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OWENSBORO METROPOLITAN PLANNING COMMISSION

JANUARY 10, 2013

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

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

* * * * *

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

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

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

MR. SILVERT.

MR. SILVERT: MR. CHAIRMAN.

1 WE HAVE THREE MEMBERS OF THE PLANNING
2 COMMISSION WHO ARE BEINGS SWORN IN FOR THE FIRST TIME
3 OR FOR A NEW TERM.

4 MR. KIRKLAND, MR. PEDLEY AND MR. BLACK.
5 SHEILA MOORE WHO IS A NOTARY PUBLIC WILL BE
6 ADMINISTERING THE OATH OF OFFICE.

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

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

12 IT IS JANUARY AND EVERY JANUARY WE HAVE THE
13 ELECTION OF OFFICERS. KENTUCKY REVISED STATUTE
14 100.161 REQUIRES THE ELECTION OF CHAIRMAN AND ANY
15 OTHER OFFICERS THAT THE PLANNING COMMISSION MAY DEEM
16 NECESSARY.

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

1 QUESTIONS OR OBJECTIONS.

2 (NO RESPONSE)

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

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

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

8 MR. REEVES: YES.

9 MR. SILVERT: ANY OTHER NOMINATIONS?

10 MR. APPLEBY: I NOMINATE DREW KIRKLAND FOR
11 CHAIRMAN.

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

13 MR. KIRKLAND: I DO.

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

16 (NO RESPONSE)

17 CHAIRMAN: NOW ACCEPT A MOTION FOR NOMINATIONS
18 TO CEASE.

19 MS. CAMBRON: MAKE A MOTION NOMINATION CEASE.

20 MR. SILVERT: IS THERE A SECOND?

21 MR. TAYLOR: SECOND.

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

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 MR. SILVERT: NOMINATIONS HAVE CEASED.

1 THE CANDIDATES ARE FRED REEVES AND DREW
2 KIRKLAND. ALL IN FAVOR OF MR. REEVES PLACE RAISE YOUR
3 HAND.

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

6 MR. SILVERT: THANK YOU. THAT'S FOUR.
7 ALL IN FAVOR OF MR. KIRKLAND RAISE YOUR HAND.

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

11 MR. SILVERT: THAT IS SIX.

12 MR. KIRKLAND, YOU ARE CHAIR.

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

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

17 MR. APPLEBY: SECOND.

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

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

25 CHAIRMAN: ALL OPPOSED.

1 (BOARD MEMBER JOHN KAZLAUSKAS RESPONDED NAY.)

2 MR. SILVERT: CONGRATULATIONS, MR. KIRKLAND.

3 YOU ARE THE CHAIR.

4 NOW ACCEPT NOMINATIONS FOR VICE CHAIR. ANY

5 NOMINATIONS FOR VICE CHAIR?

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

7 KAZLAUSKAS.

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

9 MR. KAZLAUSKAS: I WILL.

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

11 PEDLEY.

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

13 MR. PEDLEY: I DO.

14 MR. SILVERT: ARE THERE ANY OTHER NOMINATIONS?

15 CHAIRMAN: I MOVE THE NOMINATION CEASE.

16 MR. SILVERT: IS THERE A SECOND?

17 MR. ROGERS: SECOND.

18 MR. SILVERT: ALL IN FAVOR.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 MR. SILVERT: NOMINATIONS HAVE CEASED.

21 THE CANDIDATES ARE MR. KAZLAUSKAS AND MR.

22 PEDLEY. MR. KAZLAUSKAS WAS NOMINATED FIRST. SO ALL

23 OF THOSE IN FAVOR OF MR. KAZLAUSKAS PLEASE RAISE YOUR

24 HAND.

25 (BOARD MEMBERS MARGARET CAMBRON, WALLY TAYLOR,

1 JOHN KAZLAUSKAS, GREG BLACK AND FRED REEVES RESPONDED
2 AYE.)

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

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

7 MR. SILVERT: THAT'S FIVE TO FIVE.

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

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

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

15 MR. SILVERT: THAT IS FIVE.

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

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

20 MR. SILVERT: THAT IS ALSO FIVE.

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

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

25 (BOARD MEMBERS MARGARET CAMBRON, WALLY TAYLOR,

1 JOHN KAZLAUSKAS, GREG BLACK AND FRED REEVES RESPONDED
2 AYE.)

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

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

7 MR. SILVERT: IT REMAINS TIED.

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

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

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

15 MR. SILVERT: THAT IS FIVE.

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

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

20 MR. SILVERT: THAT IS STILL FIVE.

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

24 CHAIRMAN: MR. SILVERT, I WOULD LIKE TO MAKE A
25 MOTION THAT WE VOTE BY WRITTEN BALLOT.

1 MR. SILVERT: IS THERE A SECOND TO THAT
2 MOTION?

3 MR. ALLEN: SECOND.

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 MR. SILVERT: ANY OPPOSED?

8 (NO RESPONSE)

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

12 HAS EVERYONE AGREED THAT I COLLECTED ALL THE
13 BALLOTS?

14 (ALL BOARD MEMBERS AGREE.)

15 MR. SILVERT: I WILL READ THOSE. ONE FOR MR.
16 KAZLAUSKAS. TWO FOR MR. KAZLAUSKAS. THREE FOR MR.
17 KAZLAUSKAS. FOUR FOR MR. KAZLAUSKAS. ONE FOR MR.
18 PEDLEY. TWO FOR MR. PEDLEY. THREE FOR MR. PEDLEY.
19 FIVE FOR MR. KAZLAUSKAS. FOUR FOR MR. PEDLEY. FIVE
20 FOR MR. PEDLEY. IT REMAINS FIVE TO FIVE.

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

24 WOULD EVERYONE LIKE TO REVOTE AGAIN?

25 CERTAINLY THE PLEASURE OF THIS COMMISSION TO MOVE

1 FORWARD.

2 CHAIRMAN: MR. SILVERT, I WOULD LIKE TO MAKE A
3 MOTION WE VOTE AGAIN.

4 MR. SILVERT: VOTE BY WRITTEN BALLOT?

5 CHAIRMAN: CONTINUE AS WE HAVE BEFORE.

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

8 MR. ALLEN: WRITTEN.

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

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

15 MR. SILVERT: ALL THOSE OPPOSED.

16 (BOARD MEMBER FRED REEVES RESPONDED NAY.)

17 MR. SILVERT: ONE OPPOSED.

18 WE WILL VOTE AGAIN BY WRITTEN BALLOT.

19 CHAIRMAN: MR. SILVERT, WAIT JUST A MOMENT.

20 MR. REEVES, DID YOU HAVE ANOTHER ALTERNATIVE?

21 MR. REEVES: DO I HAVE ANOTHER ALTERNATIVE,

22 NO.

23 CHAIRMAN: I THOUGHT MAYBE YOU HAD ANOTHER --

24 MR. REEVES: NO. I JUST DIDN'T THINK WE'RE

25 GOING TO GET A DIFFERENT OUTCOME.

1 CHAIRMAN: I THOUGHT MAYBE SOMEBODY ELSE HAS
2 GOT A BETTER SOLUTION.

3 MR. REEVES: I WISH.

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

6 (ALL BOARD MEMBERS AGREE)

7 MR. SILVERT: ONE FOR MR. KAZLAUSKAS. TWO FOR
8 MR. KAZLAUSKAS. THREE FOR MR. KAZLAUSKAS. FOUR FOR
9 MR. KAZLAUSKAS. ONE FOR MR. PEDLEY. TWO FOR MR.
10 PEDLEY. THREE FOR MR. PEDLEY. FIVE FOR MR.
11 KAZLAUSKAS. FOUR FOR MR. PEDLEY AND FIVE FOR MR.
12 PEDLEY.

13 MR. SILVERT: WE ARE AGAIN TIED.

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

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

19 MR. KAZLAUSKAS: I'M SORRY.

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

22 MR. SILVERT: IS THERE A SECOND?

23 MR. APPLEBY: SECOND.

24 MR. SILVERT: ALL IN FAVOR OF TABLING THE
25 ELECTION OF VICE CHAIR UNTIL THE FEBRUARY MEETING,

1 PLEASE RAISE YOUR HAND.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 MR. SILVERT: ALL OPPOSED.

4 (NO RESPONSE)

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

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

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

11 MR. PEDLEY: SECOND.

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

14 MR. APPLEBY: YES.

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

17 (NO RESPONSE)

18 CHAIRMAN: I MOVE THAT THE NOMINATION CEASE.

19 MR. REEVES: SECOND.

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 MR. SILVERT: ALL OPPOSED.

25 (NO RESPONSE)

1 MR. SILVERT: IS THERE A MOTION TO ACCEPT MR.
2 APPLEBY BY ACCLAMATION?

3 CHAIRMAN: SO MOVED.

4 MR. SILVERT: IS THERE A SECOND?

5 MR. REEVES: SECOND.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 MR. SILVERT: ALL OPPOSED.

10 (NO RESPONSE)

11 MR. SILVERT: MR. APPLEBY IS THE SECRETARY.

12 MR. CHAIRMAN, I TURN IT OVER TO YOU.

13 CHAIRMAN: THANK YOU, MR. SILVERT.

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

17 (NO RESPONSE)

18 CHAIRMAN: AS ALL OF OUR ITEMS FOR THE
19 OWENSBORO METROPOLITAN PLANNING COMMISSION, AS ALL THE
20 BOARD MEMBERS KNOW AND THE STAFF AND MOST OF YOU ALL
21 THAT HAVE VISITED MANY OF OUR MEETINGS, OUR AVAILABLE
22 ONLINE. SO IF YOU CARE TO HAVE SOME INTERESTING
23 READING AT 10:00, I RECOMMEND THE COMPLETE MINUTES AND
24 I'M SURE YOU READ IT OFTEN AND WOULD RECOMMEND IT TO
25 PEOPLE.

1 IF THERE ARE NO CORRECTIONS OR ADDITIONS TO
2 THE MINUTES THE CHAIR WILL ACCEPT A MOTION.

3 MR. PEDLEY: MOTION FOR APPROVAL.

4 CHAIRMAN: MOTION FOR APPROVAL BY MR. PEDLEY.

5 MR. ALLEN: SECOND.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: MINUTES IS ACCEPTED.

10 NEXT ITEM, PLEASE, MR. NOFFSINGER.

11 -----

12 ZONING CHANGE

13 ITEM 3

14 607 CRABTREE AVENUE, 0.240 ACRES
15 CONSIDER ZONING CHANGE: FROM I-1 LIGHT INDUSTRIAL TO
16 B-5 BUSINESS/INDUSTRIAL
17 APPLICANT: JAMES PHILLIP EDGE, SR.

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

20 MS. EVANS: MELISSA EVANS.

21 (MELISSA EVANS SWORN BY ATTORNEY.)

22 MS. EVANS: FIRST OF ALL, I WOULD LIKE TO SAY
23 THAT REZONINGS HEARD HERE TONIGHT WILL BECOME FINAL 21
24 DAYS AFTER THE MEETING UNLESS AN APPEAL IS FILED. IF
25 AN APPEAL IS FILED, THE RECORD FROM THE MEETING WILL
BE FORWARDED TO THE APPROPRIATE LEGISLATIVE BODY FOR

1 FINAL ACTION. THE APPEAL FORMS ARE AVAILABLE IN OUR
2 OFFICE, ON THE BACK TABLE HERE IN THIS ROOM, AND ALSO
3 ON OUR WEBSITE.

4 PLANNING STAFF RECOMMENDATIONS

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

7 CONDITIONS:

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

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

16 FINDINGS OF FACT:

17 1. STAFF RECOMMENDS APPROVAL BECAUSE THE
18 PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY'S ADOPTED
19 COMPREHENSIVE PLAN;

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

24 3. THE SUBJECT PROPERTY LIES WITHIN AN
25 EXISTING AREA OF MIXED GENERAL BUSINESS AND LIGHT

1 INDUSTRIAL USES;

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

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

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

10 CHAIRMAN: IS THE APPLICANT HERE?

11 (NO RESPONSE)

12 CHAIRMAN: DOES ANYBODY HAVE ANY QUESTIONS?

13 (NO RESPONSE)

14 CHAIRMAN: DOES ANYBODY FROM THE COMMISSION
15 HAVE ANY QUESTIONS?

16 (NO RESPONSE)

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

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

22 CHAIRMAN: A MOTION FOR APPROVAL BY MR.
23 APPLEBY.

24 MR. REEVES: SECOND.

25 CHAIRMAN: SECOND BY MR. REEVES. ALL IN FAVOR

1 RAISE YOUR RIGHT HAND.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

4 NEXT ITEM, PLEASE.

5 ITEM 4

6 7251 HOBBS ROAD, 1.002 ACRES
7 CONSIDER ZONING CHANGE: FROM A-R RURAL AGRICULTURE
8 TO B-4 GENERAL BUSINESS
9 APPLICANT: WILLIAM T. LYTTLE

10 PLANNING STAFF RECOMMENDATION

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

13 CONDITIONS:

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

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

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

25 FINDINGS OF FACT:

1. STAFF RECOMMENDS APPROVAL BECAUSE THE

1 PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY'S ADOPTED
2 COMPREHENSIVE PLAN;

3 2. THE SUBJECT PROPERTY IS PARTIALLY LOCATED
4 IN A RURAL COMMUNITY PLAN AREA WHERE GENERAL BUSINESS
5 USES ARE APPROPRIATE IN LIMITED LOCATIONS AND
6 PARTIALLY LOCATED IN A RURAL MAINTENANCE PLAN AREA
7 WHERE GENERAL BUSINESS USES ARE GENERALLY NOT
8 RECOMMENDED;

9 3. THE PROPOSAL IS AN EXPANSION OF EXISTING
10 B-4 ZONING TO THE NORTHWEST;

11 4. THE EXPANSION OF B-4 ZONING WILL NOT
12 SIGNIFICANTLY INCREASE THE EXTENT OF THE ZONE IN THE
13 VICINITY AND WILL NOT OVERBURDEN THE CAPACITY OF
14 ROADWAYS AND RESOURCES AVAILABLE IN THE AREA.

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

17 CHAIRMAN: IS THE APPLICANT HERE?

18 APPLICANT REP: YES.

19 CHAIRMAN: DOES ANYBODY HAVE ANY QUESTIONS OF
20 THE APPLICANT?

21 (NO RESPONSE)

22 CHAIRMAN: ANYBODY FROM THE AUDIENCE?

23 (NO RESPONSE)

24 CHAIRMAN: ANYBODY FROM THE COMMISSION?

25 (NO RESPONSE)

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

3 MR. ROGERS: MR. CHAIRMAN, I MAKE A MOTION FOR
4 APPROVAL BASED ON PLANNING STAFF RECOMMENDATIONS WITH
5 THE CONDITIONS 1, 2 AND 3 AND FINDINGS OF FACTS 1
6 THROUGH 4.

