

JOINT PLANNING COMMISSION

PUBLIC HEARING

held in

PIKEVILLE, KENTUCKY

on

MARCH 24, 1998



JUDY ANN ISON
REGISTERED PROFESSIONAL REPORTER
PIKEVILLE, KY 41501
PHONE: 432-5731 OR 432-3691



A public hearing was held pursuant to Notice file conducted by the Joint Planning Commission on Tuesday, March 24, 1998, at 6:30 P.M., in Pikeville, Kentucky.

APPEARANCES:

Joint Planning Commission members present were: Leon Huffman, Chairman, and Phenis Potter.

Hon. Richard Elswick, Attorney at Law, Pikeville, Kentucky, present in person, and representing Joint Planning Commission.

MR. HUFFMAN:

The purpose of our meeting tonight is to consider two zoning changes. The first one on the agenda concerns 11.23 acre tract of property owned by First Quarter Holdings located between the Super 8 Motel and the Keel Addition--(you probably can't see it but it's outlined in yellow on this little small map)-- to change the zoning from R-1 to C-2 and I

think most of you or part of you have picked up a Pikeville Zoning thing that tells you what can go in C-2 or C-1 and C-2 too and I guess first we'll hear from the owners of the property.

MR. JIM HARRIS:

My name is Jim Harris. I'm one of the owners of the property. I also own an interest in the Super 8 Motel that's adjacent to the property.

Our plans are to develop both of these tracts together and our plans include a mixture of restaurant sites and retail places. We figure this is going to take two to three years to properly complete this development. When we're done with it we think we will add a significant tax base to the area and also be providing a good number of jobs which should be a help to everybody. We hope that everybody supports this. We hope that everybody will support the zoning change.

I will be glad to answer any questions anybody has. Yes, sir.

MR. GOBEL NEWSOME:

I'm sorry -- I'm going to have to leave that's why I want to talk.

MR. HARRIS:

Pardon me, sir?

MR. NEWSOME:

I'm going to have to leave in a few minutes and that's why I wanted to speak first. My only concern is this--

MR. HUFFMAN:

Wait a minute; let him get through and then we'll give you the opportunity in a minute.

MR. HARRIS:

I believe, Mr. Huffman, that's probably about all I have to say.

MR. HUFFMAN:

One other thing, too, I have passed around a sheet of paper or it's being passed around and I would appreciate all of you

signing it. And now we'll recognize you.
State your name so we'll know who's speaking.

MR. GOBEL NEWSOME:

Gobel Newsome, I live adjacent to the property; I own a residence there and my concern is we have a storm drainage system in there that was put in and doing a good job. However, it goes into the riverbed and it's already been washed out once. I noticed you all had to do an elevation survey down there which you'll probably have to do some filling to bring it above the flood plan. My question is for the City or somebody to try to get something put on our storm drainage where it won't come back in on us. If you're going to fill it in and block us off we need that storm drainage -- all it needs is a gate on it.

MR. HARRIS:

We'll be glad to work with the City or whoever the people are we need to do this; we certainly want to do what is best for our property. Exactly what you're speaking to there I really would have to investigate that a

little further to tell you exactly what we can and can't do.

MR. NEWSOME:

My question will probably have to come up with the City anyway to see what they say.

MR. HUFFMAN:

Thank you. Who's next? State your name, please.

REV. STEPHEN F. GALLENSTEIN:

I'm pastor of the Catholic Church, St. Francis from here in town; we run a school out there on Bryan Street. While I don't have any personal objection to the development of this property I have a concern that in the development of the property does it plan to open Bryan Street from the bridge down to the existing Bryan Street which cut across our property which serves as a playground for our children and I would object to that.

MR. HUFFMAN:

Anybody else? Thank you.

DENNIS ROHRER:

Jim Harris and I talked about this particular street involved here and both agreed that that street did not need to go through there as far as for his development and we wish at St. Francis or St. Francis would wish that not even consider that development or the street leading to that point. So that's one of the things I guess we have agreed on at this point.

