I can give you a copy of what this looks like.

9 So what we propose is if you see on the  
10 corner, the black area, and that's the corner lot. If  
11 Kipling Drive is extended, that means that there will  
12 be setback from Kipling Drive which will disallow any  
13 large type of commercial activity on that particular  
14 lot. So it separates that lot from the remaining  
15 property.

16 What our proposal would be, as far as a  
17 compromise, is not to extend Kipling, but if you see  
18 the red area, the marking there, that would be an  
19 extension of Whittier Drive if we have to put in a  
20 street there. Our proposal basically was not to  
21 extend either Kipling or Whittier. That's pretty well  
22 where we are.

23 I think I've stated what our position was.  
24 Some of the neighbors contacted me when we were doing  
25 a little extension over there of Weikel Drive and they

1 asked me when I made my proposal not to show a  
2 connection between Kipling and Weikel Drive. That's  
3 why we're here on this issue.

4 CHAIRMAN: Do you have a question?

5 MR. CHAPMAN: Yes. My name is Frank  
6 Chapman.

7 (MR. FRANK CHAPMAN SWORN BY ATTORNEY.)

8 MR. CHAPMAN: I live at 4122 Kipling Drive  
9 which is northwest corner of Kipling and Wilder. I'm  
10 adamantly against opening Kipling Drive up to a  
11 commercial area and dumping it in the back side of  
12 this residential area on the small streets. If any of  
13 you are familiar with that area, if you've got cars  
14 parked on both sides of the street, two cars can't  
15 pass. One has to pull over and let the other by. I  
16 think you're creating a hazard. Kipling Drive at the  
17 other end, at the north end of Kipling is a dead end.  
18 It goes nowhere. I think it's a congested area now  
19 due to the way you have to pass out there. It's a  
20 hazard. I really feel that street needs to remain  
21 closed. Charlie agrees to open up Whittier, then I  
22 would go along with that. I don't think Kipling needs  
23 to be opened up.

24 CHAIRMAN: Thank you, Mr. Chapman.

25 Are there any other questions or comments

1 from anybody in the audience?

2 (NO RESPONSE)

3 CHAIRMAN: Mr. Noffsinger, I'd like to ask  
4 a question. At the present time this commission would  
5 not actually be able to go ahead and do what Mr. Kamuf  
6 is proposing. Would we be able to do that? I mean we  
7 are already in - - the plan was to continue with - -

8 MR. NOFFSINGER: Let me say that the plan  
9 before you tonight includes an extension of Kipling  
10 Drive. This has been in the plan since about 1985  
11 which was originally a part of the plan is to develop  
12 this property. Those plans also included a connection  
13 of Whittier.

14 Back a few years ago when the plan was  
15 amended, it was argued that Whittaker should not be  
16 extended. It's a short local street. Wouldn't serve  
17 the area in as much as where Kipling would and cost of  
18 the construction and the drainage issues it would be  
19 best to extent only Kipling.

20 Now, Kipling does serve a larger area of  
21 the Poet section and would be important to the Poet  
22 neighborhood because if we did not have this  
23 connection of Kipling over to Weikel, then what will  
24 happen is that all the traffic within the Poet section  
25 would funnel down to Jefferson Street. I can tell you

1 if I were a resident on Jefferson Street, I would  
2 certainly be concerned about the increased traffic  
3 that's being funneled onto my street and then over to  
4 Weikel and then J.R. Miller.

5 So what you have with the extension of  
6 Kipling Drive is that you have the traffic within the  
7 Poet Subdivision equally split between Jefferson and  
8 Kipling, if they're going out to J.R. Miller.

9 It's very important to have neighborhoods  
10 connect. In fact, it would be a requirement that  
11 Weikel be connected to Kipling in order to satisfy the  
12 access policies along J.R. Miller. When J.R. Miller  
13 was created it said all new streets must connect the  
14 adjoining neighborhoods so that you can have free flow  
15 of traffic. So to consider an extension of Weikel  
16 with not connecting Kipling would be in violation of  
17 the policies that have already been adopted for J.R.  
18 Miller. Really, I think would be bad in terms of  
19 traffic moving for the Poet section. As well it  
20 wouldn't be good for business development in terms of  
21 those folks that live in the Poet neighborhood  
22 visiting this particular development.

23 DR. BOTHWELL: Mr. Noffsinger, what we  
24 have before us, Item 14, if we vote to approve this  
25 particular item, does that mean Kipling will be

1 extended?