7 CHAIRMAN: WE'VE GOT A MOTION FOR APPROVAL BY
8 MR. ROGERS.

9 MR. TAYLOR: SECOND.

10 CHAIRMAN: WE'VE GOT A SECOND BY MR. TAYLOR.
11 ALL IN FAVOR RAISE YOUR RIGHT HAND.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

14 NEXT ITEM, PLEASE.

15 ITEM 5

16 2201 OLD HENDERSON ROAD, 0.667 ACRES
17 CONSIDER ZONING CHANGE: FROM R-4DT INNER-CITY
18 RESIDENTIAL TO B-5 BUSINESS/INDUSTRIAL
19 APPLICANT: JOHNNY GOODMAN

20 PLANNING STAFF RECOMMENDATION

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

- 24 1. ACCESS SHALL BE LIMITED TO A MAXIMUM OF
25 40% OF THE TOTAL LOT WIDTH AND EACH ACCESS POINT SHALL
NOT EXCEED 50 FEET IN WIDTH; AND,

1 2. PERIMETER SCREENING SHALL BE INSTALLED
2 ALONG THE NORTH AND EAST PROPERTY BOUNDARIES
3 CONSISTING OF A 10 FOOT LANDSCAPE EASEMENT WITH A SIX
4 FOOT HIGH WALL OR FENCE AND ONE TREE EVERY 40 LINEAR
5 FEET.

6 FINDINGS OF FACT:

7 1. STAFF RECOMMENDS APPROVAL BECAUSE THE
8 PROPOSAL IS IN COMPLIANCE WITH THE COMMUNITY'S ADOPTED
9 COMPREHENSIVE PLAN;

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

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

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

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

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

25 CHAIRMAN: IS THE APPLICANT HERE?

1 (NO RESPONSE)

2 CHAIRMAN: DOES ANYBODY FROM THE AUDIENCE HAVE
3 ANY QUESTIONS?

4 (NO RESPONSE)

5 CHAIRMAN: FROM THE COMMISSION?

6 (NO RESPONSE)

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

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

12 CHAIRMAN: MOTION FOR APPROVAL BY MR. PEDLEY.

13 MS. CAMBRON: SECOND.

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

18 NEXT ITEM, PLEASE.

19 ITEM 6

20 1308 WEST SECOND STREET, 0.172 ACRES
21 CONSIDER ZONING CHANGE: FROM B-4 GENERAL BUSINESS TO
22 R-4DT INNER-CITY RESIDENTIAL
23 APPLICANT: TERRY THACKER

24 PLANNING STAFF RECOMMENDATIONS

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

1 CONDITION:

2 INSTALL A 10 FOOT WIDE LANDSCAPE EASEMENT WITH
3 A SIX FOOT TALL SOLID WALL OR FENCE AND ONE TREE EVERY
4 40 LINEAR FEET ALONG THE EAST AND WEST PROPERTY LINES.

5 FINDINGS OF FACT:

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

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

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

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

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

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

23 CHAIRMAN: IS THE APPLICANT HERE?

24 APPLICANT REP: YES.

25 CHAIRMAN: DOES ANYBODY HAVE ANY QUESTIONS OF

1 THE APPLICANT?

2 (NO RESPONSE)

3 CHAIRMAN: ANYBODY FROM THE COMMISSION?

4 (NO RESPONSE)

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

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

10 CHAIRMAN: MOTION FOR APPROVAL BY MR. APPLEBY.

11 MR. ALLEN: SECOND.

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

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

16 NEXT ITEM, PLEASE.

17 ITEM 7

18 3750 RALPH AVENUE, 17.297 ACRES (POSTPONED AT DECEMBER
19 13, 2012 MEETING)
20 CONSIDER ZONING CHANGE: FROM A-U URBAN AGRICULTURE TO
21 R-3MF MULTI-FAMILY RESIDENTIAL
22 APPLICANT: CHANDLER PROPERTY MANAGEMENT, INVISION,
23 LLC

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

MR. HOWARD: BRIAN HOWARD.

(BRIAN HOWARD SWORN BY ATTORNEY.)

1 MR. HOWARD: THIS IS A STAFF REPORT FOR DENIAL
2 SO I WILL READ THE ENTIRE STAFF REPORT INTO THE
3 RECORD.

4 PROPOSED ZONE & LAND USE PLAN

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

9 SPECIFIC LAND USE CRITERIA

10 (A) BUILDING AND LOT PATTERNS - BUILDING AND
11 LOT PATTERNS SHOULD CONFORM TO THE CRITERIA FOR "URBAN
12 RESIDENTIAL DEVELOPMENT" (D6).

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

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

23 (D) NEW LOCATIONS NEAR MAJOR STREETS - IN
24 BUSINESS PLAN AREAS, NEW LOCATIONS OF URBAN
25 MID-DENSITY RESIDENTIAL USE SHOULD BE

1 "MAJOR-STREET-ORIENTED" (D2).

2 PLANNING STAFF REVIEW

3 GENERAL LAND USE CRITERIA

4 ENVIRONMENT

5 IT APPEARS THAT THE SUBJECT PROPERTY IS NOT
6 LOCATED IN A WETLANDS AREA PER THE US DEPARTMENT OF
7 AGRICULTURE SOIL CONSERVATION SERVICE MAP DATED MARCH
8 6, 1990.

9 • THE SUBJECT PROPERTY IS NOT LOCATED IN A
10 SPECIAL FLOOD HAZARD AREA PER FIRM MAP 21059C0281 D.

11 • IT APPEARS THAT THE SUBJECT PROPERTY IS NOT
12 WITHIN THE OWENSBORO WELLHEAD PROTECTION AREA PER THE
13 GRADD MAP DATED MARCH 1999.

14 • THE DEVELOPER IS RESPONSIBLE FOR OBTAINING
15 PERMITS FROM THE DIVISION OF WATER, THE ARMY CORP OF
16 ENGINEERS, FEMA OR OTHER STATE AND FEDERAL AGENCIES AS
17 MAY BE APPLICABLE.

18 URBAN SERVICES

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

21 DEVELOPMENT PATTERNS

22 THE SUBJECT PROPERTY IS CURRENTLY USED AS THE
23 SPLASH SWIM CLUB WITH A LARGE PORTION OF THE PARCEL TO
24 THE SOUTH UNDEVELOPED. THE PARCELS TO THE WEST AND
25 EAST ARE PRIMARILY UNDEVELOPED WHILE THE PROPERTY TO

1 THE NORTH IS COMMERCIAL AND THE PROPERTY TO THE SOUTH
2 IS AN EXISTING SINGLE-FAMILY RESIDENTIAL SUBDIVISION.

3 AS PART OF THE REZONING PROCESS, THE APPLICANT
4 SUBMITTED A TRAFFIC IMPACT STUDY (TIS) TO DETERMINE
5 THE IMPACT IT MAY HAVE ON THE SURROUNDING
6 TRANSPORTATION NETWORK. BASED ON THE RECOMMENDATIONS
7 OF THE TIS, SUFFICIENT ROOM SHOULD BE PROVIDED AT THE
8 TERMINUS OF RALPH AVENUE TO ALLOW ACCESS FOR EMERGENCY
9 VEHICLES AND FOR OTHER VEHICLES TO TURN AROUND.
10 COMMENTS RECEIVED FROM THE CITY ENGINEER REINFORCE THE
11 NEED FOR A CUL-DE-SAC AT THE TERMINUS OF RALPH AVENUE.
12 HE STATES THE CUL-DE-SAC SHOULD BE A PUBLIC STREET ON
13 PUBLIC RIGHT-OF-WAY. ALTHOUGH NO DISCUSSION OF THE
14 NEED FOR A RIGHT-TURN LANE ON KENTUCKY HIGHWAY 54 AT
15 RALPH AVENUE IS INCLUDED IN THE TIS, THE KENTUCKY
16 TRANSPORTATION CABINET PLOTTED THE 2014 OPENING DAY
17 FUTURE TRAFFIC, AND BASED ON THOSE NUMBERS, A
18 RIGHT-TURN LANE IS WARRANTED. THE STATE WILL REQUIRE
19 THE INSTALLATION OF A RIGHT-TURN LANE. ALL ROADWAY
20 IMPROVEMENTS MUST BE COMPLETED AT THE EXPENSE OF THE
21 DEVELOPER.

22 WHEN REZONED TO R-3MF MULTI-FAMILY RESIDENTIAL
23 IN 2009, THE PROPERTY TO THE WEST WAS REQUIRED TO
24 PROVIDE A CONNECTION TO THE SUBJECT PROPERTY. THE
25 ADJOINING PROPERTY HAS NOT DEVELOPED AT THIS POINT,

1 BUT THE CONDITION WAS MADE PART OF THE REZONING
2 APPROVAL AND SHOWN ON THE PRELIMINARY DEVELOPMENT
3 PLAN. A PRELIMINARY DEVELOPMENT PLAN WAS SUBMITTED IN
4 CONJUNCTION WITH THE ZONING CHANGE AND THE APPLICANT'S
5 PROPOSAL DOES NOT INCLUDE CONNECTION TO THE ADJOINING
6 PROPERTY. BASED ON CONVERSATIONS WITH THE APPLICANTS,
7 THE INTENT OF THE DEVELOPMENT IS TO BE A GATED,
8 SECLUDED ENVIRONMENT AND THE CONNECTION WILL DEFEAT
9 THE INTENDED PURPOSE. HOWEVER, FROM A TRANSPORTATION
10 PLANNING PERSPECTIVE, THE POTENTIAL CONNECTION OF
11 ADJOINING PROPERTIES IS SUPPORTED IN THE COMPREHENSIVE
12 PLAN, SUBDIVISION REGULATIONS AND ZONING ORDINANCE.
13 THE PROPERTY TO THE EAST IS CURRENTLY A LARGE TRACT
14 WITH ONLY A SINGLE RESIDENCE, BUT THERE ARE STREETS
15 STUBBED TO THE PROPERTY LINE FROM BOTH LAKE FOREST AND
16 THE WOODLANDS. WITH THE CONNECTIONS COMPLETED AS
17 PLANNED, A PERSON COULD TRAVEL FROM MILLERS MILL ROAD
18 TO FAIRVIEW DRIVE WITHOUT THE NEED TO BE ON HIGHWAY
19 54. GRANTED, THE ROUTE IS CIRCUITOUS, AND WHILE IT
20 MAY NOT CARRY ENOUGH TRAFFIC TO HAVE AN APPRECIABLE
21 IMPACT TO IMPROVE HIGHWAY 54, IT GIVES MOTORISTS
22 ANOTHER OPTION. CONNECTING THE NEIGHBORHOODS WILL
23 ALSO PROVIDE ANOTHER OPTION FOR PEDESTRIAN AND
24 VEHICULAR CONNECTIONS FOR THOSE WISHING TO TRAVEL FROM
25 ONE SUBDIVISION TO THE OTHER AND FROM A SUBDIVISION TO

1 THE RETAIL ON VILLA POINT.

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

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

22 ANY RESIDENTIAL DEVELOPMENT OF GREATER THAN 75
23 LOTS/DWELLING UNITS AND ANY COMMERCIAL/INDUSTRIAL
24 DEVELOPMENT WITH A PROJECTED AADT GREATER THAN 1,000
25 VEHICLES PER DAY WILL BE REQUIRED TO HAVE AT LEAST TWO

1 FULL ACCESS POINTS THAT ARE OPEN AND OPERABLE TO THE
2 PUBLIC. LARGER RESIDENTIAL DEVELOPMENTS (300+
3 LOTS/DWELLING UNITS) WILL BE REVIEWED ON A CASE BY
4 CASE BASIS FOR ADDITIONAL ROADWAY CONNECTIONS AND MAY
5 REQUIRE A TRAFFIC IMPACT STUDY. STUB STREETS, WHILE
6 VITAL FOR THE FUTURE CONNECTIVITY OF THE
7 TRANSPORTATION NETWORK IN A DEVELOPING AREA, DO NOT
8 COUNT TOWARDS THE REQUIREMENT. STUB STREETS WILL BE
9 REQUIRED TO EXTEND TO THE PROPERTY LINE OF ADJOINING
10 TRACTS WITH THE POTENTIAL FOR FUTURE DEVELOPMENT. AT
11 THE TIME OF FINAL PLATTING, THE RIGHT-OF-WAY SHALL BE
12 DEDICATED AND SURETY SHALL BE POSTED FOR ALL STREETS,
13 INCLUDING STUB STREETS.

14 ALTHOUGH NOT FORMALLY ADOPTED AT THIS TIME,
15 THE PROPOSED DEVELOPMENT CERTAINLY MEETS THE MINIMUM
16 THRESHOLD FOR TWO ACCESS POINTS AND FALLS UNDER THE
17 CASE BY CASE BASIS FOR ADDITIONAL CONNECTIONS. WITH A
18 PLANNED CONNECTION ON THE APPROVED PRELIMINARY
19 DEVELOPMENT PLAN ON THE PROPERTY TO THE WEST AND
20 STREETS STUBBED TO THE PROPERTY TO THE EAST, THE
21 ROADWAY NETWORK IN THE VICINITY SHOULD CONNECT AS
22 PLANNED.
23 SPECIFIC LAND USE CRITERIA

24 THE APPLICANT'S PROPOSAL IS NOT IN COMPLIANCE
25 WITH THE COMPREHENSIVE PLAN. SANITARY SEWER SERVICE

1 IS CURRENTLY AVAILABLE AND THE PROPOSAL FOR
2 MULTI-FAMILY RESIDENTIAL USE IS CONSISTENT WITH THE
3 CRITERIA FOR URBAN RESIDENTIAL DEVELOPMENT. HOWEVER,
4 THE PROPOSAL IS NOT A LOGICAL EXPANSION OF EXISTING
5 R-3MF MULTI-FAMILY RESIDENTIAL ZONING. WITH NO
6 PROVISION FOR STREET CONNECTION TO THE R-3MF PROPERTY
7 TO THE WEST, THE PROPOSAL IS AN ISOLATED PARCEL
8 PROPOSED FOR MULTI-FAMILY DEVELOPMENT. THE ADJOINING
9 PROPERTY HAS ACCESS TO PROFESSIONAL PLAZA DRIVE AND
10 FAIRVIEW DRIVE. THE CURRENT PROPOSAL WILL HAVE ONLY
11 ACCESS TO RALPH AVENUE. RALPH AVENUE IS NOT
12 CLASSIFIED AS A MAJOR STREET SO THE PROPOSAL DOES NOT
13 MEET THE CRITERIA FOR A NEW LOCATION. THE PROPOSAL
14 ALSO DOES NOT CONFORM TO 5.1.3 OF THE TRANSPORTATION
15 SECTION OF THE COMPREHENSIVE PLAN THAT ENCOURAGES THE
16 LOGICAL EXTENSION, EXPANSION AND MAINTENANCE OF OUR
17 PRESENT TRANSPORTATION SYSTEM. THE PROPOSAL IS NOT A
18 LOGICAL EXTENSION OR EXPANSION OF THE PRESENT OR
19 PLANNED ROADWAY NETWORK.