MR. HARRIS:

Some people have come to us originally and asked us if we would be interested in donating a right-of-way and essentially what we had told them is yes, we would do that if it's the interest of the community, if the community wanted a right-of-way to connect Bryan Street with our roads over in that area. It's certainly not something that's critical to what we want. It's doesn't matter to me whether we connect Bryan Street

with these roads coming out or not. I don't care. So that's not an issue. Basically if you want one we'll certainly grant the right-of-way, but it's not something that is critical to what we're doing. So if your wishes are to say no then certainly I will comply with that and have no prejudice one way or the other with that matter.

MR. ROHRER:

I guess I would just like to make sure that that stated or agreed upon that that street would not go through there.

MR. HUFFMAN:

Thank you. Jerry.

MR. JERRY KANNEY:

My name is Jerry Kanney; I'm with St. Francis Church and School also and I would like to ask Jim -- I didn't realize that taverns were possibly included in C-2 and St. Francis School is there. So I would have a concern as to if a tavern were to open in that area that the proximity to the school would

have to be far enough away that it would not cause people to come over into the school area. I want to make sure that there would be a barrier, which I think you agree too, and stay as far as possible away from the school.

MR. HARRIS:

We have talked about putting in a row of pine trees down between the Keel Addition and our development and we are, of course, agreeable to do that. They will certainly segregate Keel Addition from what we are doing over there and will block the view of everybody else.

We have no plans to put a tavern or anything like that over or near the Catholic School at this time. Basically what we're looking for is we are looking for restaurants out there and some of those restaurants may serve, you know, something as far as their menu as do most steak houses and restaurants like Applebee's and those kind of things do, but essentially that's the kind of thing we're talking about; not a tavern as such.

MR. KANNEY:

I would just like to make sure the Zoning Commission is aware of whatever the statewide or regional requirements there are for that to keep that a distance away and I'm sure Jim wouldn't want to do that either since he has nephews going out there but I want to make it official and put it in the record that -- would you have any objection to that?

MR. HARRIS:

You are right. Our plans right now are to have retail over there near the school; that's what are plans are. Anything of that sort will be in that corner, As far as to how this all will change, how we're going to set the buildings and stuff up, that's up for question right now. But there's no plans to put in anything like you're talking about over near the Catholic School.

MR. KANNEY:

You might sell to somebody else at some point.

MR. HARRIS:

It's possible.

MR. KANNEY:

I just wanted to address that. By the way, I personally am very supportive of the change in the zoning. I think it would be real good for jobs creation and building of tax base and for the development of the entire region.

MR. HUFFMAN:

Anybody else?

MRS. BARBARA WILLIAMS:

I've got a question to ask to you, Mr. Chairman. C-1, a neighborhood commercial district; you are basically in a neighborhood. You have Quail Ridge on the hill across from you. You have the Keel Addition and whatever that other addition is. What is the advantage? You are in a neighborhood situation on one-half versus a highway but there's no highway unless you consider Thompson Road a highway.

MR. HARRIS:

Ma'am, as far as what specifically you are allowed in C-1 versus C-2 -- C-2 is to my understanding is the zone designation at the motel; I think that's what Lowe's has; that's what Goody's has; that's what Wal-Mart has and we're looking for the same designation that those things have is what we're looking for. I think basically we are hoping to put maybe a department type store out there and in order to do that I believe that has to be a C-2 but I'm not certain of that.

MRS. WILLIAMS:

I was just wondering why you people want C-2 versus C-1?

MR. HARRIS:

Based on my limited knowledge I'm telling you the best I know.

MR. HUFFMAN:

Anybody else?

MR. JOHN PAUL RUNYON:

Leon, I have one question.

MR. HUFFMAN:

State your name please for the
record.

MR. RUNYON:

John Paul Runyon. Is there
already access from the Cassidy Boulevard into
this property or do you have to use the
Thompson Road?

MR. HARRIS:

Well, John Paul, right now we
don't have that access. We've been working
with the City and some of the other property
owners and we're hopeful that sometime in the
near future we'll be able to obtain an access
to Cassidy Boulevard, but right now we do not
have that, sir.

MR. RUNYON:

So any development there would
have to use the Thompson Road?

MR. HARRIS:

Well, we're hopeful that we will not have to utilize that; we're hopeful we will get access--

MR. RUNYON:

But that's just pure speculation though.

MR. HARRIS:

That's correct.

MR. RUNYON:

That's not nailed down at this time as I understand it.

