

JOINT PLANNING COMMISSION

PUBLIC HEARING

held in

Pikeville, Kentucky

on

September 4, 1997



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A public hearing was held pursuant to Notice filed, conducted by the Joint Planning Commission on Thursday, September 4, 1997, at the hour of 6:30 P.M. in Pikeville City Hall in Pikeville, Kentucky.

APPEARANCES:

Joint Planning Commission members present were: David Sanders and Leon Huffman.

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

MR. HUFFMAN:

This public hearing is in response to an ad that appeared in the paper:

"A public hearing will be conducted by the Joint Planning Commission regarding proposed zone

changes on Park Street in Pikeville.
The proposed changes are as follows:
Acres involved: 0.346 acres Current
Zoning: R-1 -- Proposed Zoning: R-3.

The hearing will be held in
the Pikeville City Hall on September 4,
1997 at 6:30 P.M. for public comment",

And that's what we are here
for.

We attempted to notify the
adjoining (what we determined) was the
adjoining property owners by letter and
I assume some of you got a letter. I'm
sure all of you didn't.

So we'll open the hearing for
comment. I guess we probably want to
hear from Judy Walters first and then
we'll hear your comments later.

MRS. JUDY WALTERS:

This is the property we are
talking about and then Kay owns this
house. I have copies made of this
(indicating).

MR. HUFFMAN:

Come up here closer, Judy,
and get a little closer to the mic.

MRS. WALTERS:

Okay. We have not gone to the expense of doing an appraisal on this but if she is agreeable we can come up with a price that is agreeable, I would like to include this into the project. If not, I would like to go ahead and at least do these two buildings and when I went to Levy and talked to him about tearing these down and redoing them where it is zoned R-1 you can't do that without a zoning change. I could not even tear these down and build four back, you know, without a zone change because it would have to be R-3 which would permit apartment uses.

What I would like to do and we talked about the entrance from the other side. Instead of the traffic being there on Park Street what I would

like to do -- I own this portion of it (indicating) -- that's part of 136 but Kay owns where her house is and around it -- what I would like to do if we could work something out is to move the entire structure up to where the parking would not be on Park Street but access for this would be in the park from the street there on the riverfill, you know, to make that access.

Concept-wise what I would like to do -- if you are familiar with the house Stuart built up at -- what's that street there where Nancy moved Dr. Thompson's house.

MR. GREEN:

It's called Coal Hollow.

MRS. WALTERS:

This is one of the houses up there. I think it would be more in keeping for the neighborhood if we could do a structure similar to this that you would not have parking or anything there

but actually have access out of Park Street.

Even if I had to do it back here (indicating map), you know, with the access here I still would like to do that and as far as this building I have had two contractors look at it and I don't believe that we would be able to use any of the concrete block foundation around it or anything in doing this. He says probably the best thing to do is just tear it down and start all over because in doing it to try to get that even up to code, it would probably be almost impossible if we were combining with the others.

And as far as how many units that would depend entirely on whether Kay and I were able to work something out or whether I would be dealing with just this lot right here. Not counting Kay's out-parcel there the lot itself is 205 by 74 approximately which would accommodate it and that would be what I would hope to do is to move it out front

without the parking out front and put it all in the back here. I think that would be more in keeping with the neighborhood and make it look more like a residence and I think it would benefit my property and your all's too if we could do that.

As far as how many units I have no idea until we get through there but we would stay within the guidelines of whether the R-3 requirements are and what I would like to do there is to try and get some -- there's a big demand for apartments for the med students. There's a real convenient access there because of the traffic with the gym and I have a small piece of property, four units over there on Elm Street beside the Academy Building, and those are the ones that the med students preferred over any of them in town that I have and I just think that would be a real good location for them where it's in-between the hospital and there.

Any questions?

MR. HERBERT COLEMAN:

Would you have any problem
getting the parking in back?

MRS. WALTERS:

No. I think maybe I would
have to put a drain in or something to
be able to. I would have to spend some
money out there.