2 MR. NOFFSINGER: Yes, sir.

3 DR. BOTHWELL: Okay. Thank you.

4 CHAIRMAN: Mr. Chapman, you have another  
5 question?

6 MR. CHAPMAN: I've got a statement I'd  
7 like to make.

8 What you're doing is you're creating a  
9 short cut for people from J.R. to Frederica Street is  
10 what you're doing. It's really going to be used.  
11 Traffic is really going to increase because people are  
12 wanting a quick way across there. Those streets  
13 cannot handle that kind of traffic. I think you need  
14 to really consider that. If that was in the planning  
15 stages in 1968 or whenever, then those streets should  
16 have been made a whole lot wider than what they are.  
17 When you come down Kipling you've got two streets to  
18 access Frederica Street off of. You come down to  
19 Tamarack, that's the last street before it dead ends  
20 into where Schuck used to have their old warehouse.  
21 Then there's Tennyson. So there's two streets there  
22 that's going to flow back towards Frederica Street.  
23 They're not going to take that way. They're not going  
24 to come down. They're going to come down and come  
25 down Wilder and come through there. I think you're

1 creating a traffic hazard, safety hazard. I think you  
2 need to really re-address that situation.

3 CHAIRMAN: Ms. Stone.

4 MS. STONE: The Staff would just like to  
5 add also that this is a transportation plan that's  
6 been in affect since 1985, since the preliminary plat  
7 for this subdivision was approved. At that time  
8 Weikel Drive with designed with a 37-foot pavement  
9 from the Kipling extension to J.R. Miller. You know,  
10 it has been previously approved and the transportation  
11 plan should be implemented as approved.

12 CHAIRMAN: Are there any other comments  
13 from the audience?

14 (NO RESPONSE)

15 CHAIRMAN: Any more questions from the  
16 commission?

17 (NO RESPONSE)

18 CHAIRMAN: If not, the Chair is ready for  
19 a motion.

20 MR. APPLEBY: I make a motion for  
21 approval.

22 CHAIRMAN: We've got a motion for approval  
23 by Mr. Appleby.

24 DR. BOTHWELL: Second.

25 CHAIRMAN: Second by Dr. Bothwell. All in

1 favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item.

5 ITEM 15

6 Heritage Park, Unit #4, 10.532 acres  
7 Consider approval of major subdivision final plat.  
8 Surety (Certificate of Deposit) posted: \$46,906.40  
9 Applicant: Jagoe Homes & Construction Co., Inc.

10 MR. JAGOE: Mr. Chairman, I need to  
11 disqualify myself from Item 15.

12 CHAIRMAN: Mr. Jagoe is excusing himself  
13 from this item.

14 MR. NOFFSINGER: Mr. Chairman, this plat  
15 is in order and ready for your consideration.

16 CHAIRMAN: Any comments or questions?

17 (NO RESPONSE)

18 MR. CAMBRON: Motion for approval, Mr.  
19 Chairman.

20 CHAIRMAN: Motion for approval by Mr.  
21 Cambron.

22 SISTER VIVIAN: Second.

23 CHAIRMAN: Second by Sister Vivian. All  
24 in favor raise your right hand.

25 (ALL BOARD MEMBERS PRESENT WITH THE  
DISQUALIFICATION OF MR. JAGOE RESPONDED AYE.)

1                   CHAIRMAN: Motion carries unanimously with  
2 Mr. Jagoe not voting.

3                   ITEM 16

4                   Thorobred Crossing, Unit #2, 3.304+ acres  
5                   Consider approval of major subdivision final plat.  
6                   Surety (Letter of Credit) posted: \$39,796.65  
7                   Applicant: Thompson Homes, Inc.

8                   MR. NOFFSINGER: Mr. Chairman, this plat  
9                   has been reviewed by the Planning Staff, Engineering  
10                  Staff. Found to be in order and ready for  
11                  consideration.

12                 CHAIRMAN: If there are no questions, the  
13                  Chair is ready for a motion.

14                 MS. DIXON: Move to approve.

15                 CHAIRMAN: Motion for approval by Ms.  
16                  Dixon.

17                 MR. HAYDEN: Second.

18                 CHAIRMAN: Second by Mr. Hayden. All in  
19                  favor raise your right hand.

20                 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21                 CHAIRMAN: Motion carries unanimously.

22                 Next item.

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23                                   SURETY RELEASES

24                   ITEM 17

25                   Sterling Park, Unit #1, \$16,511.25

1 Consider partial release of surety (Certified Check)  
for public improvements.

2 Surety retained (Certified Check) \$33,384.60  
Surety posted by: Jerry Butler

3

ITEM 18

4

Sterling Park, Unit #1, \$10,026.50

5 Consider partial release of surety (Certified Check)  
for water mains.

6 Surety retained (Certified Check) \$5,000.00 for fire  
hydrants.

7 Surety posted by: Jerry Butler

8

ITEM 19

9

Waterford Village, Unit #2, \$20,289.00

10 Consider partial release of surety (Certificate of  
Deposit) for public improvements.

Surety retained (Certificate of Deposit) \$58,701.22

11 Surety posted by: Waterford Developers, LLC, c/o Greg  
Thompson

12

13

MR. NOFFSINGER: Mr. Chairman, Surety

14

Releases Items 17, 18 and 19 are in order and may be

15

released in toto.

16

CHAIRMAN: If there are no questions,

17

Chair is ready for a motion.

18

MR. APPLEBY: Motion for approval.