MR. HARRIS:

I do not have the access at this time. I hope we will have. In order for this development to go to the fruition we probably need that access to Cassidy Boulevard, sir.

MR. RUNYON:

I'm sure you've driven that access several times; a lot of people in this room

probably know it. I sold a couple of the best lots in the Bowles Addition to get out of that place and get over to where I am to avoid people pollution and increased traffic and commercialization and so forth. I think there has to be a limit in a small rural community like this as just how much commercialization and where it goes.

You may not be aware, Jim, but at one time Mayor Hambley wanted to put the coal loading ramps over there and--

MR. HARRIS:

No, I'm not aware.

MR. RUNYON:

And we resisted that, not in this room but in the old City Hall. I just think there's a limit on how much traffic and as this thing says it's to increase the amount of traffic in this zone; that's one of the specific purposes. Have you all given any thought or consideration to building your own bridge?

MR. HARRIS:

The cost of that, John Paul, probably would be beyond our ability to do that economically and develop this property.

MR. RUNYON:

Do you concede that there is a limit to the traffic that that one bridge will accommodate?

MR. HARRIS:

I think the bridge as it's designed can certainly accommodate the traffic it has plus what we have planned for our development based on what we have been about to find out there shouldn't be any problem with that.

MR. RUNYON:

That's all.

MR. HUFFMAN:

Thank you. Anybody else?

MRS. DORIS SCOTT:

Yes, I'd like -- my name is Doris

Scott and I live in the Keel Addition also. And I understand that maybe in the future the property between Keel and Pauley may also have their zones changed for commercial or whatever and in that case and with all that tied in together it's even going to make it worse on traffic and so on and so forth. Would it be feasible then to build a bridge?

MR. HUFFMAN:

We don't have the property between the Keel Addition and the Pauley Addition to deal with right now.

MRS. SCOTT:

Yeah, I know but it's going to come up--

MR. HUFFMAN:

But that is a possibility. You're talking about the Justice property?

MRS. SCOTT:

Yeah.

MR. HUFFMAN:

That is a possibility but it's also -- I guess it's residential, R-1 on each side of it. It might be a little harder for that one, but that's my own personal opinion.

MRS. JEAN CHARLES-DANIEL:

I have a question. My name is Jean Charles-Daniel and own property adjacent to the property that we're here about tonight and one of my questions is when you are going to develop that property and put your fill in just how much fill are you going to be putting in next to our property?

MR. HARRIS:

There's not a lot of fill -- a little bit but not a lot.

MRS. CHARLES-DANIEL:

Because we were concerned about the water being dumped over onto our property?

MR. HARRIS:

No, we would not allow that to

happen. We are aware that when we fill we are certainly going to provide proper drainage for the whole area so that it drains properly; that's in our plans. There is some fill that slopes in the middle, a lot of it has to be brought up, but there's not a tremendous amount of fill. This property is probably within two to three feet of where it needs to be right now and maybe even closer than that and, again, I've not really looked at it that closely but there's not a tremendous amount of fill.

MRS. CHARLES-DANIEL:

And I likewise would have the same consideration that the Catholic Church has about a tavern being close to our residential property or a restaurant, you know, that would get a little rambunctious, you know, in our neighborhood.

MR. HARRIS:

Ma'am, the kind of -- we have no plans for a tavern; I can state that emphatically now. We do have plans for restaurants and I think all you people know

about what type of restaurants I'm referring to. Some of those restaurants do serve as part of their menu -- they serve beer and they may serve a mixed drink; it's a very small part of what they do; it's not the typical tavern. That's the only kind of think we would have. In order to get those kinds of restaurants to come in this area they will probably require that they be able to do that kind of stuff. In order to attract them that's what we would have to have. There is no plans for any kind of tavern, dance hall or anything like that; that's not in our plans.

MRS. JEANETTE SCOTT:

My name is Jeanette Scott; there could be a time that you would sell the property to someone who would put in a tavern?

MR. HARRIS:

Ma'am, what the future holds, I don't know. We do plan on trying to sell some of the lots off. A lot of those we will retain possession of and properly lease. There will

be a few that we will probably sell and so, yes, there will be some of those that will be sold.

