

**PIKEVILLE/PIKE COUNTY/ELKHORN CITY  
JOINT PLANNING COMMISSION  
JUNE 8, 2004  
MINUTES**

BILL BLACKBURN:

I would like to welcome everyone here this evening, this June the 8<sup>th</sup>, 2004. I would like to welcome everyone to this Pikeville/Pike County. Well first we're having a public hearing tonight, and we'll be having that at this time. And this is to conduct a public hearing to receive comments in support or opposition to James Huffman's request to re-classify zoning of two tracts of property located at 113 and 115 Bank Street, from institutional to see C1. Now where are those, are those right here?

JAMES HUFFMAN:

They are adjacent to this building, yes sir.

BILL BLACKBURN:

Adjacent to this building. Is that where Charles Henry used to rent right there?

JAMES HUFFMAN:

Yes, sir it is.

BILL BLACKBURN:

That lot, is there, is that two lots there or is there one next to it?

JAMES HUFFMAN:

The one next to it well, well I'm going to say \_\_\_\_\_

contains the house \_\_\_\_\_.

BILL BLACKBURN:

So there is two houses there?

JAMES HUFFMAN:

Two buildings.

BILL BLACKBURN:

Two buildings and these two lots, and they're right out here between this building and the tennis courts?

JAMES HUFFMAN:

Yes, they are parallel to this \_\_\_\_\_.

BILL BLACKBURN:

Alright. So the floor is open now, we have in attendance from the, on the planning commission, just for the record here, we have in attendance Phenis Potter and David Sanders and Rick Gortney, Tim Belcher, John Elliott and Bill Blackburn. So I'll just open the floor up. Do we have comments for the re-zoning, anyone like to speak to that?

JAMES HUFFMAN:

Can I speak on my own?

BILL BLACKBURN:

Sure.

JAMES HUFFMAN:

The property adjacent to me, and all the other residential property in this area, including Johnny's is all

house sets, so its not like it would be any kind of spot zoning, it would be continuous with the rest of the privately held property in this community. That property, I purchased it was nearly 20 years ago from the college, and I'm sure it was zoned probably, you know, because the college owned it, it was institutional, without the thoughts of they may sell it, but they did, they sold it a long time ago. And the way it is now, since I'm not an institution, I can't get a building permit, I can't really improve it, I'm kind of stuck in limbo with it being institutional. And I would like to do some remodeling, possibly some additions to one of the buildings, and like I said I need the zoning declaration on paper to make those. Everybody else made it pass, other than for the college or City Hall.

BILL BLACKBURN:

Anyone here to speak in opposition against this? Any other comments or-?

\_\_\_\_\_:

I would like to make a comment, Bill, and really not particularly to this one, because I think we understand where it is and what we've done, but the documents presented to the Board for hearing are never clear enough that we can understand where the tracts are in relation to the existing zoning within the city. And I think it would be appropriate for us to request, on future zone changes, that not only are the documents provided us,

Mr. Huffman has provided us to show what he is requesting to be changed, but that those areas are delineated on a copy of the official zoning map that the city manager maintains, so that we can see where that zone is in reference to the official zone map, and make that determination. Now Mr. Huffman is correct, we don't have any reason to doubt him, when he says that his zoning is surrounded by C1 areas. That is correct. KBut now none of us sitting here, except for the fact that I have reviewed those zoning maps, could verify that, would really recognize in fact what he's saying is correct. Now it could be very possible that that entire area is zoned some other way and we would be taking an individual's word on what he's presenting, and a tract map that he's presented that clearly shows where the tract is that's in question. But I think for us to make logical decisions with regards to the zoning, we should see how this is in the area, and it is well within the purvue of this Board to say that, because it says that applications for zoning amendments shall be accompanied by a plat, a description, and a vicinity map, and map should be considered and shall be of a scale 1 inches for 600 feet, so it's well within what goes on in ordinances require. We did a zone change at our last meeting for another individual, and likewise we did it on a single lot plat, and I felt that again that was an appropriate decision that was made, but I think we could have better realized what we were doing if we had seen it

in conjunction with what the area was. If you'll remember it's a town home that we did for Mr. Adams, and those were again was only a single lot that he showed us that lay in behind where South East Telephone's building is down there, so and I wish Ms. Harris was here, someway that we could relay to either her, or to the city manager, that request, so that whenever maps are received, that they can be asked to be shown on some document that will show us where the zoning is in that vicinity and we can make that determination. One last comment and then I'll be quite. If you'll recall, we had a residential area that was asked to be changed for a trailer site up on Road Fork, I forget the name of the road now, down here across from Food City.

