

PIKEVILLE/PIKE COUNTY/ELKHORN CITY
JOINT PLANNING COMMISSION
OCTOBER 26, 2004
MINUTES

BILL BLACKBURN:

We'll go ahead and call this meeting to order. Our fifth member should be here momentarily, so we'll have a quorum, but we can go ahead and get a couple of other matters out of the way, before actually starting on the items on the agenda. We'd like to welcome everyone here this evening and at this time I'll have Judy call the roll.

JUDY COLEMAN:

Bill Blackburn - Present
John Elliott - Here
Phenis Potter - Here
Tim Belcher - Here

BILL BLACKBURN:

If you do plan on sharing anything this evening, speaking at all, you will need to be sworn in, so everyone who plans on or has a possibility of speaking this evening, will you stand, raise your right hand, and I'll make the statement, then you'll say, we do, or I do. Do you swear or affirm to tell the truth, the whole truth and nothing but the truth.

COLLECTIVELY:

I do.

BILL BLACKBURN:

You might make a note everyone standing except

Karen. We've already heard from one of the babies tonight, so. You all can be seated. I'll review the items hear on the agenda, this is the Pikeville/Elkhorn City and Pike County Joint Planning Commission. This is a special meeting and if you didn't receive an agenda there's one up here in the front, if you'd like to have a copy of it. There's several copies up here. We will be considering a application from East Kentucky Network, or Appalachian Wireless, to construct a tower, Peach Orchard, and we'll be considering, item #2, considering zoning, classification in Cedar Creek, from three of those from PDMU, or Planned Development Multi-Use status to R3 and R1's, 2-R3's and an R1, and then we'll consider approval of the subdivision plat for Gannon Estates located at Meathouse Fork of Johns Creek, and also consider approval of minor subdivision application for Edgewater Development. We'll give Rick a couple more minutes to get here and then we'll get rolling. We do have a quorum present and again I appreciate you fellows serving on this, I know it's a, sometimes can be burdensome on your schedules and time, appreciate you serving your community like this and I know it's a sometimes pressing, you coming from work and so forth, appreciate you doing that. Some came in late and you will need to be sworn in. Ryan, if there's a possibility you'll speak tonight, whoever came in after we swore in everybody a while a ago, if you, if there's a possibility you will be speaking tonight, one side of

the issue or the other, you will need to be sworn in, so if you've not been sworn in, will you stand and raise your right hand, if there's a possibility you will be speaking, you can just say I will or I do, after I'm finished. Do you swear and/or affirm to tell the truth, the whole truth and nothing but truth? If you're not on the roll sheet be sure to get on that. We'll go ahead and get started with the first item on our agenda. To consider application from East Kentucky Network, Appalachian Wireless, to construct and maintain a wireless community facility or tower on the Peach Orchard Hill. At the last public hearing we discussed this quite a bit at length. Members of the commission received the minutes of that last meeting, and I'm sure you've had a chance to review those. So, fellows, did you all want to add anything else.

WILL KENDRICK:

Thank you, Mr. Blackburn.

BILL BLACKBURN:

Give your name if your on the stand.

WILL KENDRICK:

Madame Reporter my name is Will Kendrick, and I represent Appalachian Cellular, with me here tonight are Dennis Shepherd and Marty Thacker, who are with the company, and also Danny Vanhooose who is with the company. Mr. Vanhooose was not present at the last meeting, but he's here with us tonight. We

felt that the Commission asked all the relevant questions, and very good questions, and we feel our application is complete, and we would just ask that it be approved, unless there is any further questions about it, in which we are happy to answer. Thank you.

BILL BLACKBURN:

Is there any other comments related to the tower? Any other comments, questions? What's the will of the Commission? I have to have a motion to approve this.

TIM BELCHER

I'll move it.

BILL BLACKBURN:

Alright, let it be noted that Tim Belcher made a motion to approve this. Is there a second to it?

RICK GORTNEY:

I second it.

BILL BLACKBURN:

Rick seconds the motion. The motion is on the floor, is there any other discussion? Call the roll.

JUDY COLEMAN:

BILL BLACKBURN - Yes
JOHN ELLIOTT - Yes
PHENIS POTTER - Yes
RICK GORTNEY - Yes
TIM BELCHER - Yes

BILL BLACKBURN:

Fellows, we hope you can get it up as quickly as possible to improve this cell service around here, appreciate your coming.

WILL KENDRICK:

That's what we're trying to do.

MARTY THACKER:

May we be excused please?

BILL BLACKBURN:

Yes.

MARTY THACKER:

May I ask the floor a question?

BILL BLACKBURN:

Yes.

MARTY THACKER:

Do we actually get permit from you or will this classify us to go ahead and start?

BILL BLACKBURN:

Yeah, I guess, Karen won't they need to have a something signed on that, by Rick or myself or is that, I guess.

KAREN HARRIS:

Yes, and if you all will come downstairs and see our building codes inspector, I'll be able to issue the permit.

MARTY THACKER:

Thank you very much

BILL BLACKBURN:

Thank you all for coming. On to Item #2, and that's to consider a request for zoning re-classifications in Cedar Creek, again, we did discuss this at length at the public hearing we had a couple weeks ago and that item is now on the floor for those who would like to speak to this. Yes, Robert Mayfield, if you will come up to the front.

ROBERT MAYFIELD:

Yes, I spoke at this the last time, it's in your minutes. Cedar Creek is one of the top notch neighborhoods in Pikeville. You can compare Cedar Creek with North Monte, with Bowles Addition, with all the other very good neighborhoods. Now what is happening is that there is an attempt to change Cedar Creek into a rental neighborhood. Now, on the one side of our street, going up Cedar Creek toward Hurricane, on the one side of our street, you have a very nicely developed neighborhood from Cedar Hills on up, now Cedar Hills, back down to, on back down to the river, you have an extremely nice neighborhood. Now, beginning at the, at the Presbyterian Church, apartment buildings have been built, and just beyond the church, it's my understanding that there is another area where some single story rental units are going to be built near the assisted living area,