REV. GALLENSTEIN:

What are the state regulations in terms of the nearness of say a tavern even though you say that's not in the plans to a school facility? Is it so many feet away?

MR. HARRIS:

I'm sure there is. I don't know - - I don't have that information. Perhaps some of these people could respond to that. I don't know.

MR. HUFFMAN:

Anybody else?

MR. MICHAEL FLEET JOHNSON:

Mr. Huffman, I'm Michael Johnson. I live at Quail Ridge. This also allows for a planned unit development. What is that?

MR. HUFFMAN:

Where?

MR. JOHNSON:

Under C-2 under "conditional
permitted uses - a planned unit development".

MR. HUFFMAN:

Where are you looking at?

MR. JOHNSON:

Subparagraph 2 or -- excuse me, C
number 4, Page 92.

MR. HUFFMAN:

Planned unit development?

MR. JOHNSON:

Pardon?

MR. HUFFMAN:

Did you say "planned unit"?

MR. JOHNSON:

Yes, "planned unit development -

commercial"; is that condominiums, apartments, hotels, or what is that?

MR. HUFFMAN:

That's a condition of permits -- that's a conditional use permit in C-3.

MR. LEVY GREEN:

This may answer your question (handing code book to Mr. Johnson).

MR. JOHNSON:

Oh, good. Provides office park and RV parks, recreational vehicle parks.

MR. HUFFMAN:

If he had a planned unit development it would have to be submitted to the Board of Zoning Adjustment I guess or maybe back to the Planning Commission.

MR. JOHNSON:

This is no reflection on Mr. Harris but one of the problems that we have over there now is not so much for me as it is

for those who live at the bottom, the main bottom of Quail Ridge, is the odor that they are subjected to from the Winn Dixie garbage, the old food; they've got all plastic trash bags, they all blow over; I see them in Mr. Sykes' yard, Dr. Adkins' yard. You see an occasional rodent scurry across the street getting back to his trash bin. Of course, we are bottlenecked with the Wal-Mart traffic and the area is about to a point where it's about maximized it's vehicle traffic.

We run a gauntlet to get home in the evening. It's not too bad in the morning, and for those who pick their children up at the Catholic School I feel sorry for them about 3 or 3:30, but it's becoming quite congested. Those who used to walk the road for exercise I don't see them out there anymore and you get the Styrofoam cups and McDonald's bags that they toss out on the way in in the evening and it's getting pretty trashy.

I don't know what the City can do. I've noticed that there are two sets of power lines, one on each side of the roadway, and I don't know why. I don't know if one set is

dead and one is alive or if they are both alive. I don't know, but at least the City should consider (this has nothing to do with Mr. Harris) putting some sort of a blinder or a buffer in-between what is already there and those of us who live on the other side. That would help us immensely.

MR. HUFFMAN:

You're talking about between the Keel Addition?

MR. JOHNSON:

No, between Quail Ridge and the Winn Dixie/Lowe's area. There's two sets of power lines that go down through there. I don't know if they're both alive. I've never understood why there was one set on each side of the road. Do you know what I'm talking about over there?

MR. HUFFMAN:

No. Jack's the City Engineer; he might be able to answer that.

MR. JACK SYKES:

The city required us -- or the railroad required us five years ago to approve a repair--

MR. JOHNSON:

So they must be using them. I don't know how you go about it but have some kind of a blinder or buffer wall but something is needed especially for those people who live at the bottom; it's pretty rough on them.

MR. HUFFMAN:

Between Lowe's?

MR. JOHNSON:

Between Lowe's and Winn Dixie and Quail Ridge; and then what Mr. Harris' proposed project will do is simply move it on down the street and it will be needed there as well but what we--

MR. HUFFMAN:

You're talking about the part behind Lowe's and Winn Dixie?

MR. JOHNSON:

Yes, sir.

MR. HUFFMAN:

That part is not in the public hearing right now but I thought sometime ago, Jack, the developers of that property were supposed to do something in the back so it wouldn't be so visible.

MR. SYKES:

I don't remember any agreement on that, Mr. Huffman.

MR. HUFFMAN:

The original developer. It might have been with them. I guess it was with the former developers of the mall. We had a buffer between the mall and the other side of the road and the hillside but it probably wasn't addressed in the Lowe's project.