MR. LEVY C. GREEN:

There may be one concern and
that's because of the road over there
and the hospital does own that area of
parking. You might have to contact them
to get access.

MRS. WALTERS:

Oh, okay. I thought that was
the City's.

MR. GREEN:

I don't think it would be a
problem to get it designated as such but

I don't think at present that that's a designated road.

MRS. WALTERS:

The way it is I cannot justify tearing it down and doing anything to it and building a single family unit back there with the four rental units that are already there.

MR. FORSYTH:

Did you contact the County to see if you could get right-of-way?

MRS. WALTERS:

The County?

MR. GREEN:

I think the area she would access her property is actually in I think City property but it's leased to the hospital at present for some parking spaces.

MR. FORSYTH:

The hospital might not do
that.

MR. HUFFMAN:

If you say something, state
your name so that Judy can record it.

MRS. WALTERS:

If that were the case then I
would just have to leave the building
where it is and leave this parking the
way they use it now, you know. I didn't
anticipate that.

MR. FORSYTH:

I don't know that but they
have been very jealous about parking.

MRS. WALTERS;

Have they been?

MR. FORSYTH:

Well, I suppose. They've

been slipping over on the hospital and parking.

MRS. WALTERS:

The parking would be on this lot, okay. It wouldn't be on theirs. It would be on this lot behind the building.

MR. FORSYTH:

Well, it has to be somewhere.

MRS. WALTERS:

The way I would like is just from that street there behind it and that street is open right now. If I would have to talk to someone it may be that I would have to leave the parking here. I don't anticipate that but where it abuts up against the riverfill area there. At the time I was thinking that it was a City street but it's not designated to the City but that's it is a part of that lease. So, no, I haven't checked into that. I would hope I

wouldn't have to leave the parking like it is now because I think the traffic would be better off on the back side.

MR. COLEMAN:

That street goes on down to the Health Department.

MRS. WALTERS:

Yes, and on down. I would hope that I wouldn't have to leave it there like it is now because I think it would be a lot better you could get access even to what is there. You know, there's enough yard in the back if we could get access I think it would be much better to have the access from the he back right now than the way it is but, no, I haven't talked to them, but I will.

MR. FORSYTH:

When Dr. Fox was in charge of that and she came out there and said all

kinds of things and that we were trespassing and get off her property.

MRS. WALTERS:

That's something I'll have to get Levy to help me check into because I really don't know.

MR. FORSYTH:

She's gone now; she's not there anymore. I don't know anything about the people that's there now.

MRS. KELLY SCOTT:

My name is Kelly Scott and exactly what are you zoning it to?

MRS. WALTERS:

R-3. R-3 means that you can -- R-1 you can only building back a single family dwelling and like if it were ever torn down right now it would be a single family dwelling and you would have to get a conditional use to put a duplex or something like that.

R-3 will allow you to put apartments or townhouses in there. It does not allow for commercial development of any kind.

MRS. SCOTT:

If something happened and you got it, how many of those apartments would you expect to put in there?

MRS. WALTERS:

I would hope six or maybe eight. There's four there now. I would hope -- it would depend on the parking and I think it's two to one parking space.

MR. GREEN:

One and a half parking spaces for each unit.

MRS. WALTERS:

It would be whatever parking we could get on the lots that would allow the units.

MR. GREEN:

You are looking at two stories, is that correct?

MRS. WALTERS:

Yes.

MR. GREEN:

She's probably looking at a minimum of four and a maximum of eight, probably more than likely six, four to six. I think eight is going to be a little restricted. I think you could get four or six in there.

MRS. SCOTT:

We live right beside the alley and I think there's too much traffic through there now.

MRS. WALTERS:

I agree.

MRS. SCOTT:

And there's no parking.

These people could not park in front of our house because that's mine and there's people beside of me and they park there too and that's the only way in and out is that alley and they park on the street.

MRS. FLORA ADAMS:

I agree. It's congested enough.

MR. GREEN:

You are saying that all your parking would be on the property and not on the street at all?