20 THE PROPOSAL FALLS UNDER ARTICLE 10 PLANNED
21 RESIDENTIAL DEVELOPMENT PROJECT OF THE ZONING
22 ORDINANCE. UNDER "STREETS" THE ORDINANCE STATES "THE
23 STREET SYSTEM SHALL ACCOMMODATE THE NEEDS OF THE
24 NEIGHBORING AREA STREET CLASSIFICATION SYSTEM AS
25 DESCRIBED IN 5.22 OF THE OWENSBORO METROPOLITAN

1 SUBDIVISION REGULATIONS." THE SUBDIVISION REGULATIONS
2 IN 5.22 STATE "BECAUSE THE TRANSPORTATION SYSTEM IS
3 THE FRAMEWORK ON WHICH OUR COMMUNITY IS BUILT, IT IS
4 IMPORTANT THAT STREETS FUNCTION WELL AND PROPERLY
5 CHARACTERIZE THE MOVEMENT AND ACCESS NEEDS OF
6 COMMUNITY RESIDENTS. THE STREET SYSTEM FOR A PROPOSED
7 SUBDIVISION; THEREFORE, MUST CONFORM WITH A
8 CLASSIFICATION PLAN THAT CAN ACCOMMODATE THE EXISTING
9 PATTERNS OF STREETS AS WELL AS EXISTING AND PROPOSED
10 LAND USES FOR THE ENTIRE NEIGHBORING AREA. SECTION
11 5.222 FURTHER STATES "COLLECTION AND DISTRIBUTION OF
12 LOCAL TRAFFIC WITHIN A NEIGHBORHOOD, AS WELL AS ACCESS
13 TO ABUTTING PROPERTY, SHALL BE PROVIDED BY A MINOR
14 COLLECTOR STREET SYSTEM WHICH INTERCONNECTS ARTERIALS
15 AND MAJOR COLLECTORS WITH LOCAL ACCESS STREETS." AND
16 SECTION 5.223 STATES "A PROPOSED SUBDIVISION'S STREET
17 SYSTEM SHALL INTEGRATE AND ALIGN WITH EXISTING STREETS
18 OR SURETY-POSTED PLANNED STREETS WITHIN ITS VICINITY."
19 PLANNING STAFF RECOMMENDATIONS

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

23 1. STAFF RECOMMENDS DENIAL BECAUSE THE
24 PROPOSAL IS NOT IN COMPLIANCE WITH THE COMMUNITY'S
25 ADOPTED COMPREHENSIVE PLAN;

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

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

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

14 5. THE PROPOSAL DOES NOT MEET THE INTENT OF
15 "STREETS" SECTION OF ARTICLE 10 OF THE ZONING
16 ORDINANCE THAT STATES THE STREET SYSTEM OF A PLANNED
17 RESIDENTIAL DEVELOPMENT SHALL ACCOMMODATE THE NEEDS OF
18 THE NEIGHBORING AREA STREET CLASSIFICATION SYSTEM AS
19 DESCRIBED IN 5.22 OF THE OWENSBORO METROPOLITAN
20 SUBDIVISION REGULATIONS.

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

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

25 YES, SIR, MR. ALLEN.

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

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

10 CHAIRMAN: THANK YOU.

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

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

14 CHAIRMAN: IS THE APPLICANT HERE?

15 MR. KAMUF: YES, SIR.

16 MR. SILVERT: STATE YOUR NAME, PLEASE.

17 MR. KAMUF: CHARLES KAMUF.

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

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

22 MR. KAMUF: YES, I WOULD.

23 FIRST OF ALL, WE HAVE THREE ITEMS HERE TONIGHT
24 TO TALK ABOUT. WE HAVE THE REZONING THE PRELIMINARY
25 DEVELOPMENT PLAN AND THE VARIANCE. ARE WE GOING TO

1 TALK ABOUT ALL OF THAT AT ONE TIME OR ARE WE GOING TO
2 HAVE IT SEPARATELY? WHATEVER THE PLEASURE OF THE
3 BOARD. WE'RE WELCOME TO DO ANYTHING.

4 CHAIRMAN: MR. KAMUF, IF IT'S OKAY WITH YOU,
5 I'D JUST SOON DO THEM ALL AT ONCE.

6 MR. KAMUF: I DON'T HAVE ANY OBJECTION.

7 CHAIRMAN: DOES ANYBODY ON THE COMMISSION HAVE
8 ANY PROBLEM WITH DOING THEM ALL AT ONE TIME?

9 MR. REEVES: WELL, IT SEEMS TO ME LIKE IF WE
10 FOLLOW STAFF'S RECOMMENDATION, THAT THE TWO VARIANCES
11 ARE IRRELEVANT, AREN'T THEY?

12 CHAIRMAN: THAT'S WHY I WAS GOING TO TRY TO DO
13 THEM ALL.

14 MR. REEVES: THEN WHY WOULD WE NOT JUST FOCUS
15 ON THE ISSUE OF THE REZONING AND DEAL WITH THE
16 VARIANCES WHEN WE DECIDE THAT ISSUE. THAT WOULD MAKE
17 IT CLEAR FOR ME.

18 MR. KAMUF: THAT'S FINE WITH ME, FRED. I
19 UNDERSTAND. I JUST THREW THAT OUT BECAUSE YOU HAD
20 THOSE OTHER TWO ISSUES.

21 I THINK WHAT FRED IS SAYING, IF WE LOSE THE
22 FIRST ONE, WE'RE GOING TO LOSE THE OTHER TWO. IF WE
23 WIN THE FIRST ONE, WE'LL WIN THE OTHER TWO.

24 CHAIRMAN: I WAS GOING TO GIVE IT TO YOU AND
25 LET YOU MAKE THE DECISION. AS FAR AS THE BOARD WILL

1 RULE EITHER WAY.

2 MR. KAMUF: I'LL DO AS MR. REEVES AS
3 INDICATED. WE'LL TAKE THEM ONE AT A TIME.

4 CHAIRMAN: YOU'RE GOING TO TAKE THEM ONE AT A
5 TIME. OKAY.

6 MR. KAMUF: MRS. CAMBRON AND GENTLEMEN, I
7 REPRESENT CHANDLER PROPERTY MANAGEMENT, WHICH IS A
8 REAL ESTATE DEVELOPMENT FIRM OUT OF BOWLING GREEN.
9 THE COMPANY IS OWNED BY DAVID CHANDLER WHO SITS HERE
10 AND ALSO BY MIKE SIMPSON.

11 MIKE SIMPSON HAS SOME CONNECTIONS HERE IN
12 OWENSBORO. HE WAS BORN IN HANCOCK COUNTY AND HAS BEEN
13 VERY ACTIVE AT WESLEYAN COLLEGE.

14 THE COMPANY MANAGES 1200 RENTAL UNITS IN
15 BOWLING GREEN AND OWN APPROXIMATELY 1,000 APARTMENTS
16 IN BOWLING GREEN. CHANDLER'S PAST RECORD IN BOWLING
17 GREEN IS GOOD. THEY HAVE BUILT ONE-GATED COMMUNITY
18 JUST AS WE'VE TALKED ABOUT HERE TODAY OF 320 UNITS.
19 THE DEVELOPMENT IS DOING VERY WELL. THE UNITS ARE 97
20 PERCENT OCCUPIED. CHANDLER HAS 11 APARTMENT
21 COMMUNITIES IN BOWLING GREEN. ALL HAVE ONE ENTRANCE
22 FOR INGRESS AND EGRESS. TEN OF THESE DEVELOPMENTS
23 HAVE BEEN BUILT IN THE LAST TEN YEARS ILLUSTRATING THE
24 TREND TO LIMIT ACCESS TO THESE TYPE OF COMPLEXES TO
25 ONE ENTRANCE.

1 IN THE UNITED STATES, IN EARLY 1970 THERE WERE
2 2000 GATED COMMUNITIES. BY EARLY 2000 THERE ARE MORE
3 THAN 50,000 GATED COMMUNITIES. PROBABLY TODAY THERE
4 ARE OVER 100,000.

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

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

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

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

23 ONE OF THE MAIN REASONS THAT WE CHOSE THIS
24 PARTICULAR PIECE OF PROPERTY IS BECAUSE OF THE
25 LOCATION TO RETAIL.

1 THE SECOND, IF YOU CAN SEE ON THE PINK ON THE
2 DIAGRAM, WHICH IS TO THE REAR OF THE PROPERTY, THERE
3 IS A WALKWAY TO THE REAR OF THE PROPERTY.

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

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

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

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

1 OF THIS NATURE.

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

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

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

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

21 NOW, THE STAFF, THE FIRST ISSUE I TAKE WITH
22 THE STAFF IS THEY HAVE RECOMMENDED DENIAL BECAUSE THE
23 PROPOSAL IS NOT A LOGICAL EXPANSION OF MULTI-FAMILY,
24 SINCE THE SUBJECT PROPERTY WILL NOT HAVE PUBLIC STREET
25 CONNECTION WITHIN THE PROPERTY. WE'RE NOT GOING TO

1 HAVE PUBLIC STREETS AND SO THEREFORE THAT DOESN'T
2 APPLY. THE FIRST PART THAT BRIAN READ, THE LOGICAL
3 EXPANSION DOES NOT SAY ANYTHING ABOUT STREETS. IF YOU
4 LOOK UNDER SPECIFIC CRITERIA NUMBER C IN THE FINDINGS,
5 "EXISTING AREAS OF URBAN MID-DENSITY RESIDENTIAL USES
6 MAY BE EXTENDED ONTO CONTIGUOUS LAND." THERE IS NO
7 MENTION IN THERE ABOUT ANY STREET.

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

13 WHEN THERE IS NOTHING IN BLACK AND WHITE, IT
14 ALLOWS FOR A LOT OF DISCRETION AND INTERPRETATION. I
15 WAS TOLD BY THE STAFF THAT THE OMPC UNWRITTEN POLICY
16 WAS THAT NEW DEVELOPMENTS WERE REQUIRED TO HAVE
17 STUB-OUT STREETS OR CONNECTOR STREETS IF THERE WAS
18 UNDEVELOPED LAND AROUND THE PROPOSED DEVELOPMENT.
19 AFTER MUCH RESEARCH, I FOUND OUT THAT THE OMPC
20 UNWRITTEN POLICY TO HAVE STUB-OUT STREETS OR CONNECTOR
21 STREETS TO PROPOSED DEVELOPMENT WAS INCONSISTENTLY
22 APPLIED.

23 I'LL SHOW YOU FIVE DIFFERENT ILLUSTRATIONS.
24 THIS WILL BE THE FIRST COPY THAT YOU HAVE
25 THERE.

1 THIS PROPERTY HERE IS A 2012 SUBDIVISION IN
2 FEBRUARY THAT WAS APPROVED BY THIS BOARD. THIS IS
3 FAIRVIEW DRIVE THAT YOU HAVE HERE. AS YOU CAN SEE,
4 THIS SUBDIVISION WHICH IS CALLED FAIRHAVEN IS NOT
5 CONNECTED TO ANY. DOESN'T HAVE A STUB-OUT AND IT'S
6 NOT -- ALL OF THIS IS DEVELOPABLE LAND AND IT WAS NOT
7 REQUIRED TO BE CONNECTED.

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

13 THE THIRD ILLUSTRATION IS ON EASTGATE. THE
14 EASTGATE PROPERTY IS NEAR THE PROPERTY. IT'S OUT ON
15 THRUSTON DERMONT ROAD. THE STAFF DID NOT REQUIRE --
16 LOOK AT THE UNDEVELOPED PROPERTY AROUND IT. THEY DID
17 NOT REQUIRE A STUB-OUT NOR DID THEY REQUIRE A
18 CONNECTOR STREET.

19 THE FOURTH ONE THAT WE HAVE IS CRESCENT HILLS.
20 WHY THAT ILLUSTRATION IS IMPORTANT, AS YOU CAN SEE
21 THIS IS CRESCENT HILLS. HERE IS ANOTHER STREET THAT
22 COMES IN FROM THIS SUBDIVISION OVER HERE AND THIS
23 STREET WAS NOT REQUIRED TO BE CONNECTED. THAT'S
24 ANOTHER TYPE OF ILLUSTRATION. EVEN THOUGH THIS WAS A
25 PROFESSIONAL DEVELOPMENT.

1 THE FIFTH ONE IS REALLY AN UNUSUAL ONE. IT'S
2 TERRY WOODWARD'S PROPERTY. THIS IS THE PROPERTY WHICH
3 MOST OF YOU WILL KNOW. IT'S OUT ON -- THIS IS THE
4 BELT LINE THAT COMES AROUND. I THINK RWRA LIFT
5 STATION IS OVER HERE TO THE WEST.

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

7 MR. KAMUF: THE LIFT STATION RIGHT ABOUT HERE.

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

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

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

22 WHY DID I TALK ABOUT THAT?

23 AS YOU CAN SEE, THE STAFF FOUND THAT ACCESS
24 POINTS WERE NOT NEEDED IN THESE FIVE INSTANCES. IF
25 STUB-OUTS OR CONNECTER STREETS ARE SO IMPORTANT, WHY

1 WEREN'T THEY REQUIRED IN THESE ILLUSTRATIONS?

2 I MIGHT POINT OUT THAT THE NEIGHBOR THAT WE
3 HAVE TO THE WEST DOES NOT WANT A CONNECTOR.

4 WE WILL HAVE HERE TONIGHT --

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

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

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

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

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

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

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

1 TRAFFIC PLANS FOR THE HIGHWAY DEPARTMENT.

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

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

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

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

25 NUMBER ONE WAS THE RIGHT TURN LANE. WE AGREE

1 TO CONSTRUCT A RIGHT TURN LANE AT 54 AND RALPH AVENUE.

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

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

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

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

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

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

20 MR. KAMUF: RIGHT. HE'S HERE.

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

23 MR. KAMUF: THAT WILL BE FINE.

24 NOW, THE SUBJECT PROPERTY IS THE FIRST OF ITS
25 KIND IN OWENSBORO, KENTUCKY. THE OMPC HAS NO RULES OR

1 POLICIES THAT ARE IN PLACE FOR THIS TYPE OF PROJECT.

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

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

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

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

1 OF A NEW LOCATION OF THE ZONING ORDINANCES. THIS
2 PROPERTY HERE IS A STONE THROW FROM THE SUBJECT
3 PROPERTY OR THE SITE. TO SUPPORT OUR POSITION THAT
4 RALPH AVENUE MEETS THE NEW LOCATION CRITERIA FOR THE
5 ZONING ORDINANCE WE GIVE YOU THIS ILLUSTRATION.

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

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

12 MR. KAMUF: THANK YOU.

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

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

19 MR. KAMUF: I'M FINE.

20 HOWEVER, THE STAFF RECOMMENDED THAT THE OMPC
21 BOARD APPROVE AND REZONE THIS 3.18 ACRES AND THAT IT
22 WAS A NEW LOCATION BECAUSE IT WAS, WHAT, NEAR MAJOR
23 STREETS. THE SUBJECT PROPERTY, THE CHANDLER REZONING,
24 QUALIFIES AS A LOCATION BECAUSE IT IS NEAR MAJOR
25 STREETS WITH INDIRECT ACCESS TO 54. THE SAME AS THIS

1 TRACT HERE THAT WE TALKED ABOUT IN THE LAKE FOREST
2 COMMUNITY, THE SAME AS IT QUALIFIED. SO THAT'S NOT AN
3 ISSUE. THE ISSUES THAT WE HAVE GO BACK TO ANOTHER
4 ISSUE THAT WE HAVEN'T TALKED ABOUT. THAT'S SECTION
5 5.1.3.