MR. JOHNSON:

But if Mr. Harris' project goes

through we're going to get to see the rear-end
of an Applebee's --

MR. HUFFMAN:

Somebody with the City ought to
address that with them.

MR. JOHNSON:

We're going to have to look at
their trash can too so something needs to be
put there -- like Mr. Harris suggested, a pine
tree buffer for the Keel Addition -- do the
same thing on the backside.

MR. HUFFMAN:

Oh. When the developers come back
to finish that we'll talk to them about that.

MR. JOHNSON:

Okay, that's one of the problems
we have now.

MR. HUFFMAN:

Anybody else.

MRS. BARBARA WILLIAMS:

I have another concern. It seems that in this town we're littered with poor planned shopping centers; we have strip malls here and strip malls there and there's no rhyme or reason and we're taking this area of however many acres and we're just letting it -- I'm tired of having strip malls everywhere. We have lots of junk and nothing substantial. It blocks the streets and lots of garbage. I would like to see if it does become rezoned that there should be some sort of restraints put as to the development of this and not just be able to let people put whatever they want to put. I mean we could have an RV park next to an Applebee's, next to a bowling alley, and I just think that there needs to be some sort of a plan for that area, for the development.

MR. HARRIS:

Ma'am, in our plans we do not have an RV park or anything like that planned in what we have.

MRS. WILLIAMS:

I understand that, Jim, but what I'm saying is we have lots of little stores everywhere and I would love to see a nice shopping -- like one of your reasons for not being C-1 or C-2 is that you can put a department store in. Well, gosh, I'd love to see a McAlpin's and so would half of Eastern Kentucky. I mean you go down to the mall and that's what you see but I don't see that. I see an Applebee's here and perhaps a C & H Rauch here and Rent-to-Own Furniture Store somewhere else and we've got enough of those. I just think if we're going to develop and we're going to give our residential area up we need to give it for something that a rhyme and reason to it.

MR. HARRIS:

Ma'am, we're going to probably plan as an elaborate development as we can that economics will allow us to do. I mean that's basically what it all boils down to. It boils down to what we can do in this area and make a profit. We think we can do this pretty nice

but really at this point I can't share with you specifically what is going to go in there. To the best of my ability it will be something I think everybody would probably want to have.

MR. HUFFMAN:

We had one of the major mall developers who proposed to develop a mall down there originally and I guess they decided it wasn't feasible to do so, at least they didn't do it and they had about so many millions of dollars of UGAG grants to develop it with. The first one we had I guess was John Waits who had a ground breaking and we turned a lot of balloons loose that flew up in the air all over the place. I was at that but the last one I believe was out of Indianapolis and it never developed. I guess in order to develop a mall you've got to have a developer who will develop it and it would be nice to have an inside mall.

MR. RUNYON:

Is there any truth to the rumor that some people are advocating the civic

center below Wal-Mart? And if that happens to be a true rumor--

MR. HUFFMAN:

That's not on the agenda tonight, John Paul, but I'll talk to you afterward about that.

MR. RUNYON:

The reason I asked about that is it were to be there--

MR. HUFFMAN:

There is plans to develop a convention in the county, I guess, in the City of Pikeville and I have been told that the Governor wants it downtown but I'll be honest with you as far as I'm concerned that the only place to put it is on the the 20 acres that the City owns below Wal-Mart and purchase probably some additional property to go with it. But now that may not happen but that's just my own personal opinion and it it created a hazard probably we could build a bridge across the river directly into the center.

REV. GALLENSTEIN:

Steve Gallenstein again. When a bridge is constructed is it engineered to accommodate a certain number of cars per day? And, if so, what is the bridge designed for there at Wal-Mart to accommodate--what is the traffic pattern now?

MR. HUFFMAN:

The bridge that we have there right now unless I'm wrong was originally, and, Jack, you correct me on this if I'm wrong, was originally designed to take care of the traffic into a mall with a four-lane highway running from the bridge out to Thompson Road and the bridge that's there is designed to take care of what traffic would be over there from any direction but the road going into it may not be adequate to take care of the traffic but originally unless I'm wrong it was designed to take care of the traffic and it's so designed. I've been to Wal-Mart a number of times; of course I haven't been over there in the rush hour--at 5 o'clock. I've come up the highway in the rush hour at 5 o'clock and I don't

believe after you got the traffic partially straightened out from the original one I don't believe that you've had the problem that you thought you were going to have, after you got that section of it straightened out -- you had problems before that could be done. But originally it was supposed to be four-lane down to Thompson Road; it never got built that way, but that's a problem that the City will have to address.