\_\_\_\_\_:

Not Powerhouse but-, I remember what you're talking about.

\_\_\_\_\_:

Where the housing project is.

\_\_\_\_\_:

North Gate.

\_\_\_\_\_:

North Gate, thank you. And I requested a map to show what the zoning was in that area, we never got it, we still, and we ultimately made a decision based upon what we seen to be a single tract independent of anything else around there. It

should not be, I'm not wanting to reject my own responsibilities, but it should not be our responsibility to take the tract and search out where that is in the city, and try to determine what the zoning is in that area and in that surrounding area, and see whether or not it is compatible and not spot zoning as Mr. Huffman mentioned. And we ought to be sure we're making logical decisions, with that I'll shut up. And that does not have anything to do with what your request is, Mr. Huffman, so please recognize that, that's just the fact that I think that we could make better decisions if we had a little bit better information.

BILL BLACKBURN:

I think that is an excellent, excellent point, I know some of us work around the city, and of course you fellows up at Elkhorn work around, sometimes we take for granted, you know, most of these places, like I picture in my mind, I know the tennis courts are over there, and there's apartment buildings, and child care up the street, a auto wrecker store up here, and a gym over here, but not everyone necessarily when we talk about a particular neighborhood has that knowledge of an area, and I think that is an excellent point, and we certainly ought to have that, and I've made a note and I'll ask Karen about that to see if that can't just be part of the process. Other comments, what we've had is a comment in favor of changing the zoning from institutional, in this public hearing, to commercial and had

someone speaking in favor of, do we have anyone speaking against?  
Anyone speaking against this?

JOHNNY:

I assume the only reason it was institutional to start with, was just because it was owned by the college prior to, would that have made sense?

JAMES HUFFMAN:

That would have been my assumption, too. I don't know that for a fact. The college did own it when I purchased it, and I assume that's why.

JOHNNY:

I assume that's probably why it was institutional to start with, because it was part of their property.

JAMES HUFFMAN:

Right. That is \_\_\_\_\_.

BILL BLACKBURN:

Johnny, you have no problem with this?

JOHNNY:

No, sir.

BILL BLACKBURN:

Leslie, no problem? What about the rest of the commission, any other comments or questions? All right, there being none, that'll conclude the public hearing on this matter. Now, at this time, we'll adjourn the public hearing, do we need a

role call on that? We'll adjourn the, if there is no decent, we'll adjourn the public hearing, and then we'll enter into our regularly called meeting of the Joint Planning Commission. And I will call that meeting to order, and I'll just briefly summarize the minutes of the last meeting. At the last meeting we also had a public hearing in support or opposition of Adams Real Estate Limited Partnership's request to reclassify the zoning property on Second Street and Trivette Drive from R1A to R1T. Then we adjourned that, and in the regular meeting we considered that partnership and the reclassification of it, and I think approved that, subject to getting the appropriate forms in. And then we considered approval of a preliminary plat for Concept Lodging Development, and approved that, and that was pretty much the business of that meeting. If there is no objection to that summarized report of the last meeting, it will stand approved as reported. Is there any objection? Alright, then we'll move on to the treasurer's report.

RICK GORTNEY:

Since our last meeting, we've had no change in our checking account, we have a balance of \$1,992.98.

BILL BLACKBURN:

Appreciate that report from Rick, any questions for Rick or comments? Again, if there is no objection, the treasurer's report as stated will stand approved. Let's move on

then to consider James Huffman's request for zoning reclassification of properties located at 113 and 115 Bank Street from institutional to C1. And that's now on the floor for our consideration. You have that information, you should have received some of that in the mail, is that right. Any other questions or comments about this? I guess we'll know whether to go ahead and take a motion on it.

JOHN ELLIOTT:

I'll make a motion to approve it.

DAVID SANDERS:

I'll second that motion.

BILL BLACKBURN:

John has made a motion to approve this reclassification and David has seconded the motion. We'll have a role call.

Phenis?

PHENIS POTTER:

Yes.

BILL BLACKBURN:

David?

DAVID SANDERS:

Yes.

BILL BLACKBURN:

Rick?

RICK GORTNEY:

Yes.

BILL BLACKBURN:

John?