MRS. WALTERS:

Yes. I'm not aware -- they may but I'm not aware of any time they are. Any time they are, let me know. I'm not aware of anyone parking on the street now that rents there because I think there's ample parking for them.

MRS. ADAMS:

The majority of them don't have cars. We don't have a problem.

MRS. SCOTT:

The majority of them don't have cars and you are looking at people who are married and have kids and probably have two cars per household, you know, that's my biggest concern because there's enough traffic on the street as it is. I have an eight-year old and a four-year old and there's three more kids and that's a huge concern of mine.

MRS. WALTERS:

Like I said, even now, you know, I would like to utilize the parking out back, the yard out back.

MR. GREEN:

Again, if we are talking about four units you would have two coming in from one street and two units

having access from another street or do you want all of them to try to access one way?

MRS. WALTERS:

To be honest, if four is all I can do -- I really think if it were situated -- I mean these are fairly large units the way they are, I think you could get six on there with parking in the back and you could just utilize the land that's there now if Kay and I couldn't work it out but I would hope, you know, the most ideal thing in my opinion would be to move it all to the front and have no access by car from the front but if that can't be done there's still ample room here for parking but, you know, without being able to build two extra units on there I would be better off to leave it like it is which I don't want to because everything I have checked about redoing it or anything the cost was such that without being able to get the additional two

units on there ven as it is even if I had to go toward the back it doesn't make sense.

The market that I would gear toward would be the medical students and what I have found is the ones that I have ran into and I've ran into a few already and some of them don't have cars and some of them do, you know. It's mostly single people that are renting, you know, that are renting the apartments.

Most of the medical students this year the majority of them are from Eastern Kentucky and their families are staying in the areas that they live in and they may come and visit but I have two and one that lives in Huntington and one that lives in Charleston and their wives and children are staying in that area and they've rented an apartment during the two years to go to school and they maintain their homes there and I think that may be true with a lot of our med students.

MR. GREEN:

The apartments you are talking about, are they one, two or three bedroom units?

MRS. WALTERS:

Two, because there's some one bedroom units I have scheduled somewhere else but most of the kids that have inquired about apartments for the school need that small or extra room for a study or an office.

MR. GREEN:

Or share the rent?

MRS. WALTERS:

No, I haven't had that. They just want a place that they can study and be away from their sleeping area.

MR. GREEN:

So would all these two-

bedroom apartments be rented by one person?

MRS. WALTERS:

Yes.

MR. GREEN:

Or one family?

MRS. WALTERS:

One person.

MR. HUFFMAN:

Anybody else? Do you have any objection to the change as long as the parking comes off the riverfill?

MR. COLEMAN:

I think it would be much better if it came off the river. I can't see any problem that it couldn't come off the riverfill.

MR. FORSYTH:

(Inaudible).

MR. HUFFMAN:

I want to point out to you, too, that this is what Judy says she is going to do but if it is changed to R-3 they can put whatever is in R-3 on it but this is what Judy says she is going to do and I believe she's going to do it.

MR. SCOTT:

Does it change the whole street or just that one lot?

MR. HUFFMAN:

What?

MR. SCOTT:

Does it change the zoning on the whole street or just that one lot?

MR. HUFFMAN:

No, it's just that one lot.

MR. SCOTT:

There's a vacant lot in front of me and I don't want to worry about another apartment building.

MR. HUFFMAN:

Just that one lot is all we are talking about.

MRS. WALTERS:

You know it's interestingly though because it's a really -- do you have a copy of the zoning map, Levy?

MR. GREEN:

Yes.

MRS. WALTERS:

| It's institutional where the college is and then you get R-1 that includes Flo's house and the Cinnamonds and the one across the street and then the apartment building is in R-1 and then from there on it's commercial. There's the commercial zoning there

already and so it could either go with R-3 or commercial and it would have been very much easier to have included the commercial zoning -- right here if you look. Right here (indicating) is Williamson Street. Right here is College Street and everything. This is R-1. These are new zoning maps, aren't they?