Anybody else?

MR. PHILIP SYKES:

Philip Sykes, Quail Ridge. Two of my concerns have already been voiced by Michael and by John Paul. I just want to expound upon it by saying that I am certainly concerned about the traffic over there. I've been over in Quail Ridge since '85; I've seen a lot of growth and that's to be expected; it's a beautiful flat area but I'm really concerned about the traffic on the Thompson's Branch Road -- it's really, really increased. You could used to get out there and walk or ride your bike and your kids could and now with the

people coming into the Super 8 Motel it's a big concern of mine and I would like to know why they can't come from Cassidy Boulevard there at that Lowe's and access it that way; what is the problem there?

MR. HUFFMAN:

I guess there's a lot of other people that would like to know that, too.

MR. SYKES:

I mean I'm just curious.

MR. HUFFMAN:

That may happen; I don't know.

MR. SYKES:

The dumpsters and all that are a concern of mine too.

MR. HUFFMAN:

Thank you.

MR. KANNEY:

Jerry Kanney again. I used to

live in the Pauley Addition and traffic has increased with Wal-Mart being out on Thompson Road. I think it would behoove the City to plan at the entrance of Thompson Road by the entrance to the Motel possibly is to widen that so that there would be a left turn lane in there so as not to impede the flow of traffic because you're liable to get held up by people coming on Thompson Road if there is to be other development in there.

MR. HUFFMAN:

I'm sure the City Engineer is listening to you back there.

MR. KANNEY:

That's why I said that.

MR. HUFFMAN:

Anybody else? If not, that will complete--

REV. GALLENSTEIN:

Is this meeting tonight to either approve or disapprove the zoning request

to C-2?

MR. HUFFMAN:

After we get through the Commission will discuss it, yes, and chances are we'll either approve it or not approve it.

MR. JOHNSON:

Leon, who are the commissioners?

MR. HUFFMAN:

Who are what?

MR. JOHNSON:

Who all are involved in approving or disapproving this?

MR. HUFFMAN:

Well, I guess officially there's five right now or maybe six but legally we have nine but there's three of them that never have attended or been even sworn in yet.

MR. JOHNSON:

Who are the ones that are
involved?

MR. HUFFMAN:

Who are the ones? You'll have to
let me read them off so I won't make a mistake.

MR. JOHNSON:

Why aren't they here?

MR. HUFFMAN:

Leon Huffman, Phenis Potter, David
Senters, Nick Marinaro, Denver Bailey, Johnny
Stewart, Richard Elswick, and Roland Case.

MR. JOHNSON:

Excuse me -- Mr. Huffman--

MR. HUFFMAN:

That makes nine.

MR. JOHNSON:

What is this tonight?

MR. HUFFMAN:

Do what?

MR. JOHNSON:

What is this tonight? I mean what are we -- I'm confused on procedure.

MR. HUFFMAN:

You're confused on it?

MR. JOHNSON:

Yes, sir.

MR. HUFFMAN:

The Commission will consider what has been said here tonight and they'll make their decision as a recommendation to the City one way or the other.

MR. RUNYON:

Let me ask a question. Do I understand that the Zoning Board meets at public gathering and makes a recommendation to the Commission?

MR. HUFFMAN:

Yes.

MR. RUNYON:

Well, is there a quorum of the
Zoning Board here?

MR. HUFFMAN:

Do what?

MR. RUNYON:

Is there a quorum?

MR. HUFFMAN:

There may not be; I don't know
yet.

MR. RUNYON:

How does the Zoning Board--

MR. HUFFMAN:

Our meeting is not supposed to be
until 7:30.

MR. RUNYON:

The Zoning Board meeting?

MR. HUFFMAN:

Yeah. We've got another public hearing we've got to do tonight.

MR. RUNYON:

What I'm trying to find out, Leon, is what kind of meeting without a quorum are we having?