JOHN ELLIOTT:

Yes.

BILL BLACKBURN:

And Tim?

TIM BELCHER:

Yes.

BILL BLACKBURN:

And Bill Blackburn says yes, as well, so that is approved.

JAMES HUFFMAN:

Thank you.

DAVID SANDERS:

He needs to take that before the city commission for final approval.

BILL BLACKBURN:

Okay. David just reminded me that you will need to take that before the City Commission for the next, for their approval. And they'll report, do you know Karen down stairs, the city clerk, Jimmy?

JAMES HUFFMAN:

Yeah, I met her a couple of times.

BILL BLACKBURN:

If you'll just call her at 437-5100, she'll tell you what you need to do next.

JAMES HUFFMAN:

Okay, I appreciate it.

BILL BLACKBURN:

Just tell her we approved it, in the joint planning commission, and she'll tell you the next step and so forth. And our very capable city manager, Donovan Blackburn, who we welcome here this evening can help you with that as well.

JAMES HUFFMAN:

I'll probably just walk over and talk with her.

BILL BLACKBURN:

That'll work. That'll work. Let's see, any other business this evening? Yes, Terry.

TERRY ANDERSON:

I'm not sure if I got on the agenda or not.

\_\_\_\_\_:

We request Karen to put him on the agenda.

BILL BLACKBURN:

Some way or another you didn't make it on to the agenda. I guess can we, can we carry or just entertain business

from the public?

\_\_\_\_\_:

I don't know if he has requested to be on the agenda.

\_\_\_\_\_:

I move to amend the agenda to put him on there.

\_\_\_\_\_:

Pardon.

BILL BLACKBURN:

Can we do that?

\_\_\_\_\_:

Just move to amend the agenda to put him on there.

\_\_\_\_\_:

We should amend it, I guess, he made the request to Karen prior to this, to be on the agenda, and so I know it would have been on there.

BILL BLACKBURN:

Alright, okay.

\_\_\_\_\_:

So I think we ought to consider it, because he's wanting us to give final approval to the adjusted zoning ordinances, a zoning map update, which we are supposed to do.

BILL BLACKBURN:

Okay.

\_\_\_\_\_:

I think we should consider it and then, I think the commissioner also has to do the final approval on it anyway.

BILL BLACKBURN:

Alright, let's do this. This way we'll stay in the good graces of the law, which we absolutely and certainly want to do. Let's entertain this, apparently Terry had contacted the clerk but inadvertently was left off the agenda which I think is, again technically, required by law so I think it is the will of the Joint Planning Commission not to delay him any further, if this is the case to go ahead and hear what he has to address us with this evening. But, this will be subject to us verifying that there was just an oversight, as I'm sure there was, but subject to us making sure that we're doing everything totally legal and above board. Is everybody in agreement with that?

EVERYBODY:

Yes.

BILL BLACKBURN:

Go ahead Terry.

TERRY ANDERSON:

I have some updated maps the City of Pikeville Zoning \_\_\_\_\_ . These may be a little large for your table. And this map was last updated in January of 1999, this is the City of Pikeville Zoning Atlas. I've got a copy of

it, I'll just, I don't know if you want to pass that down and take a peak at it, that was Leon Huffman, Frank Morris, was the one who originally signed it, and I brought a copy for each of you, and I'll just hand that down through here so you can kind of...

\_\_\_\_\_:

This was the old original?

TERRY ANDERSON:

This was the old, this is the 1999 copy, this was signed in January of '99. We have some changes, some updates we've made to this. Here's you a copy over here, and you a copy. And I'll just kind of breeze through here and show you what they are, you all can look at them and see if there is anything else that you feel like should be on there. I marked the pages on these zoning changes that we have ordinances from. Karen had forwarded some information on these zoning changes. On page two you will see I marked it with a little blue sticker on page two. Okay, this is, you got a cover, then you've got page one, and then you got page two, and you'll see a little blue sticker on the page two. And that is for property adjacent to Thompson Road in the Fields Sub-division, 11.23 acres of the zone changed to C2, that is there at Cassidy Boulevard, I believe.

\_\_\_\_\_:

That is Jim Harris' property-.

TERRY ANDERSON:

That's the Jim Harris property, that's correct.

\_\_\_\_\_:

They apparently had preliminary plat approval on.

BILL BLACKBURN:

Does everyone know where that is, that's down were Super 8 and across from Wal-Mart there and all that is.