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

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

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

25 WHY DON'T YOU GET UP AND JUST TELL US A LITTLE

1 BIT ABOUT THE PROPOSED DEVELOPMENT AND WHAT YOU EXPECT
2 TO DO AND A LITTLE HISTORY ABOUT IT, PLEASE.

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

5 MR. SIMPSON: MIKE SIMPSON.

6 (MIKE SIMPSON SWORN BY ATTORNEY.)

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

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

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

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

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

1 THAT. THE TASTE OF THE CONSUMER EVOLVED.

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

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

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

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

19 MR. SIMPSON: YES, SIR.

20 CHAIRMAN: COMING TO OWENSBORO, WE DEFINITELY
21 APPRECIATE YOU COMING AND CHOOSING OWENSBORO. IN WHAT
22 TIME FRAME DO YOU EXPECT, IF YOU GET THIS PROJECT
23 APPROVED, WHAT WOULD BE THE BUILDING TIME FRAME, HOW
24 LONG WILL IT TAKE YOU TO FILL OUT THE COMMUNITY AND
25 WHAT SORT OF IMPACT WOULD IT HAVE? ARE YOU GOING TO

1 DO THREE UNITS, FIVE UNITS OR TRY TO DO ALL OF THE
2 UNITS AT ONE TIME AND THEN SELL AS THE AS THE MARKET
3 WILL BEAR? WHAT IS YOUR OVERALL PLAN?

4 MR. SIMPSON: WELL, I BELIEVE THE PLAN SHOWS
5 17 BUILDINGS, 12 BUILDINGS. TYPICALLY WE WOULD DO
6 THIS IN TWO PHASES. WE WOULD DO A FIRST PHASE AROUND
7 THE CLUBHOUSE, CONTINUE IN CONSTRUCTION, BUT BEGIN
8 PRELEASING THE FIRST PHASE, BUT THAT SECOND PHASE
9 WOULD BE RIGHT ON THE HEELS OF THAT.

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

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

18 MR. SIMPSON: GOOD QUESTION. TYPICALLY IT'S A
19 12-MONTH LEASE FOR RESIDENTIAL MULTI-FAMILY. WE WOULD
20 OFFER SOME SHORTER TERMS FOR FOLKS THAT MAY NEED
21 HOUSING FOR A SHORTER SPAN. WE MAY OFFER A LONGER
22 TERM IF SOMEBODY DESIRES SUCH A LEASE.

23 CHAIRMAN: YOUR MARKET, YOU SAY YOU'RE GOING
24 TO HAVE SINGLE AND UP TO THREE BEDROOMS; IS THAT
25 CORRECT?

1 MR. SIMPSON: WE WOULD OFFER A ONE, TWO AND
2 THREE BEDROOM PRODUCT TYPES, YES. THE COMMUNITY WILL
3 BE FULLY AMENITIZED.

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

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

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

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

1 THOSE BUSINESSES AS WELL.

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

4 MR. PEDLEY: YES, I DO.

5 CHAIRMAN: MR. PEDLEY.

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

10 MR. SIMPSON: YES, SIR.

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

13 MR. SIMPSON: YES, SIR.

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

17 MR. SIMPSON: THAT IS CORRECT.

18 MR. PEDLEY: THANK YOU, SIR.

19 MR. SIMPSON: OTHER QUESTIONS?

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

24 MR. SIMPSON: WELL, WHAT WE ARE PROPOSING
25 THERE WOULD BE A GATE WITH A KNOX BOX FOR LACK OF A

1 BETTER TERM. YOU ALL MAY USE A DIFFERENT TERMINOLOGY
2 HERE. A GATE WHEREBY EMERGENCY VEHICLES, IF THAT LAND
3 WERE EVER DEVELOPED COULD PULL TO THAT SITE AND THEY
4 WOULD HAVE A KEY TO THAT GATE AND WE WOULD KEEP ONE IN
5 A KNOX BOX LIKE WE DO IN OUR COMMUNITY IN BOWLING
6 GREEN WHERE THEY COULD ACCESS FROM THAT POINT.

7 MR. ALLEN: THANK YOU.

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

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

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

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

19 MR. KAZLAUSKAS: THAT'S IN SOME OF THIS
20 INFORMATION SOMEWHERE. IT REFERRED TO A MUTUAL AID
21 PACK BETWEEN THE DAVIESS COUNTY FIRE DEPARTMENT AND
22 THE OWENSBORO FIRE DEPARTMENT BECAUSE OF THE HEIGHT OF
23 THE BUILDINGS THAT YOU WERE TALKING ABOUT. I'M
24 GETTING A LITTLE BIT FURTHER HERE, BUT THIS LEADS INTO
25 SOMETHING ELSE.

1 CHAIRMAN: MR. KAZLAUSKAS, I THINK MR. HOWARD
2 IS GOING TO ADDRESS PART OF THAT.

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

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

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

25 MR. HOWARD: THAT'S THE INFORMATION HE

1 PROVIDED ME, THAT'S CORRECT.

2 MR. KAZLAUSKAS: IT WOULD BE NICE TO KNOW IF
3 THAT IS IN WRITING. I THINK THAT WOULD BE VERY
4 IMPORTANT.

5 BECAUSE IT LEADS TO SOMETHING ELSE, MR. KAMUF.
6 YOU SAID SOMETHING ABOUT THAT THESE WEREN'T PUBLIC
7 STREETS. THAT THEY WERE GOING TO MAINTAINED BY THE
8 PROPERTY OWNER.

9 MR. KAMUF: YES, SIR.

10 MR. KAZLAUSKAS: MY CONCERN IS WOULD BE IF YOU
11 GET A LADDER TRUCK IN THERE, I'VE BEEN TO SOME
12 APARTMENT COMPLEXES THAT THE STREETS ARE VERY NARROW.
13 SEE FIRE TRUCKS UP IN LEXINGTON RESPOND TO SOME OF
14 THESE APARTMENT COMPLEXES WHERE IT REALLY WAS
15 DIFFICULT. I KNOW IF YOU TRY TO GET A HOOK AND LADDER
16 TRUCK, OWENSBORO DOES HAVE A LADDER TRUCK, MAYBE TWO
17 OF THEM NOW, IN HERE, IF THESE AREN'T STREETS THAT
18 MEET THE CRITERIA OF A PUBLIC STREET, JUST HOW WIDE
19 ARE THEY GOING TO BE AND ARE WE GOING TO HAVE A
20 PROBLEM WITH GETTING A TRUCK IN THERE THAT MIGHT
21 CREATE ANOTHER PROBLEM IF THE STREETS --

22 MR. KAMUF: I'M SORRY, YOU UNDERSTAND, I DON'T
23 GET A COPY OF THE STAFF REPORT ON THE VARIANCE.
24 THAT'S THE REASON I DON'T KNOW THAT. I THINK THAT YOU
25 CAN -- I'M TRYING TO GET SOME ANSWERS FOR YOU.

1 MR. KAZLAUSKAS: THIS IS IMPORTANT FOR YOU.

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

4 MR. HAMILTON: GREG HAMILTON.

5 (GREG HAMILTON SWORN BY ATTORNEY.)

6 MR. HAMILTON: AS FAR AS THE ACCESS ON THE
7 SITE --

8 CHAIRMAN: MR. HAMILTON, JUST TO GO OFF OF MR.
9 KAZLAUSKAS'S QUESTION A LITTLE. HOW HIGH ARE THESE
10 UNITS GOING TO BE?

11 MR. HAMILTON: A MAJORITY OF THE BUILDINGS
12 WILL BE THREE-STORIES. SOME WILL BE MORE LIKE A SPLIT
13 LEVEL TYPE BUILDING. THE FRONTS WILL BE THREE-STORY.
14 THE REAR WILL BE 49 FEET, BE FOUR-STORY.

15 RIGHT NOW APPROXIMATELY EIGHT BUILDINGS COULD
16 BE THE THREE/FOUR SPLIT DEPENDING ON LAY OF THE
17 GROUND.

18 AS FAR AS THE ACCESS POINTS, THE NILES BOLTON
19 FIRM, ARCHITECT FIRM, THEY'RE THE ONES WHO PREPARED
20 THIS PLAN. IT'S SIMILAR TO WHAT THEY HAVE IN BOWLING
21 GREEN.

22 THERE ARE SOME RIGHT ANGLE CORNERS. THE ROADS
23 LOOK LIKE THEY'RE LAID OUT AS 24-FOOT DRIVES WITH
24 PARKING DIRECTLY OFF OF THOSE. THERE ARE SOME LARGER
25 RADIUS TURNS. THIS IS SIMILAR TO BOWLING GREEN. I

1 DON'T KNOW IF THERE'S BEEN AN ISSUE IN BOWLING GREEN
2 AS FAR AS TRAFFIC.

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

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

11 MR. SIMPSON: YES, SIR. SAME WIDTH.

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

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

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

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

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

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

24 MR. KAZLAUSKAS: NO. I LOOKED AT A PHOTOGRAPH
25 IN HERE AND IT LOOKED LIKE MAYBE ONE OF THE SMALLER

1 LADDER TRUCKS MIGHT GET TO A THREE OR FOUR-STORY. I
2 KNOW THAT THE OWENSBORO FIRE DEPARTMENT HAS THE LARGER
3 TRUCK BECAUSE THEY HAD TO HAVE IT WHEN THE EXECUTIVE
4 INN WAS BUILT.

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

7 MR. KAZLAUSKAS: IS IT 80 FEET?

8 MR. REEVES: EIGHTY FEET.

9 CHAIRMAN: EIGHTY FOOT IS --

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

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

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

24 MR. HAMILTON: THIS WOULD BE SIMILAR TO QUITE
25 A FEW OTHER APARTMENT COMPLEXES IN OWENSBORO. THE

1 APARTMENT COMPLEX OUT ON 231, IT'S PRIVATELY OWNED.
2 THE STREETS ARE 24 FOOT WIDE WITH 18 FOOT PARKING
3 SPACE. IT'S SIMILAR TO THIS VERY LAYOUT. THIS IS NOT
4 THE ONLY CASE IN OWENSBORO WHERE YOU HAVE PRIVATELY
5 OWNED APARTMENT COMPLEX THAT MAY REQUIRE FIRE
6 PROTECTION, AS FAR AS LADDER TRUCKS.

7 MR. KAZLAUSKAS: ARE YOU SAYING 24-FEET?

8 MR. HAMILTON: YES.

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

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

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

17 MR. APPLEBY: IT'S A 24 FOOT DRIVE LANE WITH
18 18 FOOT PARKING ON EITHER SIDE OF IT, AND IN
19 COMMERCIAL DEVELOPMENT, YOU KNOW, YOU DON'T HAVE TO
20 HAVE A 24 FOOT DRIVE LANE TO PERMIT A TRUCK TO GET ALL
21 THE WAY AROUND THE BUILDING. IN SOME CASES WE'VE GOT
22 20 OR LESS IN THE REAR. THAT PROVIDES ACCESS ALL THE
23 WAY AROUND THE BUILDING.

24 MR. KAZLAUSKAS: SINCE THERE'S ONLY ONE WAY IN
25 AND ONE WAY OUT, IF A BUILDING CAUGHT ON FIRE YOU

1 DON'T WANT TO GET A BOTTLENECK OR A ROAD BLOCK.

2 CHAIRMAN: YES, SIR.

3 MR. SILVERT: STATE YOUR NAME, PLEASE.

4 MR. CHANDLER: DAVID CHANDLER.

5 (DAVID CHANDLER SWORN BY ATTORNEY.)

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

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

16 CHAIRMAN: THANK YOU.

17 MR. KAZLAUSKAS, ARE YOU FINISHED?

18 MR. KAZLAUSKAS: YES, SIR.

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

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

24 MR. KAMUF: YES, I'M READY FOR MARK BRASHER,
25 IF YOU WILL. I HAVEN'T FINISHED WITH THIS ONE, BUT I

1 THINK HE'LL CURE EVERYTHING AND MAYBE WE'LL CUT IT
2 SHORT.

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

5 MR. KAMUF: I UNDERSTAND.

6 MARK, IF YOU WILL, IF YOU'LL GIVE US AN OUTLAY
7 OF WHAT'S TAKING PLACE AND YOUR COMMENTS CONCERNING
8 THE REVIEWS THAT HAVE TAKEN PLACE, YOUR MEETINGS WITH
9 THE PLANNING STAFF, AND WHAT YOUR OPINIONS ARE,
10 ESPECIALLY AS TO THAT SECTION ARTICLE 10 AND ARTICLE
11 5.1.3, AND ALSO AS TO THE PROPOSED POLICY. I'LL PUT
12 THE EXHIBIT BACK UP HERE CONCERNING THE TRAVEL
13 THROUGH, THIS ONE, IF YOU HAVE ANY COMMENTS ON THAT.

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

16 MR. BRASHER: MARK BRASHER.

17 (MARK BRASHER SWORN BY ATTORNEY.)

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

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

25 MR. BRASHER: SURE.

1 CHAIRMAN: THANK YOU.

2 MR. BRASHER: I'LL DO MY BEST.

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

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

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

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

1 CARRY TRAFFIC AS EFFICIENTLY AND EFFECTIVELY AS
2 POSSIBLE FROM EAST TO WEST.

3 THE IDEA OF IT BEING A GOOD THING TO A CERTAIN
4 EXTENT TO BRING TRAFFIC OFF OF 54 OR KEEPING IT OFF OF
5 54 AND TAKING IT DOWN PLANNED RESIDENTIAL LOCAL
6 STREETS WHERE THERE'S DRIVEWAYS AT EVERY LOT,
7 WOODLANDS SUBDIVISION DOESN'T HAVE SIDEWALKS SO
8 THERE'S A CERTAIN AMOUNT OF EXPECTATIONS OF PEOPLE IN
9 THE STREET.

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

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

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

23 MY POINT IS REVIEWING THIS NETWORK THIS IS
24 SPECIFIC LOCATION AND THIS DEVELOPMENT, I DON'T
25 BELIEVE THIS LINK THROUGH A DEVELOPMENT IS CRITICAL TO

1 THE PUBLIC NETWORK. THERE IS SEVERAL OPTIONS FOR
2 PEOPLE TO DRIVE THROUGH. YOU'VE GOT 54. YOU'VE GOT
3 FAIRVIEW DRIVE. YOU'VE GOT LAKE FOREST DRIVE, THE
4 BROOKS. IF ANYTHING TO A CERTAIN EXTENT IT WOULD BE
5 TIED TO A COMMERCIAL DEVELOPMENT ALSO. THIS LINK BE
6 SEVERAL SUBDIVISIONS, RESIDENTIAL SUBDIVISIONS. SO
7 THERE IS ALSO THE POSSIBILITY OF THE PASS-THRU TRAFFIC
8 THAT IS NOT A GOOD IDEA DOWN LOCAL RESIDENTIAL
9 STREETS.