but then our major concern is that when you pass that area, and you pass the substation, you have about 800 road frontage yardage that is being proposed to be zoned R-3. Now R-3 means that, you all are aware of this, R-3 simply means that the proposal is to put rental, multi-family units in that area. We talked with Chris after the meeting the last time, and he said, well, it could be apartment buildings or it could be patio type homes, so we question about the patio type homes, and the patio type homes he was talking about were rentals also, and those patio type homes starting at the substation would not be divided homes, they would be one solid, according to Chris, they would be one solid construction, starting at the substation and running all the way through for about 800 running feet of homes that would be attached, which means you're going to have a brick wall all the way up that street. Then, beyond that, there's another area that is going to be, he's proposing to be R-1, which means, single families, and that's great. But then just beyond that there is another section that he's proposing for R-3, which means, our community where most of us have invested a lifetime of work, of savings, into our homes is going to be turned into a rental type community. Now, a rental type community extending all the way from the Presbyterian Church, and from the substation all the way to the end of our community, means that our property values are going to fall. We have, and in fact I looked at our restrictions

today, in our community, and we have restrictions in our community that Chuck Chrisman, Chris's father, developed, with Chris probably, and we all agreed to those. And they're very high restrictions, very good restrictions, it will safeguard our neighborhood, across the street R-3 will destroy that neighborhood. We're going to lose a lot of money if those units are put across our street. With the apartments already existing across from the Presbyterian Church, you have garbage cans in front of the buildings, you have cars parked all the way up through there, in front of those buildings, on the road. We do not have that in our neighborhood, but now we're going to have garbage cans and cars all the way up between those buildings and our houses. So when we get up in the morning, we will be looking at garbage cans, cars parked and we're going to be looking at rental property that no one is going to maintain, because they have no investment in it. We have tremendous investment in our property. Thank you very much.

BILL BLACKBURN:

Is there anyone else that would like to speak? Just come forward and state your name. Is there no one here, nobody's here for the Chrisman's. Okay, go ahead.

BART REED:

I'm Bart Reed, for those of you that don't know me. I'm originally from Betsy Layne, I'm a physician in training at

UK. I'm building a house on Cedar Creek. I'm joining Dr. Nichols next summer and my wife and I are investing or having developments for a house and my concern is probably the same as everyone here, I don't want my property value to go through, or me investing all this money and it's going to be worth nothing, and one of the reasons why I chose Cedar Creek, is my brother is a city policeman here in town and currently it is one of the lowest crime rates in this area, and another concern I have is if we do more rental properties through there, crimes will go up and property is going down, that's my concern. Thanks.

ROBERT MAYFIELD:

I have a letter from Dr. Narra. Dr. Narra had to make a trip to India, because I think there was some illness in his, with his parents, so he did a letter and asked if I would bring it to, to let you read it, or let me read it for the committee.

BILL BLACKBURN:

Come on up and go ahead and read it, just go slow so she can...

ROBERT MAYFIELD:

Okay. I can give her the letter then. It's addressed to the Joint Planning Commission, the subject is request for a zoning reclassification, Kentucky State Route 1384 - Portion of Cedar Creek Road. Gentlemen, because of a prior

commitment, I regret that I cannot attend the meeting scheduled for Tuesday, October 26th, at the hour of 4:30 p.m. on the above subject. I would like to state however, that rental property is very bad for a community such as ours. We all have substantial investments and a high degree of community pride. If rental units are built it will change the entire character of the community. Rental units are not maintained like privately owned properties; renters have no investments in the property and come and go at random. I respectfully ask you to encourage Mr. Chrisman to withdraw his request and look elsewhere for a more suitable location to build the rental units. Very Truly Yours, Dr. B. Narra. And I'll give this to you then, thank you.

BILL BLACKBURN:

Anyone else who would like to speak to this, come up front, give your name, if you will.

GARY BOYD:

My name is Gary Boyd. I'm from Cedar Creek. I'm a neighbor of Bob and Mary Mayfield. I've worked here in Pikeville all my life, worked and lived here. And got in a neighborhood where property values are of course, high, nice neighborhood, nice people, and I want to continue to have that and just for an example I've owned houses at Lexington and have for about five years and I bought a new house, real fine for about three years and they put a rental property down the street,

and from that time on, we've had theft, and it's rental apartments is all it is, and it's not degrading no one, it's fixed income, it's low income and they, and it just got to the point where we had to have security, put alarm systems in and it took the value of my home down, and when my daughter gets out of college, I will sell that house, just because of that reason, because I'm losing money on it, I know I am, the house around me is probably dropping in value, and they've bent me to that point. But what we're looking at today is trying to keep the place we live at now, I won't say upscale, but it's a nice neighborhood, and we want to keep it that way. I don't want to look out my front door and see things that shouldn't be there, if they're not going to put in rental property, someone mentioned storage buildings, I don't know if that's still on the attempt to be done that area or not, why not leave the zone as it should be, but I bought the property because of where it's at and because of the quality of homes and I've got a lot of money invested, just put in a new sprinkler system, new sod system, and built a nice garage out back, didn't do that to have the price of it to go down, hopefully not anyway. And the purpose of it is, is keep the surrounding area, the same agenda I hope, and I hate to have to sell it and lose more money than I've invested in it, don't want to, but I don't want to look out my front door and see things to the left and right of me, that we're used to. Thank

you very much.

MARY MAYFIELD:

I'm Mary Mayfield, and my voice won't carry, I'm sorry, I hope you can hear me. If you can't, I'll repeat. I've worked at the Department of Transportation for near 12 years, before going to Federal Court. And during that period of time, I filed a condemnation contemplating, what is known today as Cedar Creek. It was a friendly suit, and the reason we had to file a lawsuit is there was so many heirs involved, and it would take forever to get possession of the property, and so it was just a quick way so that the now cut through could proceed. We negotiated the settlement with the Bowles Heirs. We paid the Bowles Heirs a six figure amount of money for Cedar Creek. Now Cedar Creek, I want you to know, before this happened was known as Cedar Dump. It was a dump, a narrow road, a narrow, narrow road, so we paid them six figures for this. At the conclusion of the fill we used Cedar Creek for a fill area and that's where we live today. After we finished building Cedar Creek, that property reverted back to the Bowles Heirs, for free. And I'm very, very proud of what they have done. The restrictions, the very things that they have done for our community, they're an outstanding family, they've been family friends of ours for over three decades, and this is painful thing for me to do. But I do feel that if this is allowed to go forward, the way they are

proposing, that I know one thing that bothers me a great deal is the safety of our community. Look at these little kids, today they don't have to worry, we have, our kids are, our neighbors to our left, they have two little children, the times they are out, Bob and I are watching those kids. Now if we had rental property there, there's all kinds of people, you can't get around it, and I do know, I'm the first to say that we need rental units, in this area. You said something about the Med school students, I don't know this, but I would venture to say that there's never been a med student there yet, because the rent is too high. Med students seem to not be able to afford this type of room, they just can't do it. Unless they move in two to three in one unit, and that's bad, that's very bad. So, I hope, hope that we will find, one thing, I believe in the golden rule, you do unto others as you'd have them do unto you. If you were the people across the street from this area, if this is what you would want to see, then I feel that possibly you should vote positive for this. If you feel that you wouldn't want, don't vote for it.