TERRY ANDERSON:

Off of Cassidy Boulevard.

\_\_\_\_\_:

You're bringing before us changes that have been previously approved, is that not correct?

TERRY ANDERSON:

The only ones that I have made a change on, are the ones that we have an ordinance that has been completed.

\_\_\_\_\_:

And these are the changes since '92 or since-?

TERRY ANDERSON:

Since '99, yeah, actually there's one of them I think that was instituted, this one in particular was instituted originally in '98, so it was on in '99.

\_\_\_\_\_:

So this respectively went through planning and zoning and went through the city commissioner, and actually an ordinance

has been...

TERRY ANDERSON:

Yeah, and we have a copy of that.

\_\_\_\_\_:

Right.

TERRY ANDERSON:

On to page four, we have an ordinance to change some properties in the Cedar Creek area. There will be three tags there, three blue tags we'll see, changing those properties from R2 to R1, and then from an R2 to an R3, the R3 is the assisted living quarters, and that's in the Winston Drive area, just off of Cedar Creek.

BILL BLACKBURN:

Fellows, if you don't know or have any question about where this is, just speak up.

TERRY ANDERSON:

Karen has all these ordinances on file, as a matter of fact she gave us most of these so we could confirm these updates.

\_\_\_\_\_:

\_\_\_\_\_m the assisted living is one the C1 tract, and the R3 are some town homes that he's going to build in behind there.

TERRY ANDERSON:

I may have tagged the wrong place on there.

\_\_\_\_\_:

No, I think you tagged it correctly, I think the assisted living is on that C1 tract, on a part of that, and at R3, there were some town homes planned adjacent to the assisted living that we did approve. I'm going by recollection,, Terry.

TERRY ANDERSON:

Yeah, there is gap in, yeah, there's a gap in between this area here and this area over here.

\_\_\_\_\_:

And then the others are town housing that we've got on an R1.

TERRY ANDERSON:

And this change, this ordinance was just to switch the ones from R2 to R1, and R2 and R3, and so forth, that's \_\_\_\_\_  
\_\_\_\_\_. The next one is page five, and that's Kentucky Avenue. That was changed from R1 to R3, there was an area that was directly adjacent to that that was already an R3, and so this just made that R3 area a little larger, it included all that, the town homes up through Kentucky Avenue, and the green space, it was included in those with the town homes. Let's see, we also have on page five, a change from an R1A to a C3, that was for South East Telephone, it's 106 Scott Avenue. That was just for that one particular block, you'll see it has an arrow, it's a small space that was changed to a C3, and there is

an arrow designating the location of it.

BILL BLACKBURN:

That was that dealer property needing additional parking.

\_\_\_\_\_:

No, I think that's actually the South East Telephone.

TERRY ANDERSON:

South East Telephone.

BILL BLACKBURN:

South East Telephone.

\_\_\_\_\_:

That's not, that's, this is prior to the dealer. Bill is not in this is he.

\_\_\_\_\_:

Bill is not in this, \_\_\_\_\_

BILL BLACKBURN:

I think they just took that up at their last commission meeting didn't they John, I think they just took...?

JOHN ELLIOTT:

They may have.

BILL BLACKBURN:

I think this is passed as that one dealer property.

\_\_\_\_\_:

I think there was one previous tract before we did, but

I may be wrong.

\_\_\_\_\_:

You're probably right.

\_\_\_\_\_:

Now we did a plat approval for the parking area behind that only for the plat approval. I think we ultimately determined that he didn't need to do a zone change just for a parking lot. Whether that's right or not, I think that's what our decision was, and there was not a zone change on that parking lot behind the City free area as they South East Telephone, so. So did we...

TERRY ANDERSON:

There may be some that are in the process that I'm not aware of that I don't have an ordinance on, or there may be some that have an ordinance that I haven't gotten a copy of, so if you're aware of any, now would be a good time to, you know, pass the word along to me. I tried to get a hold of Karen this morning, but she's, I guess, out on vacation until tomorrow or something, so I wasn't able to touch base with her to see if there was anything.

\_\_\_\_\_:

Help me out here. What did we do for David Adams on those town homes he has already built, does R1A allow for those town homes, that are built there now?

TERRY ANDERSON:

I would have to look.

\_\_\_\_\_:

Does anybody know?

\_\_\_\_\_:

\_\_\_\_\_

BILL BLACKBURN:

Say that again, I apologize.