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

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

25 MR. BRASHER: I DO NOT IN -- I'M ASSUMING

1 YOU'RE TALKING IN REGARDS TO THE TRANSPORTATION
2 NETWORK?

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

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

10 CHAIRMAN: I UNDERSTAND.

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

22 IN REGARDS TO THIS DEVELOPMENT, THEIR TRAFFIC
23 ENGINEER SUBMITTED A TRAFFIC IMPACT STUDY DIDN'T FIND
24 ANYTHING. OBVIOUSLY, THE HIGHWAY DEPARTMENT IS
25 REQUIRING A RIGHT TURN LANE ON 54. I DO NOT KNOW,

1 BASED ON THE INFORMATION I'VE GOT, ANYTHING ELSE THAT
2 WOULD BE NECESSARY.

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

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

8 CHAIRMAN: THANK YOU.

9 DOES ANYBODY ELSE HAVE ANY QUESTIONS?

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

18 MR. BRASHER: COULD I ENVISION IT? OBVIOUSLY,
19 IN THE FUTURE THERE COULD BE. I KNOW THERE'S BEEN,
20 ALWAYS BEEN A WANT FOR A TRAFFIC LIGHT AT
21 COMMONWEALTH, BUT THOSE DECISIONS WILL BE MADE BY THE
22 STATE HIGHWAY. THEY REVIEW THESE INTERSECTIONS
23 PERIODICALLY TO SEE IF THEY MEET NATIONAL GUIDELINES
24 FOR WARRANTING A SIGNAL. SO I DON'T KNOW. THE
25 DEVELOPER'S TRAFFIC ENGINEER LOOKED AT RALPH AND 54

1 AND VILLA POINT. I THINK HE MADE SOME RECOMMENDATIONS
2 ABOUT A FUTURE STOPLIGHT AT COMMONWEALTH, BUT UNTIL
3 THE HIGHWAY DEPARTMENT REVIEWS IT AND MAKES THAT
4 RECOMMENDATION.

5 MR. KAZLAUSKAS: THANK YOU.

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

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

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

15 MR. KAMUF: THIS IS THE ONE THAT STAFF SAYS,
16 "THE PROPOSAL DOES NOT CONFORM TO 5.1.3 OF THE
17 TRANSPORTATION SECTION OF THE COMPREHENSIVE PLAN THAT
18 ENCOURAGES THE LOGICAL EXTENSION, EXPANSION AND
19 MAINTENANCE OF OUR PRESENT TRANSPORTATION SYSTEM."

20 IS IT YOUR OPINION THAT THAT DOES NOT APPLY
21 SINCE THIS IS A PRIVATE DEVELOPMENT?

22 MR. BRASHER: YES. AS FAR AS THIS IS STRICTLY
23 PRIVATE, NO STREETS ARE BEING DEVELOPED. OBVIOUSLY
24 LOGICAL TO PUT A ROAD THROUGH HERE, IT WOULD NOT BE
25 WITH THIS PROPOSED DEVELOPMENT.

1 MR. KAMUF: THEN I HAVE ONE QUESTION ABOUT
2 ARTICLE 10. IT TALKS ABOUT THE STREET SECTION.

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

7 MR. BRASHER: SAY THAT AGAIN, PLEASE.

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

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

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

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

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

23 MR. BRASHER: NOT FROM MY POINT OF VIEW. I
24 HAD NOT SEEN THIS DEVELOPMENT AT THAT TIME SO I DID
25 NOT ENVISION IT ADDRESSING A GATED COMMUNITY.

1 MR. KAMUF: THEN THE LAST QUESTION.

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

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

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

15 MR. KAMUF: YES, SIR.

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

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

22 CHAIRMAN: THANK YOU, MR. KAMUF.

23 NOW, ANYBODY IN THE AUDIENCE HAVE ANY
24 QUESTIONS?

25 (NO RESPONSE)

1 CHAIRMAN: IF NOBODY IN THE AUDIENCE, MR.
2 PEDLEY.

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

5 IN YOUR OPINION WILL RALPH AVENUE, VILLA POINT
6 DRIVE AND COMMONWEALTH ALLOW ACCESS TO THIS
7 DEVELOPMENT WITH 320 UNITS, PLUS WE'RE TALKING ABOUT
8 320 AUTOMOBILES DAILY, RALPH AVENUE WITH THE RIGHT
9 TURN LANE AND THE CUL-DE-SAC AND VILLA POINT DRIVE,
10 AND POSSIBLY COMMONWEALTH COURT, IN YOUR OPINION WILL
11 IT HANDLE THE TRAFFIC COMING IN AND OUT OF THAT
12 DEVELOPMENT WITHOUT OVERBURDEN HIGHWAY 54, VILLA POINT
13 DRIVE, COMMONWEALTH AND RALPH AVENUE? IN YOUR
14 OPINION, IS IT ADEQUATE TO HANDLE THAT?

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

23 I WISH I COULD GIVE YOU AN OPINION, BUT I DID
24 NOT DO THE MODEL. I DID NOT SIT DOWN AND RUN THE
25 NUMBERS. I DON'T HAVE THAT CAPABILITY IN MY OFFICE.

1 MR. PEDLEY: THAT'S AN ISSUE WE HAVE TO THINK
2 ABOUT.

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

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

12 MR. KAZLAUSKAS: NO.

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

15 MR. WALKER: MARTY WALKER.

16 (MARTY WALKER SWORN BY ATTORNEY.)

17 MR. WALKER: KIND OF IN REFERENCE TO YOUR
18 QUESTION. I OWN SPLASH SWIM CLUB OR DID. ON AVERAGE
19 WE PROBABLY HAD 350 INDIVIDUALS, MAINLY KIDS, COME OUT
20 THERE EVERY DAY. THEY NORMALLY GOT DROPPED OFF. SO
21 WE WERE PROBABLY TURNING 300 CARS A DAY TWO TIMES. SO
22 700 CARS A DAY, IF THAT GIVES YOU HAVE ANY REFERENCE.
23 YOU KNOW, THAT'S JUNE, JULY, AUGUST. IN MY OPINION
24 IT'S SOMEWHAT COMPARABLE.

25 CHAIRMAN: WHILE WE HAVE MR. WALKER UP HERE,

1 DOES ANYBODY ELSE HAVE ANY QUESTIONS OF MR. WALKER
2 WHILE HE'S WITH US?

3 (NO RESPONSE)

4 CHAIRMAN: ANYBODY HAVE ANY FURTHER QUESTIONS
5 OF HIM?

6 (NO RESPONSE)

7 CHAIRMAN: ANYBODY FROM THE AUDIENCE?

8 (NO RESPONSE)

9 CHAIRMAN: IF THERE ARE NO OTHER STATEMENTS,
10 NO OTHER QUESTIONS, THE CHAIR IS READY FOR A MOTION.

11 MR. NOFFSINGER: THE STAFF WOULD LIKE TO SAY A
12 FEW WORDS AND WE DO HAVE A PRESENTATION THAT WE WOULD
13 LIKE TO TALK ABOUT. MUCH HAS BEEN TALKED ABOUT THE
14 STAFF REPORT. WE HAVEN'T HAD AN OPPORTUNITY TO
15 DISCUSS IT.

16 MR. KAZLAUSKAS: MR. KIRKLAND, I WAS GOING TO
17 ASK THAT QUESTION. IF THE STAFF WOULD HAVE THE
18 OPPORTUNITY TO RESPOND TO THIS FAIR HAVEN,
19 COMMONWEALTH COURT? IS THAT WHAT YOU'RE TALKING
20 ABOUT, MR. NOFFSINGER?

21 MR. NOFFSINGER: YES.

22 CHAIRMAN: THAT'S WHY I ASKED ARE THERE ANY
23 MORE. I'M SORRY. STAFF IS READY.

24 MR. NOFFSINGER: THANK YOU, MR. CHAIRMAN.

25 FIRST OF ALL, I WOULD JUST LIKE TO STATE TO

1 THE APPLICANT THAT THE STAFF CERTAINLY APPRECIATES
2 YOUR APPLICATION AND YOUR WILLINGNESS TO COME TO
3 OWENSBORO AND DO BUSINESS. I DO KNOW MY STAFF HAS
4 BEEN WORKING WITH YOU VERY DILIGENTLY FOR SEVERAL
5 MONTHS NOW IN TERMS OF HOW THIS PROPERTY COULD BE
6 DEVELOPED AND HOW IT FITS INTO OUR ADOPTED
7 COMPREHENSIVE PLAN AND ZONING ORDINANCE AND
8 SUBDIVISION REGULATIONS. IT IS A VERY IMPORTANT
9 PROJECT FOR OUR COMMUNITY. IT'S A LOTS OF DOLLARS.
10 WHEN YOU HEAR \$25 MILLION THAT MAKES SOME FACES LIGHT
11 UP AND WE GET VERY EXCITED ABOUT THAT.

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

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

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

1 THE FOLKS IN THE STEEPLE CHASE SUBDIVISION
2 DIDN'T WANT TO TIE INTO THE LAKE FOREST DEVELOPMENT.
3 WE HAVE A CONNECTION THERE PROPOSED, AS WELL AS
4 TANGLEWOOD PARK. WE HAVE A CONNECTION THERE. THAT'S
5 JUST AREAS IN CLOSE PROXIMITY HERE WHERE SINCE I HAVE
6 BEEN HERE WE HAVE MADE A CONSCIOUS EFFORT TO MAKE SURE
7 NEIGHBORHOODS CONNECT. WE'RE TRYING TO BUILD A
8 COMMUNITY. WE'RE TRYING TO BUILD A COMMUNITY
9 TRANSPORTATION NETWORK, BUT WE'RE ALSO TRYING TO BUILD
10 NEIGHBORHOODS THAT FUNCTION TOGETHER. OUR
11 COMPREHENSIVE PLAN PROMOTES A VARIETY OF HOUSING TYPES
12 WITHIN A DEVELOPMENT. WE DO NOT PRACTICE EXCLUSIVE
13 DEVELOPMENT IN THIS COMMUNITY. WHAT I MEAN BY THAT,
14 AND IT TAKES PLACE IN SOME PLACES LIKE LOUISVILLE
15 WHERE YOU HAVE HOUSING TYPES OF ONLY A CERTAIN DOLLAR
16 VALUE AND THEY DON'T WANT ANY LOWER DOLLAR VALUE
17 HOMES. THEY DON'T WANT ANY SMALLER HOMES. THEY WANT
18 LARGE HOMES. WE'VE NEVER DONE THAT IN THIS COMMUNITY.
19 THE BEAUTY OF THIS COMMUNITY IS THAT IF YOU HAVE ONE
20 ACRE OF LAND THAT'S ZONED RESIDENTIAL, YOU CAN DO A
21 PLANNED RESIDENTIAL DEVELOPMENT PROJECT JUST LIKE
22 THESE FOLKS ARE DOING. YOU CAN DO IT SINGLE-FAMILY OR
23 MULTI-FAMILY. IT CAN BE ZONED SINGLE-FAMILY, BUT YOU
24 CAN ALSO DO MULTI-FAMILY IF YOU HAVE AT LEAST ONE
25 ACRE. SO WE'VE VERY FLEXIBLE.

1 I LOOK AROUND AND I SEE FOLKS LIKE MR. WALKER
2 THAT ENTERED INTO OUR OFFICE ASKING WHEN THE ADJOINING
3 PROPERTY WAS BEING PROPOSED FOR DEVELOPMENT TO MAKING
4 SURE THAT HE HAD A STUB STREET FROM THAT ADJOINING
5 PROPERTY GOING TO THIS PARTICULAR PIECE OF PROPERTY
6 BECAUSE HE REALIZED IT WOULD BE IMPORTANT FOR ACCESS
7 TO HIS PROPERTY.

8 NOW, WE AGREE WITH THE COUNTY ENGINEER. WE'RE
9 NOT LOOKING FOR AN ARTERIAL STREET OR MAJOR COLLECTOR
10 STREET TO MOVE TRAFFIC THROUGHOUT THAT AREA OF THE
11 COMMUNITY. WE DON'T WANT THAT. WE DON'T THINK THAT
12 IS APPROPRIATE. WHAT WE DO THINK IS APPROPRIATE IS
13 FOR SOMEWHERE ON THIS PROPERTY, WHETHER IT BE IN THE
14 MIDDLE, WHETHER IT BE TO THE REAR, OR WHETHER IT BE TO
15 THE FRONT OF THIS PROPERTY NEAR THE CURRENT
16 TERMINATION OF RALPH AVENUE, THAT THERE BE A
17 CONNECTION TO THE ADJOINING PROPERTIES ON EITHER SIDE.
18 THAT BE A PUBLIC CONNECTION SO THAT KIDS FROM THIS
19 DEVELOPMENT, KIDS FROM OTHER DEVELOPMENTS CAN GO BACK
20 AND FORTH VIA SIDEWALKS, VIA THEIR BICYCLE SO THAT
21 FRIENDS CAN VISIT FRIENDS VIA THEIR VEHICLE IF THEY
22 NEED TO. THAT IS WHAT WE'RE PROMOTING. WE HAVE THE
23 GREENBELT PARK THAT'S TO THE REAR OF THIS PROPERTY.
24 WE SHOULD HAVE A GREENBELT CONNECTION. I DON'T KNOW.
25 I DON'T BELIEVE THAT ONE IS BEING PROPOSED.

1 MR. HOWARD: YES.

2 MR. NOFFSINGER: THEY ARE PROPOSING ONE.

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

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

8 CHAIRMAN: OKAY. MR. SIMPSON.

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

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

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

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

21 NOW, WHEN WE TALK ABOUT BAD EXAMPLES OF
22 PLANNING THAT HAPPEN PRE SAY 1980, MANY OF THESE THAT
23 MR. KAMUF SPOKE TO SUCH AS COMMONWEALTH COURT, I POINT
24 TO YOU, YES, WE HAVE A BAD SITUATION THERE. WE HAVE A
25 STREET THERE THAT'S A CUL-DE-SAC WHERE WE HAVE

1 INDUSTRIAL DEVELOPMENT, COMMERCIAL DEVELOPMENT. WE DO
2 NOT HAVE THAT SECONDARY OUTLET. THIS HAPPENED MANY,
3 MANY YEARS AGO PRIOR TO US PROMOTING THAT
4 NEIGHBORHOODS CONNECT.

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

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

19 WHAT WE IN PLANNING TRY TO ANTICIPATE IS THE
20 FUTURE CONNECTION NEEDS AND THEN MOBILITY OF ALL
21 ADJOINING DEVELOPMENTS IN A PARTICULAR AREA AND IN
22 TRANSPORTATION NETWORK. I RESPECT THE ENGINEERS.
23 THEY LOOK AT THE DESIGN. I RESPECT THE ATTORNEYS.
24 THERE'S A NEED FOR THEM. THERE'S ALSO A NEED FOR
25 PLANNERS. FROM A PLANNING PERSPECTIVE, WE BELIEVE

1 THAT THIS PROJECT WOULD BE BETTER SUITED TO THIS AREA
2 AND WOULD BETTER SERVE THIS AREA AND WOULD WORK WITH
3 THAT AREA IF WE HAD A PUBLIC STREET CONNECTION TO THE
4 TWO ADJOINING SIDES.