MR. GREEN:

That's the one I got from Jack. I think it's dated June of last year.

MRS. WALTERS:

Okay. Right here is the gym and Williamson Street coming down here (indicating). All of these are R-1. These are the buildings, okay. These are the two gray buildings and they were connected. Evidently there used to be a house besides your house, Kay, at one time.

MR. FORSYTH:

There was.

MRS. WALTERS:

That has been torn down, okay, but right here where Spicey lives from there and then these across the street all that is C-1 or commercial. Right here where Hibbard Street is, the house on the corner here and Williamson here and then all of these on Hibbard Street and then it cuts down and there's two white houses. When you come down Williamson Street and turn right, the two white houses right across from the apartment building they are in R-1 but everything else on that street is C-1.

MR. FORSYTH:

That's right.

MRS. WALTERS:

So this right here probably was most likely initially is why I thought it probably would just be

easier to joint this C-1 with commercial end of it rather than get it zoned R-3 because anyone down through here that wants to can develop anything they've got commercially which we would have no control over practically which if you wanted to tear down what you've got and build back commercial property back there you could do it but I can't do this wouldn't changing to R-3.

MR. HUFFMAN:

We are just talking about the one lot in the project?

MRS. WALTERS:

Yes.

MRS. DELORES FORSYTH:

My name is Delores Forsyth. I would like to ask -- say somebody else would like to do that later and thought it was a good idea, would they have to come and present it to the Commission and get your approval to do that as

well?

MR. HUFFMAN:

To do what?

MRS. FORSYTH:

To change. You said this was for one lot, one piece of property to change to R-3. If someone else on Park Street wanted to do this--

MR. HUFFMAN:

You would have to do it through the same process.

MRS. FORSYTH:

Okay. Thank you.

MR. HUFFMAN:

You would have to go through the same process that she is going through and then it has to be approved by the City Commission.

MRS. FORSYTH:

Even if it's already C-1
property?

MR. HUFFMAN:

Do what?

MRS. FORSYTH:

If it's a C-1 property, will
you have to do this, too?

MR. HUFFMAN:

Any change in a change in
zoning has to come through this process.

MRS. FORSYTH:

If something is C-1, can they
go ahead and build an apartment building
without having to do this?

MR. HUFFMAN:

They have to come through
here to get to C-1, yes.

MRS. WALTERS:

If it goes to R-3 but anything -- if I'm not misunderstanding -- but anything that would be allowed under C-1 zoning could be developed without having to come back before the Planning Commission.

MR. GREEN:

In the C-1 area?

MRS. WALTERS:

Yes.

MR. GREEN:

Sure.

MRS. WALTERS:

You know you wouldn't have to come back through here.

MR. HUFFMAN:

I agree.

MRS. FORSYTH:

In C-1 area would you be
allowed to put an apartment building?

MR. GREEN:

I don't think so.

MRS. WALTERS:

No, because apartments are
not allowed in C-1 development.

MR. FORSYTH:

When my mother sold that it
was in there she could put anything on
there that she wanted on there.

MR. HUFFMAN:

Anything in R-3.

MRS. FORSYTH:

It's C-1.

MR. FORSYTH:

It's commercial.

MRS. WALTERS:

It's commercial and anything above the first floor you can develop residential and with this conditional use you can develop the first floor commercially.

MR. GREEN:

Am I correct that you are saying that this property be joined to the C-1?

MRS. WALTERS:

No, R-3, changing the zoning to R-3.

MR. GREEN:

I think it might be better to go with C-1. C-1 allows you to do all of this.

MRS. WALTERS:

It does?

MR. GREEN:

It says in here C-1 is commercial under conditional permitted uses. It says you can do residential except it has to be R-3. You could make that adjoin to C-1 and be C-1 and you could convert and do R-3 construction on it. I think the thing that would probably be more beneficial about C-1 is not zoning. Making that one lot R-3 is sort of spot zoning but you could incorporate it into the C-1 area and C-1 allows you to do that.