\_\_\_\_\_:

Does R1A allow for the town homes that David Adams has built already in our \_\_\_\_\_.

\_\_\_\_\_:

The original ones or the ones we just approved?

\_\_\_\_\_:

Yeah, the original ones? And what did we just change the ones we just did to, we changed it to what. You just read the minutes, Bill, do you know what they said.

BILL BLACKBURN:

Was it R1T or something, let's see, what did I say.

\_\_\_\_\_:

I don't know if we changed it to.

BILL BLACKBURN:

That's probably R1 town homes, isn't it, let's see.

\_\_\_\_\_:

An R1A to R1T.

\_\_\_\_\_:

So we changed this, that portion we're...

\_\_\_\_\_:

We got an RT in part of it, if you'll look on there.

\_\_\_\_\_:

I think that is where Judy Walters has some down at the end of that street isn't it.

\_\_\_\_\_:

Right, well let's see.

\_\_\_\_\_:

I think that Judy Walters has those down at the end of that street.

\_\_\_\_\_:

I see what you are saying, I think you are right.

\_\_\_\_\_:

The original tract is R1A.

\_\_\_\_\_:

Yeah, if you follow Second Street there to its very end, and then you turn into that parking lot there, that's still at R1A.

\_\_\_\_\_:

And does that allow for those town homes that he has

there, it better because they are there, so if not then we need to get him to fix it.

\_\_\_\_\_:

Tim just talked about the radio station's in R2, WPKE. I guess that's prior though to zoning.

\_\_\_\_\_:

They were already there. I'm not sure where he is, but R2 on top of the hill.

BILL BLACKBURN:

So you just raised the point that we probably need just to check that.

\_\_\_\_\_:

Yeah, I actually wondered that before, whenever he brought the change in, but because we didn't have a map that showed...

\_\_\_\_\_:

The problem you're talking about.

\_\_\_\_\_:

...everything.

BILL BLACKBURN:

That used to be the old soft ball field, we used to play soft ball there, and then it turned into a trailer court for a long time, and then he went in there and-.

\_\_\_\_\_:

You're getting as bad as Leon Huffman, Bill.

BILL BLACKBURN:

What's that.

\_\_\_\_\_:

Talking about the history.

\_\_\_\_\_:

Your memory is better than ours.

\_\_\_\_\_:

I'm sorry.

\_\_\_\_\_:

I don't remember the soft ball field.

BILL BLACKBURN:

Yeah, we used, when I was a boy we used to play soft ball right there, used to play soft ball right there. And then later on it became a, I mean it was just a big lot that we played soft ball on, right there in front of the Deavor's house. And then later on it had the trailers, had the trailer court there, and then after Stewart got it, they turned it in the-.

\_\_\_\_\_:

\_\_\_\_\_ for four or five years.

\_\_\_\_\_:

\_\_\_\_\_

\_\_\_\_\_ :  
The one that's there at the end of Second Street.

\_\_\_\_\_ :  
So that's pre us, so its their problem.

TERRY ANDERSON:

Is there a separate ordinance on that or-.

\_\_\_\_\_ :  
Pardon.

TERRY ANDERSON:

Do you feel like there was ever a separate ordinance...

BILL BLACKBURN:

We probably just need to, it might be an oversight.

\_\_\_\_\_ :  
I don't think we ever did that, and the fact that they came in and asked for an ordinance on \_\_\_\_\_, you know, the time to correct it should have, had we known that we would have addressed all of it, but I don't think we can...

BILL BLACKBURN:

I was on the city commission, I think, when he built those or he came before us a number of times and, but I don't remember if it directly addressed what we're talking about, so that's something we probably need to check.

TERRY ANDERSON:

Okay, the next one on that same page, we have, at the

bottom of the page Rush Dye and DeJune So, switched from an R1 to a C2 commercial property down at the very bottom of the page, there, there were actually two lots and they were adjacent or directly across the street from each other on Island Creek, and they tied right into C2 property that was already there. And that's the extent of the ordinances I have, I have an ordinance that accepted that on the zoning map, or zoning atlas, and I suppose we would have to do the same thing for this one. Once everybody has looked it over real good and had a chance to decide if they're comfortable with it. David and I were talking the other day, it would probably be a real handy tool for you all. Something that somebody could make a photocopy of a page of it or whatever, and locate things for you, and use it in that way.