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

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

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

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

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

23 MR. HOWARD: WHAT I WAS GOING TO MENTION ON
24 THE COMMONWEALTH COURT EXAMPLE, THERE IS A LARGE
25 PARCEL TO THE REAR; HOWEVER, AS THEY WERE TALKING

1 ABOUT, I PULL THEM UP ON GOOGLE MAP, THERE ARE STUB
2 STREETS IN THE DOWNS AND THOROUGHbred EAST THAT'S
3 STUBBED TO THAT LARGE PARCEL THAT COULD BE DEVELOPED
4 IN A RESIDENTIAL NEIGHBOR. SO THERE'S STUBS THERE.

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

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

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

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

21 THE PROPERTY TO WEST IS OUTLINED IN BLUE.
22 THAT IS, AND I DREW THESE FREEHAND. I DIDN'T HAVE ANY
23 CAD DRAWINGS OR ANYTHING. BASICALLY THEY HAD THREE
24 AREAS THAT WERE IN THE PROXIMITY OF THE SUBJECT
25 PROPERTY.

1 SO THE FIRST EXAMPLE IS THAT MIDDLE STREET
2 WHICH WAS THE ONE SHOWN ON THE PRELIMINARY DEVELOPMENT
3 PLAN THAT WAS APPROVED PREVIOUSLY THAT WAS STUBBED TO
4 THE PROPERTY LINE FOR FUTURE CONNECTION. THIS IS ONE
5 WAY. THIS WOULD PROBABLY SET THE PROPERTY. IT MAY
6 NOT BE THE MOST DESIRABLE. IT SHOWS THE CUL-DE-SAC
7 THERE AT THE END OF RALPH AVENUE, AS INDICATED IN THE
8 TRAFFIC IMPACT STUDY AND AS REQUESTED BY THE STATE.
9 IT'S HARD TO SEE, BUT UP AT RALPH AVENUE AND HIGHWAY
10 54 THERE'S A LITTLE GREEN TRIANGLE UP THERE THAT WILL
11 REPRESENT THE RIGHT TURN LANE.

12 ON THE ADJOINING PROPERTY THEN TO THE EAST,
13 YOU ALREADY HAVE THE STUB FROM THE WOODLANDS. YOU
14 HAVE A STUB FROM LAKE FOREST. WE WOULD ANTICIPATE IF
15 AND WHEN THAT PROPERTY DEVELOPS THAT YOU WOULD SEE A
16 STREET THAT WOULD CONNECT THE CONNECTOR FROM LAKE
17 FOREST TO HIGHWAY 54 AND ALIGN WITH THOROUGHbred EAST
18 STREET INTERSECTION THERE. POTENTIALLY A TRAFFIC
19 SIGNAL AT THAT LOCATION, BUT IT WOULD HAVE TO MEET
20 STATE WARRANT CERTAINLY, BUT YOU HAVE A LOT OF HOMES
21 IN THOROUGHbred EAST. THIS IS ONE POSSIBILITY.

22 ANOTHER POSSIBILITY WOULD BE SHIFTING THAT
23 STREET TO THE SOUTH END OF THE PROPERTY. THEY HAVE A
24 BUILDING THERE ON THE SOUTH SIDE AND A RETENTION
25 BASIN, BUT POTENTIALLY EXTENDING THE CUL-DE-SAC ON THE

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

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

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

16 THE BROOKS SUBDIVISION CONNECTS WITH LAKE
17 FOREST. LAKE FOREST HAS A STUB TO THE PROPERTY TO THE
18 EAST. SO WOODLANDS CONNECTS TO LAKE FOREST. LAKE
19 FOREST CONNECTS TO STEEPLE CHASE. SO ALL OF THESE
20 SUBDIVISIONS CONNECT. TANGLEWOOD GOES OUT. ALL OF
21 THESE SUBDIVISIONS IN THIS VICINITY CONNECT. WE'RE
22 NOT PROMOTING, WE DON'T THINK IT WOULD CARRY A
23 SIGNIFICANT AMOUNT OF TRAFFIC. IN OUR STAFF REPORT WE
24 NOTED THAT WE KNOW THAT IT'S NOT GOING TO HAVE AN
25 APPRECIABLE IMPACT ON THE TRAFFIC ON HIGHWAY 54, BUT

1 IT WOULD GIVE PEOPLE THE OPPORTUNITY TO GET THROUGH
2 SOME OF THESE STREETS. IT'S NOT A STRAIGHT PATH.
3 IT'S NOT GOING TO BE A SPEEDWAY TO GET THROUGH THERE.
4 WHEN YOU HAVE STRAIGHT ROADS, THEY ARE WIDE, PEOPLE
5 TEND TO SPEED. WHEN YOU HAVE TO MAKE TURNS AND
6 VARIOUS MOVEMENTS LIKE THAT, IT TENDS TO SLOW TRAFFIC
7 DOWN. IT MAKES IT LESS APPEALING. IF YOU GO LAKE
8 FOREST TO HIGHWAY 54, AS MENTIONED, YOU COULD GO LAKE
9 FOREST DRIVE TO SETTLES ROAD, IF YOU WANT TO.

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

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

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

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

24 MR. BRASHER: WITH MOST OPTIONS THERE'S PROS
25 AND CONS. OBVIOUSLY, I'D HAVE TO LOOK AT IT WITH A

1 LITTLE MORE DETAIL THAN WHAT WE'VE GOT. BRIAN DOES A
2 WELL JOB WITH FREEHAND, BUT I WOULD HAVE TO TAKE A
3 HARDER LOOK THAN TO GIVE YOU SOMETHING AS FAR AS, YES,
4 I WOULD APPROVE IT OR NO, I WOULD DISAPPROVE IT.

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

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

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

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

18 MR. BRASHER: IF IT WAS A PUBLIC STREET AND A
19 DEVELOPER PROPOSED THAT, I DO NOT SEE ANYTHING WRONG
20 WITH ANY OF THOSE STREETS, THOSE CONNECTIONS. THERE'S
21 PROS AND CONS LIKE I TALKED ABOUT AS FAR AS THE PASS
22 THROUGH TRAFFIC, BUT THE PLANNING COMMISSION OR
23 PLANNING STAFF, INNER-CONNECTION IS A GOOD THING ALSO.

24 MY POINT IS THAT'S NOT WHAT WAS PROPOSED AND I
25 DID NOT FIND IT CRITICAL WITH THAT PROPOSAL.

1 CHAIRMAN: MR. KAMUF, I THINK YOU WERE WANTING
2 TO MAKE A STATEMENT.

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

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

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

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

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

23 MR. HOWARD: RIGHT. THAT'S THE THING. IT
24 DOES. IT DOESN'T PROVIDE CONNECTION TO THAT PROPERTY
25 TO THE WEST. IT WOULD ALLOW BOTH THIS DEVELOPMENT AND

1 ANY OF THE SURROUNDING NEIGHBORHOODS ACCESS TO VILLA
2 POINTE WHICH WAS VIA ACCESS TO COMMERCIAL DEVELOPMENT
3 AND WOODLAND PLAZA.

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

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

22 SO PART OF THE CONCERN WOULD BE THEN IF
23 THERE'S NOT A CONNECTION TO THE WEST, WHICH WOULD
24 ALLOW YOU TO GET OUT ON FAIRVIEW DRIVE AT A DIFFERENT
25 LOCATION SO YOU COULD TURN AND GO SOUTH, THE ONLY WAY

1 YOU COULD DO THAT WOULD BE PROVIDED YOUR CONNECTION IS
2 THERE OVER TO RALPH. YOU COULD GO RALPH TO VILLA
3 POINT. VILLA POINT THEN YOU WOULD HAVE TO TRAVEL ON
4 THAT ALLEY. THE ALLEY THAT CONNECTS THE PROFESSIONAL
5 PLAZA DRIVE AND VILLA POINT TO GET OUT, AND I'M NOT
6 SURE THAT IT WOULD BE GREAT TO FUNNEL MORE TRAFFIC ON
7 THAT ALLEY INSTEAD OF GOING THROUGH AN ADJOINING
8 PROPERTY THAT'S ZONED FOR MULTI-FAMILY. THE PORTION
9 OF THE PROPERTY THERE IN THE FRONT IS PROFESSIONAL
10 SERVICE. ON THE SOUTH SIDE OF THAT PROPERTY AND A
11 SMALL BIT ON THE NORTH SIDE IS GENERAL BUSINESS
12 COMMERCIAL.

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

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

24 MR. REEVES: MR. CHAIRMAN, IT SEEMS TO ME LIKE
25 THAT WHAT WE'RE DOING HERE IS TRYING TO PROPOSE SOME

1 SOLUTIONS THAT ARE ABSOLUTELY CONTRARY TO THE KIND OF
2 DEVELOPMENT THAT THIS PARTY IS ASKING FOR. SEEM TO ME
3 LIKE THE QUESTION FOR US IS, IS THIS DEVELOPMENT WITH
4 THOSE ISSUES THAT WE GENERALLY HAD, DOES IT FIT AND IT
5 SHOULD BE APPROVED IN THE COMMUNITY AS OPPOSED TO US
6 TRYING TO REDEVELOP THIS PROJECT FOR THE INDIVIDUAL.

7 CHAIRMAN: I THINK YOU'RE ABSOLUTELY RIGHT,
8 BUT WE NEEDED TO LET THE STAFF PROPOSE THE ROADS AND
9 THEN WE'LL GET A RESPONSE FROM THEM. IF WE CAN PUT
10 SOMETHING TOGETHER WITH ROADS, EVERYBODY IS HAPPY, AND
11 WE'VE GOT A THROUGH STREET.

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

15 CHAIRMAN: I UNDERSTAND.

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

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

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

24 ONE, OBVIOUSLY A THROUGH STREET, AND THAT IS
25 NOT OUR DESIRE. THAT DOES NOT FIT THE CONCEPT OF WHAT

1 WE'RE TRYING TO BRING TO OWENSBORO. IN THEORY, IF YOU
2 DID PUT IT IN, WE WOULD LOSE APPROXIMATELY 15 PERCENT
3 OF OUR UNITS BECAUSE OF SETBACKS AND DIRT THAT WOULD
4 BE TAKEN FOR THAT ROAD. WE HAVE A BUSINESS MODEL, A
5 PROFORMA, IF YOU WILL, THAT WE TAKE TO OUR PARTNERS
6 AND FINANCE, AND THIS WOULD SIGNIFICANTLY IMPACT OUR
7 ABILITY TO DO THIS DEAL HERE.

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

13 CHAIRMAN: THANK YOU.

14 ARE THERE ANY FURTHER QUESTIONS?

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

19 COMMONWEALTH COURT, I'VE OWNED THAT LAND FOR
20 43 YEARS. I CONSTRUCTED THAT STREET 37 YEARS AGO AT
21 MY OWN EXPENSE. HIGHWAY 54 WAS TWO LANE AT THAT TIME.
22 ME AND MY PARTNER MIKE MARTIN BUILT ALL THE BUILDINGS
23 ON THAT ENTIRE STREET EXCEPT OLD SOUTH BARBECUE.

24 WHEN THE STATE COME THROUGH WITH A FIVE LANE
25 HIGHWAY 54, THAT GAVE ME ACCESS POINT TO COMMONWEALTH

1 COURT IN THE MANNER THAT THEY WANTED TO DO IT.

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

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

18 CHAIRMAN: THANK YOU.

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

23 MR. NOFFSINGER: CERTAINLY. YOU KNOW, AGAIN,
24 IT GOES BACK TO STAFF SUPPORTS THE DEVELOPMENT WITH A
25 PUBLIC STREET CONNECTION TO THE ADJOINING PROPERTIES

1 ON EITHER SIDE. WHERE THAT OCCURS, IT DOESN'T MATTER.
2 THAT IS CERTAINLY WHAT WE WOULD LIKE TO SEE SO THAT WE
3 CAN SAY THAT THIS PROPOSAL IS IN COMPLIANCE WITH THE
4 COMMUNITY'S ADOPTED COMPREHENSIVE PLAN. WE FEEL IT
5 CAN BE DONE OUT FRONT. THAT WOULD TAKE THE LEAST
6 AMOUNT OF PROPERTY, BUT THE DEVELOPER HAS SAID, THAT'S
7 NOT THEIR PROPOSAL. WITHOUT THE STREET CONNECTIONS
8 STAFF WOULD NOT MAKE A RECOMMENDATION FOR APPROVAL.

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

13 MR. NOFFSINGER: NO. NO, WE DON'T IN
14 PARTICULAR BECAUSE -- THIS IS BEING CALLED A GATED
15 COMMUNITY. NOW, I DON'T KNOW THAT IT IS TRULY A GATED
16 COMMUNITY FROM WHAT STAFF HAS TOLD ME. STAFF HAS TOLD
17 ME YOU WOULD BE ABLE TO GO AND COME AS YOU CHOOSE
18 WITHOUT A GATE AND WITHOUT A GUARDHOUSE. THAT THERE
19 WOULD BE SECURITY CAMERAS THERE. SO TO ME THAT'S NOT
20 WHAT I ENVISION AS A GATED COMMUNITY. A GATED
21 COMMUNITY IS GOING TO HAVE A LOCKED GATE OR A
22 GUARDHOUSE WITH SECURITY TELLING PEOPLE TO GO OR NOT.
23 NO, WE DON'T. BECAUSE WE THINK THAT GATED COMMUNITIES
24 CAN BE INTEGRATED INTO OUR ADOPTED COMPREHENSIVE PLAN
25 AND OUR REGULATIONS. WE MAKE PROVISIONS FOR THOSE AND

1 HAVE FOR MANY, MANY YEARS SINCE EARLY 1980 BECAUSE WE
2 DO THAT PLAN RESIDENTIAL DEVELOPMENT PROJECT THAT
3 THEY'RE COMING IN ON. SO OUR PLAN RECOGNIZES THAT,
4 BUT IT ALSO, THE COMPREHENSIVE PLAN GOES BEYOND JUST
5 SINGLE LOT DEVELOPMENT AND LOOKS AT DEVELOPING
6 NEIGHBORHOODS. NOT JUST A SINGLE PIECE OF PROPERTY
7 THAT THEY DEVELOP IN CONJUNCTION WITH ONE ANOTHER. WE
8 BELIEVE THAT THIS DEVELOPMENT CAN HAPPEN. IT CAN
9 HAPPEN AS A GATED COMMUNITY, BUT IT NEEDS TO HAVE THAT
10 PUBLIC STREET CONNECTION BETWEEN THE ADJOINING
11 PROPERTIES SO THAT THE NEIGHBORHOOD NETWORK CAN COME
12 TOGETHER, STREET NETWORK.