MR. HUFFMAN:

Well, you don't have to have a quorum to have a public hearing.

MR. RUNYON:

You have to have some members of the Board, don't you, at least present?

MR. HUFFMAN:

We have a member, the Chairman of the Board, and I'm Secretary.

MR. RUNYON:

Is that standard practice to have two out of the nine?

MR. HUFFMAN:

You don't have to have a quorum to have a public hearing. You have to have a quorum to act upon a public hearing.

REV. GALLENSTEIN:

I think the concern is that two out of nine hearing the concerns--

MR. HUFFMAN:

We may not have a quorum but everyone has been noticed, when it comes time-- we don't meet until 7:30, but we've got another public hearing.

REV. GALLENSTEIN:

I'm not concerned about that; I'm concerned that you and the say the Chairman have heard the concern of the citizens and nobody else on the Commission has.

MR. HUFFMAN:

Well, Phenis Potter is here. He's
a member of the Commission also.

REV. GALLENSTEIN:

Well, three.

MR. HUFFMAN:

But they may all be here by 7:30.

REV. GALLENSTEIN:

True, true. But that's still not
my concern. My concern is for the last half
hour you have very graciously listened to the
concerns of the concerned citizenship and you
three will cast a vote on that but the other
six who may or may not be here will cast a vote
without hearing the concerns.

MR. HUFFMAN:

Well, we may not do that.

REV. GALLENSTEIN:

You may not do that.

MR. HUFFMAN:

Whatever our recommendations is a transcript of this hearing will go to the City Commissioners. They'll know every word that's been said tonight.

MR. RUNYON:

I'm still confused like he is.
You've got three members of the Zoning Board?

MR. HUFFMAN:

Do what?

MR. RUNYON:

You've only got three members of the Zoning Board here?

MR. HUFFMAN:

That's all we have right now, John Paul, yes.

MR. RUNYON:

But you all presume to make a recommendation to the Commission without the

other Board Members being notified or advised
or--

MR. HUFFMAN:

They've been notified.

MR. RUNYON:

I'm talking about what this group
said.

MR. HUFFMAN:

Well--

MR. RUNYON:

You know how we lawyers are; we
like for things to be done as near right as
possible.

MR. JOHNSON:

Richard remembers every word that
was said--

MR. RICHARD ELSWICK:

That's why Judy prepares a
transcript of these meetings. Now there may

not be a quorum of the Planning Commission here this evening but the members of the Planning Commission are provided with a transcript of the public hearing. Whenever the Planning Commission meets to vote to make a recommendation to the City we presume that those who are not here to hear it in person will have read the transcript. Which means to say that there will probably not be a vote tonight one way or the other on it. But I understand the concern that you have with someone voting on a proposition that they they're not really informed on.

MR. JOHNNY SANDERS:

It sounds a whole lot like our state legislature, don't it?

MR. HUFFMAN:

Does anybody else have any questions? If not, we need to go to the other one.

DR. HARRY ALTMAN:

May I say something, Leon; I got
here late.

MR. HUFFMAN:

Go ahead.

DR. ALTMAN:

For the record, I'm Harry Altman.
I've lived on Quail Ridge since shortly after
its inception. My children and grandchildren
have gone to St. Francis School. I am
concerned also about the amount of traffic over
there. I'm even more concerned the amount of
traffic that any future development would bring
as it effects the school and the safety of the
school children. I would like to see these
buffer zones both for Quail Ridge and for the
Keel Addition and the Pauley Addition and the
School. I'd hate to see Bryan Street become a
through street. That would absolutely destroy
the school. Thank you.

MR. HUFFMAN:

I agree with you on the buffer zones. I have driven down Thompson Road a week or so ago and I would be upset seeing what's in the back of Lowe's and what's in the back of Winn Dixie down there. There needs to be some kind of buffer zone between that and the road. They may be able to talk to them and they do something about it; I don't know. But originally the mall developers were going to do that.

Any other questions on this one. If not, we're going to have to move to the other one.

MR. KANNEY:

Is this an all or none?

MR. HUFFMAN:

Pardon?

MR. KANNEY:

Will the Commission approve it say subject to Bryan Street not going through, subject to no taverns in the area--

MR. HUFFMAN:

I don't know what the Commission will do, Jerry.