BILL BLACKBURN:

Anyone else would like to speak, just come up and give Judy your name and have at it.

ROSE STREEP:

My name is Rose Streep. I moved here last summer, my husband is a physician here in town and I'm not from around

here, so he was excited to bring me back to his hometown. I've lived in Lexington for about 10 years, before that I lived in smaller communities, similar to this. When we moved here, you know, you always hear bad things about eastern Kentucky, about, you know, some things are dirty and you always hear, trailers that, like when he brought me to Pikeville, I was very surprised, he showed me, you know, different communities, cause we were looking for a place to live. He took me up to North Monte, Chloe Ridge and Cedar Creek was the last place that we went. When we went there I fell in love with it because it was, everybody seemed to take care of their yard, there was, you know, I could see kids playing and at that time we only had one child, and I wanted someplace safe for my child to grow up. And I liked looking into people's back yards, they had clean yards and people were playing, and it seemed like, everybody seemed to take pride in their home. Now my mother, she was in Ratcliff, she owned probably 20 apartments, she has problem with people taking care of them. I mean, people are constantly leaving, they don't pay their last month's rent, they leave their trash, that they, they don't care, and it's true. When I lived in an apartment, I mean, granted I'm a little different, I wanted everything to look clean and perfect, but I didn't, I wouldn't have, that's me, not everybody is that same way. But, I don't want to look across my home, you know, I've worked hard, I've worked hard, you know,

going to school and my husband's been in school forever, and to pay for this home, we tried to do everything to make it look clean. We, you know, pick up trash around us, so it's not floating around in the city, and I just don't want to look across the street and see apartment buildings, with, you know cars up and down the street, no telling, I mean, I would like for someone, you know, Mary says she keeps an eye out on her neighbors children, I would like to do the same for someone else that is, people are going in and out, you don't know who belongs there, who doesn't belong there. She also said something about med students, you know, this is nothing against med students, my husband was a med student, but you have parties, I mean, every kid in college has a party, and cars are going up and down, and that's what you do, that's what you do, that's your time to have fun, and it's nothing against it but I'm at a different point in my life and I want, I don't want to see that. I don't want to see, you know, okay, party's going on across the street and I would vote against it. Thank you.

BILL BLACKBURN:

Thank you. Others who would like to comment?

CHAD STREEP:

My name is Chad Streep and my wife, Rose, is the one that just spoke. I spoke some to the members who were here at the last meeting. I won't reiterate everything she said, but

when we did move back here, you know I was very proud of the area and the heritage that we have here, That's the reason myself, and I think physician's like Dr. Reed there, try to come back to this area, because we need good doctors here and this is home, and this is our roots, and I was proud to come back. I took a lot of flak at UK and I'm sure as Dr. Reed does, why are you going back to Pikeville when you could go to Lexington or Louisville or Cincinnati or any of the big cities and do just as well in the big city. But that's not what we want, we want the small, quiet, peaceful neighborhood, and the private life of a country doctor. I think it's very appealing to me as it is to Dr. Reed and his partners. So we spent a lot of time looking. It probably took my wife and I four months, believe it or not, to pick out the area in town that we wanted to build our million dollar house in, grant it, it will take me till I'm old and gray to pay for this thing, but it's what we want and that's what I work hard for, and it's for my family, kids. But we looked everywhere, and you know, we wanted a zoned neighborhood, where we had the assurity of a quiet, peaceful neighborhood where folks would take care of their property, respect the property, and as everyone has held here concerns about the value of the property decreasing would not be an issue, and a very respected area. I guess what I'm wanting to say, in Lexington this would be compared, I would compare Cedar Creek, to those who are familiar with Lexington, to

the Heartland Neighborhood. Now, are there rental properties in Heartland in Lexington? No. Are there rental properties in the Champions, in Lexington? Absolutely not. Those are R-1 estate styled living that folks they pay a pretty penny to be there, and actually pay a maintenance fee. And I would like to suggest if the Chrisman's can't figure out what to do with this property across the road and they care so much about the neighborhood, let's build a Cedar Creek Neighborhood Community or Club House for the residence that live up through there. I'll pay a monthly maintenance fee for it, if they would like to build something like that, send me the bill for it, I'll pay it, you know. Let's put a nice park or a swimming pool there for the children and the families up and down the road. We don't need apartments over there that much. Now I agree with Mary that this area is lacking nice apartments, that's not necessarily low income or government assisted rental property, but I don't think in the middle of one of our few neighborhoods that we can be proud of and call estate style living and not be ashamed to show our neighbors and friends in Lexington when they come up, to turn that into a rental property because, like my wife said, kids will go in there, you may be able to control who rents your property from you, but you can't control who comes in and out, who their friends are, and visits. You know, I foresee danger in the children in the area, you know, having to lock our garages up, you know, right now,

with the neighbors I have I wouldn't be a bit afraid to go to bed at night and leave my doors unlocked, I know who my neighbors are. But I think the vandalism would go up, the stealing from the garages, I think it would just be a bad idea for the entire city and community. We have very few areas in town to be proud of, and I think we would be destroying at least a part of one of those. That's all I have to say.

BILL BLACKBURN:

Anyone else who would like to comment? Come right on up and state your name if you will.

DAVID STONE:

My name is David Stone, I live up Cedar Creek with my wife, we're retired, so is Bob and Mary, the Potnis', Ms. Jones over there, they all live on Cedar Creek, we've invested a lot of money in that area. Simply because we wanted somewhere to live, nice, when we retire. We certainly don't want to see it go downhill, and lose our property value, we can't afford it. Everybody here works for a living, one way or the other, doctors, railroaders, jet pilots, whatever they may be, the point is, we've invested a lot of money, we don't want to see apartments come in there, any kind of, anything that would take away from the area as a community, a family community. In the evening, at nine thirty or ten o'clock the other night, my wife and I decided we wanted to go for a walk. We can walk up there, nobody will

bother you. You can walk all the way over past the Jones', come back down to the bridge, no one bothers you, it's a perfect place for children. You get apartments in there, or townhouses in there, with different rates on your properties, on the rentals, suppose they decide to go with the low rental, you know what that entails. We're going to lose money, we won't be able to give our places away. Thank you very much.