13 CHAIRMAN: ARE THERE ANY FURTHER QUESTIONS?

14 MS. CAMBRON.

15 MS. CAMBRON: MAY I MAKE A COMMENT?

16 CHAIRMAN: ABSOLUTELY, AND POSSIBLY A
17 SOLUTION.

18 MS. CAMBRON: WELL, I DON'T KNOW ABOUT THAT.

19 THIS IS A NEW CONCEPT FOR OWENSBORO. WE HAVE
20 MANY OTHER COMMUNITIES THAT ARE SIMILAR TO THIS IN
21 THAT THEY HAVE ONE EGRESS/INGRESS. I BELIEVE
22 FIELDCREST, FIELDCREST CROSSING, FIDDLE STICKS,
23 MALLARD, CHUCK GRAY. SOME ARE OLD. SOME ARE NEW, BUT
24 THIS IS SOMETHING THAT IS EVOLVING. IT IS SOMETHING
25 THAT'S BECOMING MORE AND MORE POPULAR ACROSS THE

1 NATION.

2 WE TALK ABOUT CONNECTING THE NEIGHBORHOODS.
3 IT WILL BE CONNECTED IN A BIKE AND WALKING PATH, BUT
4 FOR THIS PARTICULAR NEW CONCEPT WITHOUT REDUCING THEIR
5 AMOUNT OF DEVELOPMENT, BY A SIGNIFICANT AMOUNT, IS
6 THIS NOT SOMETHING THAT WE CAN -- THEY'VE ALREADY SAID
7 THAT IT WILL BE APPROPRIATE FOR SAFETY VEHICLES, FIRE
8 AND POLICE. THEY'VE ALREADY SAID THAT THEY WOULD
9 OFFER A SITE WHERE THERE WOULD BE ACCESS FOR EMERGENCY
10 VEHICLES WHICH IS THE ACCEPTED WAY FOR GATED
11 COMMUNITIES IN OTHER COMMUNITIES. IT IS CONNECTED TO
12 BIKE AND WALKING. YOU CAN GET FROM MILLERS MILL TO
13 FAIRVIEW VIA ANOTHER ROUTE THROUGH A RESIDENTIAL AREA.

14 I THINK WE NEED TO A) START THINKING ABOUT
15 MORE GATED COMMUNITIES. IF THEY HAVE ADDRESSED ALL OF
16 THE OTHER ISSUES, SUCH AS A RIGHT-HAND TURNING LANE
17 AND A LARGER CUL-DE-SAC FOR EMERGENCY VEHICLES, AND I
18 DON'T REMEMBER THE OTHER CONCERN, I WOULD LIKE TO BE
19 ABLE TO CONSIDER THIS.

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

22 MS. CAMBRON: I CAN DO THAT, YES.

23 CHAIRMAN: LET ME MAKE SURE.

24 ARE THERE ANY OTHER COMMENT OR QUESTION?

25 MR. KAZLAUSKAS: ONE MORE QUESTION.

1 MR. SIMPSON, MR. NOFFSINGER SAID IT WAS HIS
2 UNDERSTANDING THAT THERE WASN'T GOING TO BE A GATE.

3 MR. SIMPSON: THERE WILL BE GATES.

4 MR. KAZLAUSKAS: THERE WILL BE GATES.

5 MR. SIMPSON: THAT'S CORRECT.

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

8 MR. SIMPSON: IT WOULD BE THROUGH A REMOTE.

9 MR. KAZLAUSKAS: THEY WOULD HAVE A REMOTE?

10 MR. SIMPSON: YES.

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

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

18 MR. KAZLAUSKAS: OKAY. THANK YOU.

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

23 CHAIRMAN: MS. CAMBRON, IF YOU'RE GOING TO
24 MAKE A MOTION, YOU'LL HAVE TO MAKE A MOTION WITH SOME
25 FINDINGS OF FACTS BECAUSE I ASSUME THAT YOUR MOTION

1 WOULD BE FOR APPROVAL?

2 MS. CAMBRON: YES.

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

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

9 CHAIRMAN: WAIT JUST A MINUTE, MR. REEVES.

10 MR. NOFFSINGER SEEMS LIKE YOU HAVE SOMETHING.

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

23 MR. KAMUF: I ALSO HAVE A FINDING THAT I COULD
24 SHOWS MS. CAMBRON THAT I HAVE PREPARED IN CASE THERE
25 WAS AN APPROVAL.

1 CHAIRMAN: LET'S GIVE MS. CAMBRON JUST A
2 MOMENT TO WORK THROUGH THESE RIGHT NOW, MR. KAMUF.
3 WHY DON'T YOU GO AHEAD AND BRING THESE UP ALSO IF YOU
4 WOULD AND THEN THEY CAN LOOK AT BOTH OF THEM.

5 MR. KAMUF: I HAVE A COPY FOR EVERYBODY.

6 MR. KAZLAUSKAS: MR. KIRKLAND, WHILE SHE'S
7 READING THAT, MAYBE MR. SIMPSON CAN TELL US HOW MANY
8 OF THE GATED COMMUNITIES IN BOWLING GREEN ACTUALLY
9 HAVE ONE, ONE ENTRANCE AND EXIT? CAN BE ANSWER THAT
10 AND HOW MANY HAVE TWO?

11 MR. CHANDLER: THE PICTURE IS A TWIN SISTER OF
12 WHAT WE'RE PROPOSING HERE. THAT'S AN ACTUAL
13 PHOTOGRAPH I'M RENDERING. IT IS ONE ACCESS POINT, 320
14 UPPER SCALE UNITS.

15 MR. KAZLAUSKAS: HOW MANY DID YOU SAY YOU
16 HAVE?

17 MR. CHANDLER: THERE'S JUST ONE ACCESS.

18 MR. KAZLAUSKAS: JUST ONE ACCESS. HOW MANY OF
19 YOUR DEVELOPMENTS HAVE JUST ONE ACCESS? THE MAJORITY
20 OF THEM?

21 MR. CHANDLER: IT'S MIXED.

22 MR. KAZLAUSKAS: IT'S MIXED.

23 MR. CHANDLER: YES, SIR. A PERIMETER
24 SURROUNDING FENCE GATED COMMUNITY, AGAIN, A SELLING
25 POINT TO THE CONSUMER IS THAT THERE'S LIMITED ACCESS.

1 MR. KAZLAUSKAS: THANK YOU.

2 CHAIRMAN: MS. CAMBRON.

3 MS. CAMBRON: I THINK I'M READY.

4 CHAIRMAN: YES, MA'AM.

5 MR. WALKER: CAN I MAKE ONE COMMENT?

6 CHAIRMAN: YES, SIR. MR. WALKER.

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

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

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

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

1 AGREE TO IT ANYWAY.

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

7 CHAIRMAN: THANK YOU.

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

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

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

22 MR. STALLINGS: RICHARD STALLINGS.

23 (RICHARD STALLINGS SWORN BY ATTORNEY.)

24 MR. STALLINGS: I'M NOT HERE IN A PROFESSIONAL
25 CAPACITY BUT MORE AS A FRIEND OF DEVELOPMENT. OF

1 COURSE, RESPECT FOR DESIRES OF LANDOWNERS TO USE THEIR
2 LAND AS THEY SEE FIT. I HAVE JUST A QUESTION AND
3 MAYBE A COMMENT.

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

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

16 MR. STALLINGS: SO ALL NEIGHBORHOODS WOULD
17 HAVE ACCESS?

18 MR. CHANDLER: YES, SIR.

19 MR. STALLINGS: THANK YOU FOR THAT.

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

23 COULD THAT POINT BE ON THE WEST SIDE OF THE
24 PROPOSED DEVELOPMENT SINCE THAT IS ALREADY A PLANNED
25 MIXED USE, APPROVED DEVELOPMENT TO THE WEST, ACCESS TO

1 THE WEST TO FAIRVIEW, WHEREAS THE PROPERTY TO THE
2 EAST. I BELIEVE YOU ALL MENTIONED THAT YOU ALL WERE
3 LOOKING AT EMERGENCY ACCESS. POTENTIALLY HAVING AN
4 ACCESS TO THE EAST WHERE THERE IS NO CURRENT PLAN
5 DEVELOPMENT. IT'S CURRENTLY FARM USE.

6 CHAIRMAN: MR. SIMPSON.

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

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

10 CHAIRMAN: MR. STALLINGS, JUST A MOMENT.

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

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

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

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

25 THE SECOND WAS EMERGENCY ACCESS. INSTEAD OF

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

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

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

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

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

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

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

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

23 MR. NOFFSINGER: I DON'T KNOW THAT IT MAKES
24 ANY DIFFERENCE OR NOT. I DO KNOW THAT THE ADJOINING
25 PROPERTY, THE DEVELOPERS THERE, THE PRELIMINARY

1 DEVELOPMENT PLAN THEY'RE NOT SHOWING A CONNECTION AT
2 THAT POINT, A PROPOSED CONNECTION. WE WOULD HAVE TO
3 MAKE SURE THAT WHEREVER THIS PROPOSED ACCESS GOES THAT
4 WE NEGOTIATE A CONNECTION IN THAT ADJOINING
5 DEVELOPMENT. THE ADJOINING DEVELOPMENT THEIR
6 CONNECTION HAS ALREADY BEEN NEGOTIATED WITH THE
7 PRELIMINARY PLAN. I CAN'T SPEAK FOR THEM. I DON'T
8 KNOW HOW IT WOULD ALTER THEIR PLANS.

9 MR. HAMILTON: ONE COMMENT.

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

16 MR. APPLEBY: PROPOSED STUB STREET THERE?

17 MR. HAMILTON: YES.

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

21 MR. HAMILTON: YES. THAT IS PRELIMINARY
22 DEVELOPMENT PLAN. WHERE WE PROPOSE IT AND IF IT'S
23 CONSTRUCTED AT THAT POINT, THEY WOULD PROBABLY TIE TO
24 IT, BUT WE WOULD BE CLOSE WITHIN 40 OR 50 FEET MOST
25 LIKELY.

1 MR. APPLEBY: THEY STILL HAVE, THEY'RE NOT --
2 THEIRS IS A PRELIMINARY PLAN NEXT-DOOR TOO. IT COULD
3 CHANGE.

4 MR. HAMILTON: THAT'S CORRECT.

5 CHAIRMAN: ARE THERE ANY OTHER FURTHER
6 COMMENTS?

7 (NO RESPONSE)

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

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

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

14 MS. CAMBRON: I APPRECIATE THAT.

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

21 SUBJECT TO CONDITIONS:

22 1. TO INSTALL A RIGHT TURN LANE ON HIGHWAY 54
23 AT RALPH AVENUE PER SPECIFICATIONS OF THE KENTUCKY
24 TRANSPORTATION CABINET;

25 2. INSTALL A CUL-DE-SAC AT THE TURMINUS OF

1 RALPH AVENUE PER CITY ENGINEER RECOMMENDATIONS IN
2 COMPLIANCE WITH THE PUBLIC IMPROVEMENT SPECIFICATIONS;

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

5 IN AGREEMENT WITH FINDINGS OF FACT:

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

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

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

14 4. SANITARY SEWER SERVICE IS AVAILABLE TO THE
15 SITE;

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

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

25 CHAIRMAN: LET ME ASK MR. SILVERT.

1 ON THE CHANGING OF THE ACCESS ROAD, SHOULD
2 THAT BE IN THE WORDING AT THAT TIME?

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

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

8 MS. CAMBRON: NOT AT ALL.

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

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

16 CHAIRMAN: MR. SILVERT.

17 MR. SILVERT: OKAY.

18 CHAIRMAN: MR. KAMUF, DOES THE PARTY AGREE?

19 MR. HAMILTON: YOU WERE USING TERM ENDING
20 RALPH AVENUE IN A CUL-DE-SAC BASED ON THE CITY
21 ENGINEER RECOMMENDATIONS. WHAT WE'RE DOING NOW IS
22 PROVIDING, IT'S NOT A DEDICATED RIGHT-OF-WAY AT THAT
23 PORTION, BUT WHAT WE'RE PROVIDING IS ACTUALLY
24 APPROXIMATELY 10 FOOT WIDER THAN THE NORMAL STREET
25 WOULD BE. RATHER THAN DEDICATING THE RIGHT-OF-WAY AND

1 BUILDING A PUBLIC STREET AT THAT SECTION, WE'RE
2 PROVIDING THAT ALREADY AS THE PLAN HAS SHOWN.

3 MR. APPLEBY: TURN AROUND.

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

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

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

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

1 DEVELOPER TO BUILD A CUL-DE-SAC ON THE EXISTING
2 RIGHT-OF-WAY I WOULD HIM TO DEDICATE ENOUGH
3 RIGHT-OF-WAY TO BUILD A CUL-DE-SAC ON THEIR PROPERTY.
4 I WOULD LIKE TO EMPHASIZE THAT POINT. JOE."

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

8 MR. HAMILTON: THIS PROPERTY IS IN THE COUNTY.

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

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

24 MR. HOWARD: I CAN'T SPEAK FOR THE CITY
25 ENGINEER OTHER THAN WHAT HIS E-MAIL SAID AND HE WAS

1 PRETTY CLEAR THAT HE WANTED IT TO BE A PUBLIC STREET.
2 I'M SURE HE'S AWARE THAT IT'S CITY STREET AND COUNTY
3 PROPERTY.