BILL BLACKBURN:

Absolutely.

TERRY ANDERSON:

David could bring it with you to the meetings right here.

\_\_\_\_\_:

I had it ready to roll out.

TERRY ANDERSON:

I can leave this copy here with you all.

\_\_\_\_\_:

I just think, again, it ought to be the responsibility

of someone wanting a land use change to come to the city clerk and ask for a print of one of these sheets, whatever sheet it is that they're on, and they make a request on this as a vicinity map, not necessarily as a plan map or a plat map, but they show us exactly where it is, and where that is in the real world, I mean, we recall most of this, but quite honestly I have a hard time, Bank Street I didn't have a clue where that was until I went through the map. I don't know, maybe John you've lived here all your life.

JOHN ELLIOTT:

Lord I knew where Bank Street was. Bill knows that.

\_\_\_\_\_:

I know where all the places are, but I don't know the street names, even though I drive them all the time, I mean. I don't, I mean, you tell me Caroline Avenue, I know that's one of the cross streets but I don't know which one it is. I drive down there until somebody, until I see the sign, but, you know, so anyway.

\_\_\_\_\_:

But I think you are right about that, I really do, I mean that one makes good sense, as far as I'm concerned.

BILL BLACKBURN:

It absolutely does. We don't want, you know, we want to, we believe in the zoning, and respect the zoning, and

certainly want to remain consistent with the intent of zoning, and maintain the highest and best use of the property, and I think it is an excellent point. Any other comments or questions? So you're looking for a motion to approve this?

TERRY ANDERSON:

What ever you all are capable of doing at this point.

BILL BLACKBURN:

We'll just make a subject and make \_\_\_\_\_.  
\_\_\_\_\_:

Actually, we'll just be making a motion for the map, because all the zone changes have already been approved by ordinance, so all we're doing is approving this as an updated official zone map of the city.

TERRY ANDERSON:

Right, as a matter of fact I've got a copy of the amendments that was passed \_\_\_\_\_ the last time. It was to be approved, and of course they also signed the map, the zoning atlas. Its just a copy of the ordinance, and all basically it says is that that was the updated zoning atlas and it was approved as it was presented.

\_\_\_\_\_:

We would approve the map, and then the city would, the City Commissioner would approve it officially, before, but I think they have to anyway, I think.

BILL BLACKBURN:

Well on that matter as the commissioner then approving that, I don't think there's no conflict of...

\_\_\_\_\_:

I don't think so now.

BILL BLACKBURN:

...interest.

\_\_\_\_\_:

The only conflict I got is the logo on the map.

BILL BLACKBURN:

Do you want to see that?

TERRY ANDERSON:

Okay, Karen has that too, she's...

BILL BLACKBURN:

What I'll do is, I'll just touch base with Karen on this, you're going to have to get the mayor and all of that to sign that, and so forth and so on anyway, and I'll just come up and sign, you'll have some official copies that need to be signed.

TERRY ANDERSON:

We can leave those here or they can use those if you like, or I can run some more copies if you like. If we need to make any changes to it I certainly-.

BILL BLACKBURN:

We'll probably keep one copy for our records and the rest of them, does that sound-

\_\_\_\_\_:

Based on this ordinance we need to have a public hearing on that.

BILL BLACKBURN:

Is that right.

\_\_\_\_\_:

The ordinance reads as, the last time this happened there was a public hearing regarding it. I don't know if they had just taken it for an ordinance.

\_\_\_\_\_:

I'm wondering if that was the formation of, what's the date of that?

\_\_\_\_\_:

It's a '99 ordinance.

\_\_\_\_\_:

We had zoning before '99.

TIM BELCHER:

Pike County/Pikeville/Elkhorn City Joint Planning Commission, that said commission did conduct a public hearing pursuant to KRS 818420, KRS 1001407 to review public comments concerning the amended zoning map for the city of Pikeville.

\_\_\_\_\_:

I'll not be able to find it, now don't you worry, you've got the issue, Tim, somewhere...

TIM BELCHER:

I'm just going by what this says.

\_\_\_\_\_:

I know, I know.

TIM BELCHER:

They may have very well, somebody may have taken the ordinance...

\_\_\_\_\_:

Some where in here there is a requirement that each time that the planning commission and the city counsel, or city commissioners, approve a zone change that the zoning, the official zone map is updated. And therefore, I should try to find that, if that map is updated on each ordinance, then officially, it should have already been done.