KAY HAMMOND:

My name is Kay Hammond and I moved to Cedar Creek a year ago, and just probably, we're just now finishing up our house and doing landscaping. And I just want to say, ditto, what everybody said, that I agree with everything and I would very much be against the rental property and really against the storage buildings because I feel like that, that would bring a chance for people to come in. I know those things are robbed quite a lot, and I just feel like that would cause crime in our area. And my house that I built was really, I guess you could call it kind of my little dream house, because I retired from school teaching after 34 years and then a week later I'm the librarian up at Pikeville College. I started working there, but I saw this house in South Carolina that I just loved, it's a retirement house and so me and my husband built that, and we chose Cedar Creek because of just the beauty of it and how safe that it was and the type of people that are up there, and I,

certainly because, like these other people, I've put all my life, you know, into my house, and I certainly would not want to see those apartments built there. Thank you.

BILL BLACKBURN:

Others? Any others to speak?

MARY MAYFIELD:

I have a correction. We both spoke, Bob and I in our meeting with Chris after the meeting two weeks ago, he said, he was talking about the patio homes and Condo, townhouses. He did say that some of those patio homes, he said some of them would be for sale, and, but there would be rental units, he did say that. One other thing that I want to add, while we're speaking of the beauty of Cedar Creek. Dr. Brose sometime earlier this year, there was a lady friend of hers from Lexington came to visit, and she drove her around the various communities around Pikeville and last of all she came to our house for a visit, and apparently she didn't have a very good impression of Pikeville and it's people. She said, 'never again will I say anything derogatory about Pikeville', she was so favorably impressed, so I hope we can continue along that trait in our city.

BILL BLACKBURN:

Any other comments, pro or con, I believe it's been mostly con. Were they aware of the meeting, that you know of?

KAREN HARRIS:

Yes.

BILL BLACKBURN:

Any other comments?

LINDA JONES:

I'm Linda Jones, and my husband is Earl, we live at the last house at Cedar Creek there, and we had waited for years. We had bought a piece of property elsewhere in Cedar Creek and switched it to there area, which we love. And I agree with all these people, I think, I don't have any children, my children are grown, but my son lives in an upscale condo near King's Island and all those are upscale, you get some people that keep them up and some people that don't, I'll agree with that. And you see a lot of traffic around some of the upscale condo's, and I would agree that the area that we're in is much safer than most of the areas that I've seen. The children are out playing in the yard, the backyard, I bring my little grandson over, and I don't feel at all at unease, he gets out and plays in the yard, runs through the lawn and the next door neighbor's lawn, and you know, I think nothing about it, and I would like to see it stay that way, safety for all.

BILL BLACKBURN:

Other questions or comments. Anyone else desires to speak in public? I'll open it up for discussion among the

commission, questions, comments. Really from a statutory stand point, I don't know if without, the parties requesting the zoning change need to be here, don't they?

KAREN HARRIS:

I would rather refer to Jack on that question, I don't.

BILL BLACKBURN:

Jack are you here in relation to this in any way?

JACK:

No, and I also got the meeting was at 6:00 rather than 4:30, so I was here on the Edgewater issue, I don't know if you've addressed that or not.

BILL BLACKBURN:

You're not here on this one.

JACK:

I don't know nothing about this one.

KAREN HARRIS:

I really don't know the answer to that one.

BILL BLACKBURN:

Really I don't believe we can take any action, as far as a zoning reclassification without the party being here anyway.

TIM BELCHER:

Why did you think it was at 6:00, Jack?

JACK SYKES:

Peggy told me, I don't know if she got it from Chris, or whatever, but I just got bad information. I'm sure Chris thought that also, this was circulated in our office at 6:00.

BILL BLACKBURN:

You fellows want to make any comments or open it up for discussion?

JOHN ELLIOTT:

The only question I have is, when you all bought your property didn't you question what was set up to go across the street?

DAVID STONE:

In the beginning when we bought our property up Cedar Creek, we moved across the street from Bob and Mary. There was no chance of any apartments going in, they told us that, Mr. Chrisman did. Now we live on Cedar Hills Drive, they sold their house, Mary and Bob, sold their house and built a house up Cedar Creek Road, up the main, like you're going over towards Island Creek. So, and on the end is where Mrs. Jones lives, you know, all the way up, the last house on the right going up. The point is, we were told this would always be kept a nice area, that's the main reason we bought there.

JOHN ELLIOTT:

A nice area, but the statement wasn't made, all only residential, single family dwelling.

DAVID STONE:

Nobody ever told us any different, and if we would've thought somebody was going to build a bunch of townhouses.

JOHN ELLIOTT:

I just wanted to make sure somebody hadn't told you specifically.

DAVID STONE:

Oh, no, even in the, they gave us a, what you call, a covenant of what was going to happen and nothing was stated in that. I'm sure, I'm sure Mrs. Jones has built her home, she wouldn't have spent the kind of money for her home there, if she thought somebody was going to build a townhouse across the creek. I'm sure Bob and Mary wouldn't have done it, and if you lived up there, you wouldn't like it either.

JOHN ELLIOTT:

I used to.

DAVID STONE:

Well you know what I'm talking about. You know, these people work all their life, to get, to have nice stuff, and that's the way we want to keep it. We're not trying, we're not

selfish, we just want to keep what we've got, we don't want it destroyed, or the value to come down then.

BILL BLACKBURN:

Just a point of clarification. You said Mr. Chrisman, Chris are you talking about?

DAVID STONE:

I'm talking about the senior. Chuck.

BILL BLACKBURN:

Okay, alright.

DAVID STONE:

He gave us a covenant, a set of rules to go by, what we could do, what we couldn't do, and I'm sure everyone here has got it.

BILL BLACKBURN:

But you made a point, I just wanted to clarify it, I didn't quite understand it. You talked about the main Cedar Creek road and then Cedar Hills Drive, where was this statement made about the apartments not going across the road, was that on Cedar Hills Drive or Cedar Creek Road?