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

6 MR. BRASHER: YES, SIR.

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

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

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

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

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

25 CHAIRMAN: COUNSEL.

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

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

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

13 MR. APPLEBY: WHERE IS THE GATE?

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

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

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

23 CHAIRMAN: MS. CAMBRON, BASED ON ADVICE OF
24 COUNSEL, WE'RE GOING TO TAKE YOUR MOTION AS YOU MADE
25 IT.

1 MR. REEVES, YOU WERE IN THE PROCESS OF MAKING
2 A SECOND.

3 MR. REEVES: CORRECT.

4 CHAIRMAN: YOU STAND WITH YOUR SECOND,
5 CORRECT?

6 MR. REEVES: YES.

7 CHAIRMAN: WE HAVE A MOTION BY MS. CAMBRON.
8 WE'VE GOT A SECOND BY MR. REEVES. AT THIS POINT THE
9 CHAIR WOULD LIKE ALL IN FAVOR --

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

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

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

15 MR. KAZLAUSKAS: OKAY. THANK YOU.

16 MS. CAMBRON: MAY I ASK A QUESTION?

17 CHAIRMAN: YES, MA'AM.

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

23 CHAIRMAN: MR. SILVERT.

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

1 BROUGHT UP.

2 CHAIRMAN: MR. NOFFSINGER.

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

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

9 MS. CAMBRON: MAY I ASK ANOTHER QUESTION?

10 CHAIRMAN: YES, MA'AM.

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

18 CHAIRMAN: MR. NOFFSINGER.

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

1 CITY OR COUNTY ENGINEER.

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

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

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

14 MS. CAMBRON: JUST REWORDING.

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

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

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

22 MS. CAMBRON: MR. CHAIR, I WOULD LIKE TO MAKE
23 AN AMENDMENT TO CONDITION NUMBER 2 THAT THEY INSTALL A
24 PROPER STREET TERMINUS OF RALPH AVENUE PER APPROVAL OF
25 CITY OR COUNTY ENGINEER, WHICHEVER JURISDICTION, IN

1 COMPLIANCE WITH THE CITY AND COUNTY SPECIFICATIONS,
2 DEPENDING UPON WHERE IT IS.

3 CHAIRMAN: THANK YOU.

4 MR. REEVES: I'LL SECOND THAT.

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

7 MR. REEVES: YES.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: THIS MOTION CARRIES UNANIMOUSLY.
13 THANK YOU.

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

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

20 THERE WILL BE A TWO MINUTE BREAK.

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

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

24 RELATED ITEMS:

25 ITEM 7A

1 3750 RALPH AVENUE, PROPOSED R-3MF
2 CONSIDER A REQUEST FOR A VARIANCES IN CONJUNCTION WITH
3 AN APPLICATION FOR ZONING CHANGE TO REDUCE THE
4 REQUIRED SPILLOVER PARKING FROM 148 SPACES TO 62
5 SPACES AND TO INCREASE THE MAXIMUM BUILDING HEIGHT
6 FROM 36 FEET TO 38 FEET FOR THE THREE-STORY BUILDINGS
7 AND FROM 36 FEET TO 49 FEET FOR THE FOUR-STORY
8 BUILDINGS.
9 REFERENCE: ZONING ORDINANCE, ARTICLE 10,
10 SECTION 10.46 AND ARTICLE 8, SECTION 8.5.10(F)
11 APPLICANT: CHANDLER PROPERTY MANAGEMENT,
12 INVISION, LLC

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

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

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

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

7 IN REGARDS TO THE HEIGHT, YOU KNOW, THEY'RE
8 LOOKING AT 2 FOOT ON THE FRONT AND A 13 FOOT ON THE
9 BACKSIDE OF THE BUILDING. THE BUILDINGS WILL BE THE
10 SAME HEIGHT. THEY'RE JUST TAKING ADVANTAGE OF
11 TOPOGRAPHY OF THE LAND. SOME OF THE BUILDING ON THE
12 BACKSIDE WHERE THERE'S TOPOGRAPHY THERE WILL BE
13 FOUR-STORY BUILDING. ADDING A BASEMENT BASICALLY TO
14 IT. SO THE MAIN ELEVATION OF THE BUILDING WILL STILL
15 BE AROUND 36 FEET IN HEIGHT.

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

21 WHERE THEIR ACTIONS WILLFUL? NO.

22 FINDINGS OF FACT FOR GRANTING THE VARIANCE FOR
23 SPILLOVER PARKING:

24 1. IT WILL NOT ADVERSELY AFFECT THE PUBLIC,
25 HEALTH, SAFETY OR WELFARE BECAUSE SUFFICIENT ROOM

1 SHOULD EXIST ON SITE TO PARK AND MANEUVER VEHICLES;

2 2. WILL NOT ALTER THE ESSENTIAL CHARACTER OF
3 THE GENERAL VICINITY BECAUSE THE SITE IS ADJACENT TO
4 EXISTING COMMERCIAL AND PROPOSED MULTI-FAMILY
5 RESIDENTIAL DEVELOPMENTS THAT HAVE SIMILAR PARKING
6 REQUIREMENTS;

7 3. IT WILL NOT CAUSE A HAZARD OR A NUISANCE
8 TO THE PUBLIC BECAUSE EVIDENCE PRESENTED INDICATES
9 SUFFICIENT PARKING WILL BE PROVIDED FOR THE
10 DEVELOPMENT;

11 4. WILL NOT ALLOW AN UNREASONABLE
12 CIRCUMVENTION OF THE REQUIREMENTS OF THE ZONING
13 ORDINANCE REGULATIONS BECAUSE THE PARKING PROPOSED
14 MEETS THE MINIMUM PRESCRIBED PARKING REQUIREMENT,
15 PROVES 42 PERCENT OF THE REQUIRED SPILLOVER PARKING,
16 AND MEETS OR EXCEEDS NATIONAL PARKING AVERAGES FOR
17 SIMILAR DEVELOPMENTS.

18 FINDINGS OF FACT FOR GRANTING THE VARIANCE ON
19 BUILDING HEIGHT:

20 1. IT WILL NOT ADVERSELY AFFECT THE PUBLIC
21 HEALTH, SAFETY OR WELFARE BECAUSE EXISTING FIRE
22 EQUIPMENT WITHIN THE COMMUNITY IS SUFFICIENT TO SERVE
23 THE SITE;

24 2. IT WILL NOT ALTER THE ESSENTIAL CHARACTER
25 OF THE GENERAL VICINITY BECAUSE THE SITE IS ADJACENT

1 TO EXISTING COMMERCIAL DEVELOPMENT WHICH DOES NOT HAVE
2 A MAXIMUM BUILDING HEIGHT AND PROPOSED MULTI-FAMILY
3 RESIDENTIAL ZONING WHICH COULD HAVE VERY SIMILAR
4 DEVELOPMENT PATTERNS;

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

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

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

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

16 2. APPROVAL OF A FINAL DEVELOPMENT PLAN.

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

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

22 (NO RESPONSE)

23 CHAIRMAN: ANYBODY ON THE COMMISSION?

24 (NO RESPONSE)

25 CHAIRMAN: IF NOT THE CHAIR IS READY FOR A

1 MOTION.

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

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

9 MR. ALLEN: SECOND.

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

14 NEXT ITEM, PLEASE.

15 ITEM 7B

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

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

25 AM I CORRECT ON THAT, MR. HOWARD?

WE HAVE NOT RECEIVED A MARKUP COPY BACK FROM
OUR ORIGINAL REVIEW. SO WITH THAT I WOULD RECOMMEND

1 THAT THE APPLICANT ASK FOR POSTPONEMENT UNTIL THE NEXT
2 MEETING SO THAT THEY CAN ADDRESS THEIR CONDITIONS TO
3 THE REZONING AND ADDRESS THE MARKUP THAT STAFF SENT.

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

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

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

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

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

17 MR. HAMILTON: CLARIFICATION.

18 MR. NOFFSINGER, YOU'RE SPEAKING OF THE MARKUP.
19 NOW, WE'VE ADDRESSED SOME OF THOSE ISSUES WHICH WERE
20 RESUBMITTED, BUT ARE YOU REFERRING TO WHAT WAS BROUGHT
21 UP TONIGHT ABOUT SHIFTING ACCESS POINT?

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

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

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

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

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

23 CHAIRMAN: IS THIS SOMETHING THAT CAN BE DONE
24 IN-HOUSE, MR. NOFFSINGER, OR IS THIS SOMETHING THAT
25 WILL STILL HAVE TO COME BACK BEFORE US?

1 MR. NOFFSINGER: I THINK A PRELIMINARY
2 DEVELOPMENT PLAN, DOES THAT HAVE TO GO BEFORE?

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

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

12 MR. HOWARD: YES.

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

16 CHAIRMAN: WOULD THIS REQUIRE A MOTION?

17 MR. NOFFSINGER: YES.

18 MR. APPLEBY: THEY'RE ASKING FOR POSTPONEMENT.

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

23 CHAIRMAN: MR. APPLEBY.

24 MR. APPLEBY: I MAKE A MOTION TO POSTPONE THE
25 DEVELOPMENT PLAN UNTIL SUCH TIME AS THESE CONDITIONS

1 ARE MET AND AUTHORIZE THE DIRECTOR TO SIGN THE
2 PRELIMINARY DEVELOPMENT PLAN.

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

4 MR. TAYLOR: SECOND.

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

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: THE MOTION CARRIES UNANIMOUSLY.

9 NEXT ITEM.

10 -----

11 NEW BUSINESS

12 ITEM 8

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

15 MR. NOFFSINGER: MR. CHAIRMAN, WE BRING THIS
16 DOCUMENT TO YOU EACH YEAR IN JANUARY. IT IS A
17 DOCUMENT THAT IS REVIEWED BY OUR LOCAL AND PRIVATE
18 ENGINEERS. HALE, RINEY & GILMORE CONTRIBUTED, AS WELL
19 AS BRYANT ENGINEERING AND JOHNSON DEPP & QUISENBERRY.
20 WE ALSO HAD THE CITY AND COUNTY ENGINEER REVIEW. THEN
21 DAVE APPLEBY AND WARD PEDLEY SAT ON THIS COMMITTEE AS
22 WELL ALONG WITH PLANNING STAFF AND OTHERS IN THE
23 COMMUNITY. THEY GO THROUGH AND THEY COMPARE COST FOR
24 CONSTRUCTION OVER THE YEAR AND EVALUATE TO SEE IF
25 THESE NUMBERS CAN BE ADJUSTED.

1 I'LL HAVE TO SAY I'M VERY PROUD OF THE
2 COORDINATED WORK WITH THIS GROUP TO COME UP WITH THIS
3 RECOMMENDATION TO YOU BECAUSE IT'S AN OPPORTUNITY FOR
4 ALL THE FOLKS I'VE JUST MENTIONED TO SIT DOWN AT THE
5 TABLE TO HAVE A MEANINGFUL DIALOGUE AND TO BE IN
6 AGREEMENT WITH WHAT YOU SEE HERE. WITH THAT WE WOULD
7 RECOMMEND THAT THIS SURETY UNIT COST BE APPROVED.

8 CHAIRMAN: ARE THERE ANY QUESTIONS OR
9 COMMENTS?

10 (NO RESPONSE)

11 CHAIRMAN: CHAIR IS READY FOR A MOTION.

12 MR. PEDLEY: MOTION FOR APPROVAL.

13 CHAIRMAN: MOTION FOR APPROVAL BY MR. PEDLEY.

14 MS. CAMBRON: SECOND.

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

19 NEXT ITEM, PLEASE.

20 ITEM 9

21 CONSIDER APPROVAL OF THE NOVEMBER 2012 FINANCIAL
22 STATEMENTS.

23 MR. NOFFSINGER: MR. CHAIRMAN, EACH MEMBER HAS
24 BEEN MAILED A COPY OF THESE FINANCIAL STATEMENTS AND
25 THEY'RE READY FOR YOUR CONSIDERATION.

1 CHAIRMAN: CHAIR IS READY FOR A MOTION.

2 MR. KAZLAUSKAS: SO MOVED.

3 MR. REEVES: SECOND.

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

5 KAZLAUSKAS AND A SECOND BY MR. REEVES. ALL IN FAVOR

6 RAISE YOUR RIGHT HAND.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

9 ITEM 10

10 CONSIDER AMENDMENT TO THE FY 2013 OMPC BUDGET.

11 MR. NOFFSINGER: MR. CHAIRMAN, EACH MEMBER HAS

12 BEEN MAILED A COPY OF THE REVISED BUDGET. ITS ONLY

13 CHANGE WOULD BE TO HIRE AN ADDITIONAL INSPECTOR. THE

14 ONLY CHANGES TO THE BUDGET WOULD BE THE SALARY AND ANY

15 BENEFITS ASSOCIATED WITH THAT POSITION.

16 CHAIRMAN: QUESTIONS, COMMENTS?

17 (NO RESPONSE)

18 CHAIRMAN: CHAIR IS READY FOR A MOTION.

19 MR. REEVES: MOTION TO APPROVE.

20 CHAIRMAN: MOTION TO APPROVE BY MR. REEVES.

21 MR. TAYLOR: SECOND.

22 CHAIRMAN: SECOND BY MR. TAYLOR. ALL IN FAVOR

23 RAISE YOUR RIGHT HAND.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: MOTION CARRIES UNANIMOUSLY.

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

4 THE GOALS AND OBJECTIVES OF THE COMPREHENSIVE
5 PLAN HAD BEEN ADOPTED BY THE OMPC ON 9/13/2012, THE
6 CITY OF OWENSBORO 12/4/2012, DAVIESS COUNTY FISCAL
7 COURT 11/15/2012, AND THE CITY OF WHITESVILLE
8 12/4/2012. THE REMAINDER OF THE COMPREHENSIVE PLAN
9 HAS BEEN UPDATED WITH CURRENT INFORMATION AND THE
10 DRAFT HAS BEEN PLACED ON THE OMPC WEBSITE FOR REVIEW
11 AND COMMENT PERIOD. THIS WILL ALLOW THE PUBLIC AND
12 COMMISSIONERS TO MAKE COMMENTS, ASK QUESTIONS OR
13 SUGGEST REVISIONS TO THE PLAN BEFORE WE BRING IT TO
14 THE OMPC FOR PUBLIC HEARING. THE OMPC IS RESPONSIBLE
15 TO ADOPT THE REMAINING ELEMENTS OF THE COMPREHENSIVE
16 PLAN. WE WILL PRESENT THE COMPREHENSIVE PLAN AT A
17 PUBLIC HEARING AT THE FEBRUARY 9, 2013 PLANNING
18 COMMISSION MEETING FOR COMMENT. THERE IS AN
19 OPPORTUNITY TO MAKE COMMENTS ON THE DRAFT ON THE OMPC
20 WEBSITE, AND THAT'S IOMPC.ORG, OR YOU CAN CALL THE
21 OFFICE AT (270) 687-8650 OR E-MAIL STAFF MEMBERS WITH
22 COMMENTS, QUESTIONS OR SUGGESTIONS.

23 COUNSEL ADVISES ME THAT I'M INCORRECT ON THAT
24 DATE FOR PUBLIC HEARING. IT'S FEBRUARY 14TH, WHICH IS
25 VALENTINE'S DAY.

1 PLEASE, IF YOU GET AN OPPORTUNITY GO TO OUR
2 WEBSITE. IT'S IOMPC.ORG, REVIEW AND COMMENT ON YOUR
3 COMMUNITY'S COMPREHENSIVE PLAN.

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

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

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

16 YES, SIR, MR. SIMPSON.

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

24 CHAIRMAN: THANK YOU VERY MUCH, MR. SIMPSON.
25 WITH NO FURTHER COMMENTS THE CHAIR IS READY

1 FOR ONE FINAL MOTION.

2 MR. APPLEBY: MOVE TO ADJOURN.

3 CHAIRMAN: MOVE TO ADJOURN BY MR. APPLEBY.

4 MS. CAMBRON: SECOND.

5 CHAIRMAN: SECOND BY MS. CAMBRON. ALL IN

6 FAVOR RAISE YOUR RIGHT HAND.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: WE ARE ADJOURNED.

9 -----

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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 BOARD OF
6 ADJUSTMENT 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 STENOGRAPHY AND
12 ELECTRONICALLY RECORDED AND WAS THEREAFTER, BY ME,
13 ACCURATELY AND CORRECTLY TRANSCRIBED INTO THE
14 FOREGOING 125 TYPEWRITTEN PAGES; AND THAT NO SIGNATURE
15 WAS REQUESTED TO THE FOREGOING TRANSCRIPT.

16 WITNESS MY HAND AND NOTARY SEAL ON THIS THE
17 10TH DAY OF FEBRUARY, 2013.

18

19

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

22

23 COMMISSION EXPIRES: DECEMBER 16, 2014

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

25