MR. HUFFMAN:

You can't at this hearing.

MR. GREEN:

Oh, I know she can't at this hearing but I'm saying -- I think the lady was asking here "can you build an apartment on C-1", and you can.

MR. HUFFMAN:

Let me put it this way. Judy

wanted to go C-1 to start with but I think the City Engineer recommended that she go to R-3.

MRS. WALTERS:

Yes.

MR. HUFFMAN:

Are there any other questions?

MRS. FLORA ADAMS:

I'm Flora Adams. Is this the final meeting on this or is this just the proposal?

MR. HUFFMAN:

The City Commission has to approve whatever recommendation that the Planning Commission does before it becomes final.

MRS. ADAMS:

How soon will that be done?

MR. HUFFMAN:

I don't have any idea. It probably will be in the next 30 days in all possibility. It might not be approved or final within the next 30 days because I think they have to publish it twice -- they have to read the ordinance twice before it can be published and once they publish it if they approve it, it's final. So we are talking about R-3 and not C-1.

MR. GREEN:

Could the Joint Planning Commission recommend that instead of approving R-3 they approve C-1 being that C-1 does allow you to do all construction?

MR. HUFFMAN:

I'm not a lawyer and I don't propose to be. I would say if we do C-1 we would have to go through this process again. We would have to advertise it and put a sign on the property saying we

were changing it from R-1 to C-1 and do this again in my opinion; that's just my opinion. I don't know whether I'm right or not. I know we can't change it from one zone to another unless a sign is posted on the property and this notice is published in the paper not less than seven days or more than 21 and we hold a public hearing (which is what we are doing now) which allows you all to come and offer your objections or approval or whatever you want to do. If it goes to C-1, we'll have to do the same process again in my opinion.

MRS. FORSYTH:

Sir, I don't believe you introduced yourself. Are you Karen Harris? That's a joke.

MR. HUFFMAN:

I'm Leon Huffman.

MR. GREEN:

This is Mr. Leon Huffman.

MR. HUFFMAN:

I'm secretary of the Joint Planning Commission. We've got another member that come in late and that's David Sanders. There should be some others here later. Does anybody have any other questions. Do you object to this being changed? I'll ask you one more time?

MRS. FORSYTH:

Do you want us to vote on it for you?

MR. HUFFMAN:

If you object, I want you to offer your objection.

MRS. FORSYTH:

I don't object to it. I approve of it.

MR. HUFFMAN:

Okay. If nobody has got

anything else, that concludes the public hearing. We'll wait and see if we have a quorum for the Planning Commission Meeting.

NOTE:

(There was not enough members present for a quorum. Therefore, a Planning Commission Meeting was not held).

STATE OF KENTUCKY)
)
COUNTY OF PIKE)

C-E-R-T-I-F-I-C-A-T-E

I, Judy Ann Ison, a Registered Professional Reporter and a Notary Public for the State of Kentucky at Large, do hereby certify that the foregoing transcript of the Public Hearing was taken at the time and place specified therein and was completed without adjournment; that the proceeding were taken by me in shorthand notes with electronic backup and reduced to the foregoing transcript and that the foregoing transcript is a true and accurate transcript to the best of my ability of the proceedings.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties or any attorney or counsel in the foregoing proceeding and further that I am not financially interested in the outcome of this matter.

GIVEN UNDER MY HAND, at Pikeville Kentucky, this the 2nd day of October, 1997.

My Commission expires June 20, 1998.



Judy Ann Ison
REGISTERED PROFESSIONAL REPORTER
NOTARY AT LARGE, STATE OF KENTUCKY

Planning Comm.
Public Hearing - 9-4-97

Leon Stupman

Lisa Patrick

Michael R. Galligan

Grant J. Foley

Polores Horsyth

Flora Adams

Ray Cheney

Kellee Scott

Dean Scott

Judy Walters

LEXY C. GREEN

Susan Lockhart

Richard E. Swick

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