DAVID STONE:

Cedar Creek Road. Am I right Ms. Mayfield? Yeah, that's right, Cedar Hills, Cedar Creek, the main drive going up from the bridge straight up the street over toward Island Creek.

BILL BLACKBURN:

You just lost me there earlier.

JOHN ELLIOTT:

Island Creek is Cedar Hills.

DAVID STONE:

Island Creek, we live toward Jonican Creek, you take a left.

BILL BLACKBURN:

Let me get this clear, was the statement made about no apartments across the road, was that on Cedar Hills Road going toward Island Creek or was that on Cedar Creek Road going toward Hurricane Creek?

DAVID STONE:

Cedar Creek area encompasses a whole area, Cedar Hills is Cedar Creek, it's all one area, that's, go ahead Bob.

BILL BLACKBURN:

Maybe Mr. Mayfield can speak to the...

BOB MAYFIELD:

Chuck Chrisman, Chris' dad, told us that this would be the same type development that we had. And he also told us, told me, that patio homes, and he did talk about some patio homes being built, but those patio homes were going to be built on top of the mountain, on top of the hill, behind the development of the nursing home assisted living, there's a road goes up on the

hill and around that hill, they were talking about patio homes, on our street, the only thing that Mr. Chrisman ever said to me was it will be developed the way we have here. He said nothing about any apartments are anything different than one story, one family housing, just exactly what the restrictions that we have on our side of the street, that would be on his side of the street, that was the thing that Mr. Chrisman, his dad, said to us.

BILL BLACKBURN:

Well, what I was just trying to clarify for understanding, say, was whether we were talking, when we were talking about the road, Cedar Hills and Cedar Creek going toward Hurricane and one toward Island Creek, I was just trying to get a reference to which one we were talking about, to understand correctly.

DAVID STONE:

Island Creek.

BILL BLACKBURN:

The apartment statement was made by the Cedar Hills section going toward Island Creek, is that correct?

DAVID STONE:

Yeah, well that whole area is considered Cedar Creek, I made a mistake, but going straight up Cedar Creek Road, you know up above the substation, that's where they're talking

about.

BILL BLACKBURN:

Yeah, the property in question right now is on Cedar Creek Road going toward Hurricane Creek.

DAVID STONE:

That's right.

BILL BLACKBURN:

But you're saying the apartment statement was made about Cedar Hills Road going toward Island Creek.

DAVID STONE:

No, what I'm saying, when we bought the property nothing was said to us about apartments, period. That was as simple as that and Bob made the statement about as far as homes being built up on the hill behind the nursing home up there, I've never heard that, and I've been there for seven or eight years, something like that, and it's, it would just hurt everything, it would just bring the value of the property down and it's, we can't afford it. I'm sure if you lived up here, say you lived there, you wouldn't want somebody to come in that you don't know, that wouldn't take care of the place, destroy the property, you know the property value is going to go down.

JOHN ELLIOTT:

I had that with the house up there.

DAVID STONE:

Pardon?

JOHN ELLIOTT:

I had that with somebody in my home, they can do that in homes as well as they can do that in an apartment.

DAVID STONE:

I'm sure when people put larger sums of money in homes, they very seldom let it go down.

JOHN ELLIOTT:

Another question I've got too, I mean, why can't they use some of that on up there...

DAVID STONE:

I personally spoke with Chris Chrisman before we bought our lot, and Chris...we had one. I spoke to him personally because he was pitching .?. practice, they had.?. I talked with him probably two or three months before he passed. I specifically asked him about the upper end of Cedar Creek toward Hurricane Creek, the left side of the road, if I could build a house there, and he told me, there were no plans to develop that property, those were his exact words. He told me they were going to build small homes, to hide the assisted living home, I told him I wasn't interested at that time, and then I discovered this lot behind Mr. Malempati. That was the specific information from Chuck himself.

JOHN ELLIOTT:

Did not the majority of you all on the new Cedar Creek section between the substation, across the street from the substation up there, not build your house, the value of the property after this first apartment complex was already there?

BOB MAYFIELD:

We bought our property before that complex was there.

JOHN ELLIOTT:

Before the one across from the Presbyterian Church?

BOB MAYFIELD:

Yes, they put up the substation after they built the church, it was already out there.

BILL BLACKBURN:

Let's, wait a minute, let's go one at a time.

BOB MAYFIELD:

Where are you talking about?

JOHN ELLIOTT:

The apartment complex presently there, was present before the majority of you bought lots where you are upon the new Cedar Creek section, correct?

MARY MAYFIELD:

John, it's one thing to build apartment building across from the church, that's bad enough, bad enough to have

that, it's something else to build it across from my home. Let me tell you what I have witnessed. The last time I was here I said, something about the garbage cans being in front of those apartments, they're there, go see. Also I have noticed the houses, the large house next door to it, the garbage can is outside their house, I guess it becomes something that is very convenient, that is what happens, that's what happens, John.

BILL BLACKBURN:

I've got another question, just for clarification, again, and there's a reason for that, we're just trying to get everything in order. He asked the question when the apartments was built, were they existing there when you all purchased, and I don't, it's a little unclear, were they or not?

MARY MAYFIELD:

Those apartments were built several years ago, I'm not so sure how many years ago, the church has been there six years. I don't know if those apartments were there or not, I assume they were, but it's not as bad to be down there, we're on up, way on up from those apartments.

CHAD STREET:

Just as Mark said, you know, my wife and I, we talked with Chuck Chrisman well before we bought our property, we actually bought ours from Jody and Joanne Holland here in town. They initially bought the property and started building the house

that we bought, and we asked what the plans were for across the road, and as he told Mark, Mr. Chrisman, Chuck Sr., said that at the apparent time there was no plans for developing that, but he had a long waiting list of 30 to 40 folks, if he did decide to open that up, and it would be single family homes similar to what we have that could be built there. Nothing was mentioned about apartment complexes, he said he only sold the properties slowly, and the most he would sell would be a million dollars worth of property for tax purposes and he had a waiting list of people standing in line for the property. That's what we were told.

BILL BLACKBURN:

And, I'm sorry, you were told that by who again?

CHAD STREET:

Chuck Chrisman.

LINDA JONES:

When we bought our property...