TIM BELCHER:

Right. I don't know, but the public hearings for each zoning change, but I'm saying the way this ordinance reads, they actually had a hearing...

\_\_\_\_\_:

For the map itself.

TIM BELCHER:

For the amended map, so.

BILL BLACKBURN:

I was going to say that I think what we can do, and its good having Tim on the planning commission, because one of the next things I was going to suggest, is that we- we can go ahead and approve this if they are willing, subject to us checking that with Karen, and with Rusty Davis, the city attorney, just to make sure of that, so I was getting ready to defer it to an attorney, and its good having an attorney on the commission to, because we want to do everything orderly and properly, so could we entertain a motion to that effect, would that be, entertain it subject to getting their approval, the approval of, and if not then I just say you'll need to come back and get that, would that work?

TIM BELCHER:

I think so.

BILL BLACKBURN:

Is there any...

TIM BELCHER:

But if we have to have a public hearing, we have to go through an advertising process and, I'm just hoping somebody has used this ordinance as a template.

BILL BLACKBURN:

I think that's what happened Tim, because the public

hearing is what we just did for Mr. Huffman on his change.

TIM BELCHER:

For each change.

BILL BLACKBURN:

Right, but once, I understand what you're saying, but once that change was acknowledged, and we've approved it, and the city commissioners approve it, then that validates the change, and the map at that time, on their approval, is to be updated and that's a part of that approval process.

TIM BELCHER:

Okay.

BILL BLACKBURN:

Alright, now the fallacy is the maps are never updated, the ordinances are filed, and they go on the shelf, and because one of the guys over there at Summit occasionally raises cane because the maps are not updated, they did get permission to go ahead and update the maps, and that's what we have here, which, I kind of believe, at this point in time, we don't have to do anything I think, but maybe to give validity to it if, you would. Why would we need a public hearing on something we've already had a public hearing on.

TIM BELCHER:

From a realistic standpoint, we don't, from the, we're dealing with Kentucky Revised Statutes and the Kentucky General

Assembly, that, you know.

\_\_\_\_\_:

So, but I think the public hearing is done, but as I recall, I believe the public hearing was done simply because the maps were not in any format, and I think that in '99 was the first real official zoning maps that were established. That there were some zoning areas understood as such, but I don't know that there were official zone maps. Have you ever found any prior to,

\_\_\_\_\_:

I think that's the only one I've seen.

\_\_\_\_\_:

Do you remember seeing any prior to that? I can't remember any prior to that.

TIM BELCHER:

I think we can probably acknowledge that all the changes on the zoning map are correct, and probably do need to talk to Rusty and see if we actually do need to do that.

BILL BLACKBURN:

I could see one logical reason, I've have just been listening to you all, I can see one logical reason that they might require that final approval on this, is because even though those individual ordinance changes have had the public hearings and have been approved, you're still bringing the whole map back

before again to approve the map, and that is just to double check...

\_\_\_\_\_:

That nobody made a mistake.

BILL BLACKBURN:

...to make sure there weren't any mistakes or any other changes that were made to the whole map that weren't approved.

\_\_\_\_\_:

Yeah, there may be a chance that property that wasn't approved and is not related, you know, shown...

BILL BLACKBURN:

Does that make sense? We caught one tonight that may have just been an oversight in the past, is on Adams' R town houses down at the end of, so I could see a logical reason for that. Any other questions or comments, discussion. Now let's be clear what we're doing here, we're approving this, subject to the city attorney's review and approval that we are correct here, and it will stand subject to that, and if he says we were incorrect according to the Kentucky State Statutes then its, it'll void the vote, but if he says all the ducks are in a row and everything has been done correctly, then we'll approve it according to that. Is that agreeable? Now keep us in line here.

\_\_\_\_\_:

Otherwise...

BILL BLACKBURN:

I'm glad to have attorneys and engineers and all that to keep us in line.

TIM BELCHER:

What I think we should do is we've been through all the zone changes, we can say yes this is the zone map, this is amended, all these zone changes are correctly placed on the map, and that's what the map is, and we can approve that, but we need to find out if we do need to have a public hearing, we can approve the fact that these changes are on the map, and then approve them, see if we need to approve the map. Does that make any sense.

BILL BLACKBURN:

Well, the only think, I want to be clear now, because what they're going to ask me to do next is to sign off on this, and I don't want to sign off unless I have your all's approval. But what you're saying almost is guaranteeing we're going to have another meeting, is that correct?