19

CHAIRMAN: Motion for approval by Mr.

20

Appleby.

21

SISTER VIVIAN: Second.

22

CHAIRMAN: Second by Sister Vivian. All

23

in favor raise your right hand.

24

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25

CHAIRMAN: Motion carries unanimously.

1 Next item.

2 -----

3 SURETY TRANSFERS

4 ITEM 20

5 Brookhill Estates, Unit 11, (Amended), \$1,000.00  
6 Transfer of surety (Certificate of Deposit) for  
7 sidewalks to the City of Owensboro  
8 Surety posted by: Ward Pedley

9 ITEM 21

10 The Landings of Heartland, Phase 2, \$7,362.00  
11 Transfer of surety (Certificate of Deposit) for  
12 sidewalks to the City of Owensboro  
13 Surety posted by: Jagoe Development Corporation

14 ITEM 22

15 The Landings of Heartland, Phase 2, \$2,749.60  
16 Transfer of surety (Certificate of Deposit) for  
17 streets to the City of Owensboro  
18 Surety posted by: Jagoe Development Corporation

19 MR. NOFFSINGER: Under Surety Transfers

20 Items 20, 21 and 22 are in order and may be  
21 transferred in toto.

22 MR. JAGOE: I need to disqualify myself on  
23 21 and 22.

24 CHAIRMAN: Mr. Jagoe is disqualifying  
25 himself from Item 21 and 22.

MR. CAMBRON: Motion for approval.

CHAIRMAN: Motion for approval by Mr.  
Cambron.

MS. DIXON: Second.

1                   CHAIRMAN: Second by Ms. Dixon. All in  
2 favor raise your right hand.

3                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE  
4 TO ITEM 20.)

5                   (ALL BOARD MEMBERS PRESENT WITH THE  
6 DISQUALIFICATION OF MR. JAGOE RESPONDED AYE TO ITEMS  
7 21 AND 22.)

8                   CHAIRMAN: Motion carries unanimously with  
9 Mr. Jagoe not voting on 21 and 22.

10                   Under the heading of New Business, the  
11 Owensboro Metropolitan Zoning Commission will appoint  
12 an Owensboro Metropolitan Zoning Ordinance Review  
13 Committee. The Zoning Ordinance, the implication and  
14 adoption of a Comprehensive Plan of Daviess County.  
15 This board will review the Comprehensive Plan with the  
16 Zoning Ordinance and will present up-to-date of the  
17 Zoning Ordinance to the Owensboro Metropolitan  
18 Planning Commission for consideration and adoption.

19                   The Owensboro Metropolitan Planning  
20 Commission will then forward the updated Zoning  
21 Ordinance to the logical legislative bodies for  
22 consideration and adaption.

23                   The following people have been appointed:

24                   Mr. Dave Appleby will serve as chairman.

25                   Mr. Martin Hayden, Ms. Judy Dixon, Mr. Gary

1 Noffsinger, Mr. Bruce Kunze, Mr. Mike Riney, Mr. Al  
2 Mattingly, Ms. Mimi Davis, Mr. Roger Bellomy, Ms. Kate  
3 Higdon. There will be a chamber representative that  
4 will be appointed in the future. Mr. Greg Hamilton,  
5 Mr. Mike Volk, Ward Pedley, Mr. Audie Pantle. These  
6 people will be serving on the Zoning Ordinance  
7 Committee. We appreciate their volunteering to serve  
8 on this committee and will be anxiously awaiting a  
9 report.

10 With that the Chairman is ready for one  
11 final motion.

12 MR. APPLEBY: Motion to adjourn.

13 CHAIRMAN: Motion for adjournment by Mr.  
14 Appleby.

15 DR. BOTHWELL: Second.

16 CHAIRMAN: Second by Dr. Bothwell. All in  
17 favor raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously. We  
20 are adjourned.

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22

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25

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

3 I, LYNNETTE KOLLER, Notary Public in and for  
4 the State of Kentucky at Large, do hereby certify that  
5 the foregoing Owensboro Metropolitan Planning & Zoning  
6 meeting was held at the time and place as stated in  
7 the caption to the foregoing proceedings; that each  
8 person commenting on issues under discussion were duly  
9 sworn before testifying; that the Board members  
10 present were as stated in the caption; that said  
11 proceedings were taken by me in stenotype and  
12 electronically recorded and was thereafter, by me,  
13 accurately and correctly transcribed into the  
14 foregoing 76 typewritten pages; and that no signature  
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this  
17 the 31st day of December, 2002.

18

19

\_\_\_\_\_  
LYNNETTE KOLLER, NOTARY PUBLIC  
OHIO VALLEY REPORTING SERVICE  
202 WEST THIRD STREET, SUITE 2  
21 OWENSBORO, KENTUCKY 42303

22 COMMISSION EXPIRES:  
23 DECEMBER 19, 2006

24 COUNTY OF RESIDENCE:  
25 DAVIESS COUNTY, KENTUCKY