BILL BLACKBURN:

Let me interrupt just a minute, when you stand, give your name for the, for Judy, and then begin speaking.

LINDA JONES:

Okay, I'm Linda Jones, and when we bought our property, we met with Chuck Chrisman and they talked about the houses going on the other side of the road, but Chris designed our home. We're the last house up there, he designed our home,

we met with him almost weekly, and he told us that several of our friends wanted to buy the lots across the road and he said, well, he would, have them call me and never heard an apartment mentioned.

BILL BLACKBURN:

Discussion, open for discussion. What's the will of the body. Let me ask a question. If, I drove up there the other evening, and looked around, I noticed that the power station there, had you all approached the power company about putting some evergreens up around the power station, or did they just choose to do that themselves?

MARY MAYFIELD:

I think they did that on their own, that's been there for a pretty good while.

BILL BLACKBURN:

John, you were...

JOHN ELLIOTT:

My memory on that is the Chrisman's and the power company went together and put that landscaping in to cover up that area.

BOB MAYFIELD:

May I say one other thing, Chuck Chrisman was very, very proud of the way that this community was developed. Chuck would come through our neighborhood almost every day, he would

never miss more than two or three days, he would come through looking at all the houses, he was very, very proud of it. And I'm just as sure that he would not be proud of all those apartments all the way from this substation all the way to the end of our street. He would not be proud to have that, he was a very proud man, very proud of our neighborhood. He said that in so many ways, so often.

BILL BLACKBURN:

Did you all discuss, I know you had a meeting with Chris after the last meeting, did you all discuss, by any chance, or is this something that you all considered, possibly having a, some kind of barrier down through there, a masonry fence, or anything like that, or would that even be anything that you all would, I'm just curious, to consider or entertain?

BOB MAYFIELD:

Nothing like that was discussed, and I don't think anything like that would be, it would degrade the neighborhood.

CHAD STREET:

No, not be instigated, no, it would be segregating, oh, around here behind the wall, you're, the other side of the wall, it's like labeling folks, and I think that would be segregating, and amongst the groups.

BILL BLACKBURN:

What I noticed, the reason I asked, I noticed the

sort of, the power station is there, and I noticed that apparently there was arrangements there to put that around there to sort of beautify and enhance the appearance and so forth and that's one of the reasons I was asking.

DAVID STONE:

In the bylaws we can't put fences, or privacy fences in front of our homes in the first place. That's just not possible at this time. We each signed, these doctor, we all signed a letter about that. You can't have a privacy fence in front of your home, it was even brought up several times about the little concrete, what do you call those things out in front of your yard, what do you call them? Just off the ground to keep people from driving on your property. Curbs, some people had, some people didn't, I think in the beginning it wasn't intended to be, but to keep, in order to keep people out of your yard, you had to do it. I'm not sure but I think Mary Mayfield and Bob was up there when, one Thanksgiving they had two, three hundred people coming through there, and instead of the guy parking out in front of the house, he drives right up to their front door, so the next day I called the people and had them put me in a curb to keep them off. Made tire, you know, tire marks in my yard just beautiful yard, I worked like the dickens, it's just not, it's just not right for one or two people to decide what's going to happen to a community. We've got, you know, most of these people

haven't been here, what their intent is, but we were certainly like to know, and we certainly didn't intend to invest money in a place where we were going to lose money. You wouldn't do it.

Thank you.

ROSE STREET:

No offense to Chris Chrisman, but how come he didn't know about this meeting and all of us did?

BILL BLACKBURN:

No, I asked Karen a while ago if she thought, I don't know, I'm sure...

ROSE STREET:

I mean, if he thought it was that important, I would think that he would be here, I mean, look at all the people that are here, we took time out of our day to come here and speak up and he's not here. He didn't respect our time enough to show up.

CHAD STREET:

And I canceled, I personally canceled three of my surgeries in the office to be here and probably lost three thousand dollars to be here this afternoon.

BILL BLACKBURN:

Robert did you want to speak again? Did you have your hand up?

BOB MAYFIELD:

No, I think they said it all.

BILL BLACKBURN:

What's the will of the commission?

TIM BELCHER:

I make a motion we go down the list and see. I don't think there's any objections to B, if I'm not mistaken. No one is objecting to B which is what, 6-B from PDMU to R-1 as I understand it.

BILL BLACKBURN:

So objections are to A & C, anything to R-3 is what the objections are against. Alright, Tim has moved that we go ahead and vote on this, is there a second?

PHENIS POTTER:

I'll second.

BILL BLACKBURN:

Phenis has seconded, we'll look at each one of them, first of all we'll look at A, Cedar Creek Redevelopment, Phase 6, Block 6A from PDMU to R-3, any other discussion.

DAVID STONE:

Nothing will be done about this until we know about it, you'll let us know.

BILL BLACKBURN:

We're voting on it right now, we do have the option, I mean, I've thrown this out, you brought up the motion we could table it, of course, but we've made the motion to go ahead and

take action pro or con, we can do that, any other discussion?

Roll call.

JUDY COLEMAN:

Bill Blackburn - No.

John Elliott - No.

Phenis Potter - I'm sorry I didn't understand fully,
for the change?

JUDY COLEMAN:

Yes.

PHENIS POTTER:

Leave it as it is - No.

JUDY COLEMAN:

Rick Gortney - No.

Tim Belcher - No.

BILL BLACKBURN:

Alright, so that's R-3 stands, is not approved for A
there. Move on to B, Cedar Creek development phase 6, Block 6B
from PDMU to R1, any other discussion on this? Roll call.

JUDY COLEMAN:

Bill Blackburn - Yes.

John Elliott - Yes.

Phenis Potter - Yes.

Rick Gortney - Yes.

Tim Belcher - Yes.

BILL BLACKBURN:

Alright, item number C, Cedar Creek Development,
phase 6, Block 6C from PDMU to R-3, any other discussion? Roll
call.

JUDY COLEMAN:

Bill Blackburn - No.
John Elliott - No.
Phenis Potter - No.
Rick Gortney - No.
Tim Belcher - No.

BILL BLACKBURN:

That takes care of the second item of our agenda this evening, folks we thank you for coming, you're welcome to stay for the remainder of the meeting, if you like or you can leave. Thank you for coming.

Consider approval of the subdivision plat for Gannon Estates, located at Meathouse Fork of Johns Creek.

TIM BELCHER:

Can we do that at a special meeting?