TIM BELCHER:

My gut tells me we are.

BILL BLACKBURN:

Okay is that going to cause the city any hardship or undo delay or anything like that.

\_\_\_\_\_  
:

No.

\_\_\_\_\_  
:

No, this its been since '99, since this has been updated.

BILL BLANKENSHIP:

So this isn't going to be any...

\_\_\_\_\_  
:

\_\_\_\_\_

BILL BLACKBURN:

So we're approving today, the specific changes as they appeared on the map and as you've discussed them with us, is that stated pretty clearly, Tim? Does everyone understand that? Let me ask you all something, I've got lots, and I know I abstain from Summit Engineering, you help me, are you abstaining?

\_\_\_\_\_  
:

I will have to because.

BILL BLACKBURN:

I've got lots listed with Jack Sykes, and he's part of Summitt, so I guess I'll have to abstain from this because you all did the work. Is that correct?

\_\_\_\_\_  
:

That sounds right.

\_\_\_\_\_:

I don't know, I guess, I don't know if it will be a true conflict or not, Bill.

BILL BLANKENSHIP:

I don't know if it would, that's sort of...

\_\_\_\_\_:

If you haven't been involved.

BILL BLACKBURN:

That's actually for the city, it's actually for the city, its not for a personal, but I'll abstain anyway, it's going to pass anyway..

\_\_\_\_\_:

The conflicts come in, on my part on this issue, I'm assisting in the production of the map, so Terry asks me questions, and I answer questions, and therefore for me to vote on that would be a clear conflict, because if I...

BILL BLACKBURN:

You fellows understand this, we're getting ready to hopefully you all can attend this \_\_\_\_\_ next month.

\_\_\_\_\_:

\_\_\_\_\_ with this, and the rest of us.

\_\_\_\_\_:

Not on your part, I can't vote on it thought, Phenis, is the bad part, yeah.

BILL BLACKBURN:

Sometimes, occasionally you all may come into this, inadvertently if you have done some work with somebody or for somebody, and they have something come up here for change, that can be construed as a conflict of interest, and you'd probably will be advised to-.

\_\_\_\_\_:

We all messed up last time and I'm sure \_\_\_\_\_

\_\_\_\_\_.

\_\_\_\_\_:

I thought Karen told us, and I know I off on something different and we haven't finished this one, I thought she told us that they would not charge, it would not cost us a fee to attend this zoning conference.

\_\_\_\_\_:

This is a different-, the original one they had and something came up, this is a different one rescheduled, I don't know about the charge part, but she said the city was going to cover our charge and they may cover this.

BILL BLACKBURN:

I think they will.

\_\_\_\_\_:

But this is actually a different, the one we were going to go to will be happening like real soon, if not already.

\_\_\_\_\_:

\_\_\_\_\_

\_\_\_\_\_:

Yeah.

\_\_\_\_\_:

It was today.

\_\_\_\_\_:

It was today, yeah, but she said something happened and they didn't have it.

\_\_\_\_\_:

Well, I was going to say I didn't think they had it, I called.

\_\_\_\_\_:

Something came up, and they changed it.

BILL BLACKBURN:

Karen's not here this evening, she's apparently on vacation, but really when I got that I saw that too, and I said I thought they were going to, you know, foot the bill for that, but I think...

\_\_\_\_\_:

I thought that's what she said.

BILL BLACKBURN:

I think when she gets back, she'll say we're going to take care of that, but don't hold me...

\_\_\_\_\_:

Responsible.

BILL BLACKBURN:

Hold me, if they don't, John Elliott will pick it up.  
We'll check with Karen and make sure.

\_\_\_\_\_:

Maybe it would be appropriate to just ask Rusty's  
advise on whether or not-.

\_\_\_\_\_:

Let's just table it.

BILL BLACKBURN:

Just table the whole thing?

\_\_\_\_\_:

It's not going to hurt.

BILL BLACKBURN:

It's not going to hurt you all or Terry.

\_\_\_\_\_:

It's not going to hurt other than it drug Terry out  
here to this to get us started on it, but that's fine.

\_\_\_\_\_:

That's right, that's fine.

BILL BLACKBURN:

Is there no, if there's no objection, we'll table this.  
Everyone in agreement with that?

COMMISSION:

Yes.

BILL BLACKBURN:

All right. Any other business?