MR. KANNEY:

I mean it could be a conditional proof to support both commercial interest development and the residential concerns?

MR. HUFFMAN:

I don't know what we'll do; I may be able to tell you what I'd do but I'd be the only one.

MR. KANNEY:

One other question about the buffer zone -- I assume that, Jim, you own the land as well to the road -- Thompson Road?

MR. HARRIS:

We do.

MR. KANNEY:

What happens if a buffer zone is

needed, will there be some land provided for that to be built properly?

MR. HARRIS:

If we need to put a row of trees down through there, we can. Our plans as we have them envisioned now does not include any restaurants brought up against Thompson Road. I mean that's basically as far as I can tell you at this point. If we're able to obtain our access that we are hoping to get and I think we will need to get in order to make this development happen, if we're able to do that then a lot of your concerns as far as traffic on Thompson Road are going to be cured and essentially it shouldn't hamper the traffic flow in that area; it ought to improve it.

MR. KANNEY:

I would also assume though that if you cannot get the access that land would be provided to widen the road to make it--

MR. HARRIS:

Yes, sir, that's our agreement;
there will be no problem with that.

MR. HUFFMAN:

Anybody else? If not we are going
to consider the public hearing on Item 1 closed
and move to Item 2.

Rusty, you're here. You can stay
around and listen to it if you want to or you
can do whatever you want to. We don't have
very many here on it but we've got to consider
it anyway.

The City has recommended that we
consider changing the sign regulation to amend
it to more strictly regulate off the premises
signs or billboards. These are defined as
signs or billboards that advertise something
other than what is being conducted on the
property.

The amendment completely excludes
off-premise signs essentially within the
downtown area of the City of Pikeville and they
have given us an ordinance or a recommendation.
What it does and, Rusty, you correct me if I'm

wrong -- you are the one that wrote it. If this is passed and amended it will go into the zoning ordinance that's 782-13 commercial and industrial districts outdoor advertising shall be classified as business use and shall be permitted only in the following zoned districts and that will be replaced by this (indicating).

MR. RUSTY DAVIS:

That's right. To basically summarize what that does it just basically makes it unlawful to place billboard signs in what we consider the horseshoe of the downtown area of Pikeville. The Commission doesn't like the idea of billboards and billboard is defined as big huge signs that aren't advertising business on the location. It's just like, you know, a big sign advertising something not in the downtown area. The closest one here is right back up the street. There's a big billboard right off the boulevard right up the street and they just decided that that's probably not a good thing and you don't need that in that area so they want to prohibit that. Outside of that area they want to

tighten up some on the regulations, require permits and still put some height and size restriction on it but it's things that you can work with. It really doesn't effect a whole lot the signs that are placed advertising business on the premises. There are some redefining of some of the size limitations and further specifies a little bit more about how big these signs can be and kind of cleans up the boulevard. The biggest change is to outlaw all billboards in the commercial area downtown.

MR. HUFFMAN:

I have a question for my ownself on this ordinance. I want to know what all goes into this to replace 783.1. You referenced it to the City's 156 147C code book.

MR. DAVIS:

Yes, we referenced. I can look --

MR. HUFFMAN:

Whatever you are going to have here replaces this 783-1?

MR. DAVIS:

Yes, that's right in the old code book. I just used our--

MR. HUFFMAN:

How much of this goes into this?

MR. DAVIS:

All of it. The whole 782.13 comes out.

MR. HUFFMAN:

And this whole thing goes in?

MR. DAVIS:

This whole thing replaces that.

MR. HUFFMAN:

Okay. That's what I wanted to know. Rusty can tell you what we are talking about if anybody has got any questions about it. If nobody wants to comment on it then, we'll consider --

MR. JOE JUSTICE:

I would like to see -- I'm not here for that purpose -- but since it's come up I thought this billboard right up here I think may be on City property and I think it's unsightly and I am in favor of an ordinance regulating it downtown.

MR. HUFFMAN:

That sign had no business being there anyway.

MR. DAVIS:

Considering the sidewalk is on city property, it's on city property.

MR. HUFFMAN:

Anybody else? Then we'll consider this public hearing closed.

We'll wait until 7:30 and see if enough show up for a Planning Commission meeting.