BILL BLACKBURN:

As long as they got on the agenda, I think, if they called ahead and got on the agenda, I hope. You need to keep us legal, that'll be your department.

JOHN ELLIOTT:

Was it, he was on the meeting, yes. Joe was on there.

BILL BLACKBURN:

Go ahead, Joe.

JOE ANDERSON:

Yeah, I was here last time, and you do have a

quorum, so anyway, I made it back for this time. This is a subdivision at the request of Danny Gannon, the property owner, he lives in Wellington, Ohio, it's on Meathouse, it's about $\frac{1}{2}$ mile, .6 tenths of a mile, up Meathouse on the left, and Callahan Branch also turns to the left, and there's 24 lots, this subdivision will be at the intersection, on the left, between, at this quadrant of Meathouse and Callahan Branch, there are, if you all want to look at these, I guess that would be best, while I'm talking about it. These two have not been signed, there are 24 lots, 2-4-6-8-10-12 of the lots are 100x100 which is 10,000 square feet, all the others, well the other 12 are greater than that. They have been, of course, there's no zoning in the county, but the Health Department has, has signed these, that he's signed these two copies, those two are not signed, Paul Hopkins, the Public Health Director of the Health Department has signed these as, they have been evaluated and have been reported for preliminary approval, this is their note that they wanted on there. Lots 1 through 24 were found to be provisionally suitable for installation. That means, that when subsequently he sells a lot before any house can be built, they will have to be evaluated again, depending upon the size of the house, the number of the bedrooms, bathrooms or whatever the Health Department requires. But at least for now they have been provisionally approved. The other statement of accuracy there is mine, the very first one,

that is the statement that you all require or at least it was when I did the subdivision some time ago, several years ago. So, I hope that that's acceptable, the owner certification has not been signed yet, he will be here Thursday, he couldn't be here, well the last time that we met or tonight, but he will be here Thursday. And the certificate of approval for recording, of course, is yours. Now, if they decide to go ahead and put septic systems in, as he sells the lots, each owner would have to gain that approval from the Health Department, whatever they want to build. As far as water is concerned, he reali... Mr. Gannon, realizes that there's no way he's going to be selling any of these lots until they get a water system. There's no, it would just not be feasible and wouldn't be a good situation at all, to have each one of these lots with a well. He wants to wait until the water is put in. My conversation with Mountain Water District is, they say, that it has been approved, and may have been started already in this area, if we had a budget, it always come back to that, doesn't it? Well, the State don't have any budget yet, so they can't allocate the funds for this project. But it is in the pipeline, that's good. So, subsequently they will have a water supply system, and that's good, that will be great. The streets are laid out, as you see, the streets right-of-way of each street, 1-2-3-4-5 about 6 streets, 5 streets, I'm sorry, 5 streets and Callahan Branch will provide access to all

the lots, the streets that we laid out would be 30 feet right-of-way and the pavement width is 20 feet. When you can see the typical section there over there on the left. And that calls for 2 inches to the surface, 4 inches DGA, 6 inch stone and base and that's it, I guess, I hope, unless you all have some questions that I...

BILL BLACKBURN:

Questions, is this pretty much, Joe Dean, is this pretty much matches what the county calls for in their regs, the roads and all that.

JOE ANDERSON:

You mean as far as the typical sections and the streets?

BILL BLACKBURN:

Yeah.

JOE ANDERSON:

Right-of-way? Yeah, now the minimum, as I recall, the minimum standards, design standards, is for 16 feet of payment and three feet shoulders, and I would imagine the county, this county accepts whatever the minimum standards that the State has.

JACK SYKES:

I don't know if the county has actually public record, but I just know the right-of-way.

JOE ANDERSON:

I don't think they have a specific.

JUDY COLEMAN:

What's your name sir?

JACK SYKES:

Jack Sykes.

JOE ANDERSON:

Before a place in the county, I think 30 foot right-of-way for a street, is good. And there's also room on either side, on both sides, for the utilities, should they, when, when they are ever placed, put in. There is one power pole, actually there's two power poles that are located within the lot locations there, one there and there, as it turned out very close to the boundary line between lots 5 and 6 and then there's one on up on Callahan Branch that the, base of the hill, actually that power pole 1108-60 is right at the, oh about $\frac{1}{2}$ way up the sl...no I think it's about near the top of the slope for that one. But anyway this would be a nice subdivision for out in the county and because there's not too many flat places out in the county where we can arrange to have one, so I think Mr. Gannon made a wise decision, he wants to have a nice neighborhood.

BILL BLACKBURN:

Normally on these subdivisions out in the county, have we, have you mentioned Jack, you've got the road

commissioner to sign off.

JACK SYKES:

To the one that we did, you all approved a contingent upon the county road commissioner signing off on it as well as the Health Department, so...

BILL BLACKBURN:

Is there any problem with that Joe Dean?

JOE ANDERSON:

No, absolutely none. And I'll just add something else here too. I think, and I'll find out about this Thursday, when Mr. Gannon shows up, he has been exploring some regulations too, subdivision regulations that he wants to apply, some he wants to control it in some way. As far as the dimensions on setback, front, rear and side dimensions and having no zoning, I don't know if whether he would want to apply the same regulations that the City has or not, but hey, as far as the dimensions, he may. And of course the Health Department has their requirements relative to the size of the house and all, so, but he will, I think he will have some sub, some regulations there.

BILL BLACKBURN:

What's the will of the commission?

TIM BELCHER:

I move to approve the plat.

BILL BLACKBURN:

It's moved that, by Tim Belcher, that we approve the plat as we receive it, now this is subject to the road commissioner and these other signatures signing off first, Mr. Gannon will then sign off last, Joe Dean that's agreeable and is there a second?

JOHN ELLIOTT:

I'll second.

BILL BLACKBURN:

John, I think, beat you Phenis, John Elliott second it and roll call.

JUDY COLEMAN:

Bill Blackburn - Yes.

John Elliott - Yes.

Phenis Potter - Yes.

Rick Gortney - I must sustain due to personal contracts for this.

Tim Belcher - Yes.

BILL BLACKBURN:

Let's see, do we need to keep a copy right now, you just let Karen keep a copy.

JOE ANDERSON:

As a matter of fact, I can take that one and get Mr. Gannon to sign it as well, but that's okay, he can sign one of these.

BILL BLACKBURN:

Whenever you get the other signatures on there, then

we'll, Karen will call me and I'll come down and sign it.

JOE ANDERSON:

Let me ask you this, how many copies do you need for the record, one?

BILL BLACKBURN:

One, at least one.

JOE ANDERSON:

Okay, well that's okay then Karen, keep that, and I can....I'll bring this back and give it to Karen

BILL BLACKBURN:

We'll need, I guess, a copy of everything signed, won't we.

KAREN HARRIS:

Yes.

JOE ANDERSON:

Okay, what about the road foreman, do they require a specific statement Jack? Do they have....?

JACK SYKES:

No, I just prepared one and they accepted it, Briggs accepted it, and the County system with the standard in particular were suitable from that, I can give you that language if you want to copy one.

JOE ANDERSON:

Okay, that's fine. Okay and that would be who?

Frank...

JACK SYKES:

Frank Hatcher.

BILL BLACKBURN:

Thank you, Joe Dean.

JOE ANDERSON:

Thank you all.

BILL BLACKBURN:

Appreciate, you let Mr. Gannon know we appreciate him doing things the right way, coming before the commission.

JOE ANDERSON:

Now, I hope I can get to my grandson's flag football game.

BILL BLACKBURN:

And Phenix is ready for revival, so we're going to have to get rolling here. Next item is to consider approval of a minor subdivision application for Edgewater Development.

JACK SYKES:

I have just a real simple request. Jack Sykes of Summit Engineering, a couple good gentlemen to help me roll, see what I'm talking about. We have a 53 lot subdivision on the hill here above Lover's Leap and we have 2 non build able tracts that we want to sell to one of the adjacent property owners, the tract in blue there we would like to sell that to Jamie Hamilton who

owns lot 53, and he's already developed a driveway across with our permission so it's about 7/10ths about 7 hundredths of an acre if I remember, very small tract of property, non build able, just sell it to Mr. Hamilton to go along with his lot 53, the other tract property, shown in yellow there, we'd like to sell to Mr. Bob Branham, who has bought the property immediately behind that property and intends to come back to you in the future with a proposal to lot 3 subdivision lots incorporating that property with his property, it just gives him access to the road and utilities and so on, so two non build able lots, one of which you'll see again when Mr. Branham brings his plat and I just request permission to subdivide that little piece of property, that was a sliver off the subdivision we couldn't use otherwise.

BILL BLACKBURN:

What's the will of the commission?

JOHN ELLIOTT:

So moved.

TIM BELCHER:

Second.

BILL BLACKBURN:

John Elliott moved, Tim Belcher second. Any other discussion, if not, roll call.

JUDY COLEMAN:

Bill Blackburn - Abstain.
John Elliott - Yes.

Phenis Potter - Yes.
Rick Gortney - Yes.
Tim Belcher - Yes.

BILL BLACKBURN:

Any other items?

JACK SYKES:

When we bring this back, who will give the signature to the original document?

BILL BLACKBURN:

Rick Gortney or myself, either one, just let Karen know and I'll come down and sign it or whatever, or Rick can, or whoever.

JACK SYKES:

Thank you, Bill.

BILL BLACKBURN:

Thank you all. Any other items? Is there a motion for adjournment?

JOHN ELLIOTT:

I move.

BILL BLACKBURN:

A motion is made, all in favor, say, let's get out

of here.

COLLECTIVELY:

Let's get out of here.

JOINT PLANNING COMMISSION

Pikeville, Elkhorn City, & Pike County

P O BOX 412
PIKEVILLE, KY. 41502

NOTICE OF SPECIAL MEETING

TO: BILL BLACKBURN
JOHN ELLIOTT
TIVIS BRANHAM
REED POTTER
PHENIS POTTER
DAVID SANDERS
RICK GORTNEY
TIM BELCHER
RICHARD SALYERS

NEWS MEDIA

YOU ARE HEREBY NOTIFIED THAT THE PIKEVILLE, ELKHORN CITY, & PIKE COUNTY JOINT PLANNING COMMISSION, IS CALLED TO MEET IN A SPECIAL SESSION ON OCTOBER 26, 2004 AT 4:30 P.M. THE MEETING WILL BE HELD IN THE CITY HALL PUBLIC MEETING ROOM, 118 COLLEGE STREET, PIKEVILLE, KENTUCKY, FOR THE FOLLOWING PURPOSES:

1. TO CONSIDER APPLICATION FROM EAST KENTUCKY NETWORK, LLC, d/b/a APPALACHIAN WIRELESS, TO CONSTRUCT, MAINTAIN AND OPERATE A WIRELESS COMMUNICATIONS FACILITY ON PROPERTY LOCATED AT PEACH ORCHARD HILL.
2. TO CONSIDER REQUEST FOR THE FOLLOWING ZONING RECLASSIFICATIONS:
 - A. CEDAR CREEK DEVELOPMENT-PHASE VI-BLOCK 6A FROM PD-MU TO R-3
 - B. CEDAR CREEK DEVELOPMENT-PHASE VI-BLOCK 6B FROM PD-MU TO R-1
 - C. CEDAR CREEK DEVELOPMENT-PHASE VI-BLOCK 6C FROM PD-MU TO R-3
3. CONSIDER APPROVAL OF A SUBDIVISION PLAT FOR GANNON ESTATES, LOCATED AT MEATHOUSE FORK OF JOHNS CREEK

668 Cedar Creek Road
Pikeville, KY 41501

October 23, 2004

Joint Planning Commission
Pikeville City Hall
118 College Street
Pikeville, KY 41501

SUBJECT: Request for Zoning Reclassification
Kentucky State Route 1384 - Portion of Cedar Creek Road

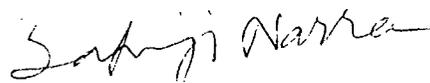
Gentlemen:

Because of a prior commitment, I regret that I cannot attend the meeting scheduled for Tuesday, October 26th at the hour of 4:30 p.m. on the above subject.

I would like to state, however, that rental property is very bad for a community such as ours. We all have substantial investments and a high degree of community pride. If rental units are built it will change the entire character of the community. Rental units are not maintained like privately owned properties; renters have no investments in the property and come and go at random.

I respectfully ask you to encourage Mr. Chrisman to withdraw his request and look elsewhere for a more suitable location to build the rental units.

Very truly yours,



B. Narra, M.D.