The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, April 14, 2005, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Drew Kirkland, Chairman
Gary Noffsinger
Nick Cambron
Dave Appleby
Scott Jagoe
Sister Vivian Bowles
Judy Dixon
Dr. Bothwell
Martin Hayden
Stewart Elliott,
Attorney

CHAIRMAN: I would like to call our April 14, 2005, Planning Commission meeting to order. Our invocation tonight will be given by Mr. Dave Appleby.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Our first order of business is to consider the minutes of the March 10th meeting. Are there any corrections, additions?

(NO RESPONSE)

CHAIRMAN: If not, the Chair is ready for a motion.
MS. DIXON: Move to approve.

MR. CAMBRON: Second.

CHAIRMAN: Motion for approval by Ms. Dixon. Second by Mr. Cambron. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carried unanimously.

Next item, please.

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PUBLIC FACILITIES PLANS
REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

ITEM 2

1700 Parrish Plaza Drive
Building Construction
Consider request for the construction of the addition of 412 square feet of enclosed space at the Professional Development Center.
Referred by: Daviess County Public Schools

MR. NOFFSINGER: Mr. Chairman, Planning Commission has reviewed this application on this site for use by the Daviess County Public Schools prior meeting. However, the school is coming back to this board asking for review for the addition. Planning Staff has reviewed the application. Find no conflict with the Comprehensive Plan and would recommend that we forward a letter to that affect to the Daviess County Public Schools.

CHAIRMAN: Is anybody here representing Ohio Valley Reporting

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the schools?

(NO RESPONSE)

CHAIRMAN: Does anybody here have any questions?

(NO RESPONSE)

CHAIRMAN: If not, the Chair is ready for a motion.

MR. CAMBRON: Motion for approval, Mr. Chairman.

CHAIRMAN: Motion for approval by Mr. Cambron.

SISTER VIVIAN: Second.

CHAIRMAN: Second by Sister Vivian. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The motion carried unanimously.

Next item.

ITEM 3

825, 1001 West 11th Street
Land Disposition
Consider request to close a 15-foot wide public alley a distance of 138 feet in length located between 825 West 11th Street and 1001 West 11th Street.
Referred by: City of Owensboro

CHAIRMAN: Mr. Noffsinger, I'm going to have to excuse myself from Item 3. I will set out on Item 4 and Item 5 because my business is involved in Ohio Valley Reporting
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this. So I'll turn over the gavel to Mr. Cambron.

MR. CAMBRON: Thank you, Mr. Chairman.

MR. NOFFSINGER: This application has been reviewed by the Planning Staff. We find no conflict with the Comprehensive Plan. We recommend the Planning Commission forward a letter to that affect to the City of Owensboro and realizing that the alley will not be closed until such time as the City Commission and the circuit court take final action on this closing.

MR. CAMBRON: Thank you, Mr. Noffsinger.

Is anybody here representing the city?

(NO RESPONSE)

MR. CAMBRON: Any comment or questions from the public?

(NO RESPONSE)

MR. CAMBRON: If not, the Chair is ready for a motion.

MR. APPLEBY: Motion for approval.

MR. JAGOE: Second.

MR. CAMBRON: Motion for approval by Mr. Appleby and second by Mr. Jagoe. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT - WITH THE DISQUALIFICATION OF MR. KIRKLAND - RESPONDED AYE.)

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MR. CAMBRON: That passes.

Item Number 4.

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ZONING CHANGES - CITY

ITEM 4

801 Block West Fifth Street, 401 Block Poplar Street, Portions of 814, 816 West Fourth Street
Consider zoning change: From B-4 General Business and R-4DT Inner-City Residential to B-4 General Business.
Applicant: H.L. Neblett Community Center, Inc.

MR. ELLIOTT: State your name for the record, please.

MR. HOWARD: Brian Howard.

(MR. BRIAN HOWARD SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The conditions and findings of fact that support this recommendation include the following:

Conditions:

1. No direct access to West Fourth Street or West Fifth Street. Access shall be limited to Elm Street and Poplar Street only.

2. Submittal and approval of a consolidation plat prior to the issuance of any

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building permits.

3. Installation of screening as required by the Owensboro Metropolitan Zoning Ordinance along adjoining residential properties and vehicular use areas adjacent to the public rights-of-way.

Findings of Fact:

1. The subject property is partially located in a Business Plan Area where general business uses are appropriate in limited locations and partially located in a Business/Industrial Plan Area where general business uses are appropriate in general locations.

2. Development of the subject property will be nonresidential in character.

3. The subject property is partially zoned B-4 General Business and the applicant's proposal meets the criteria for a logical expansion of the B-4 zone; and,

4. Expansion of the contiguous B-4 General Business zone would not overburden the capacity of roadway and other necessary urban services that are available in the affected area.

MR. HOWARD: We would like to enter the Staff Report as Exhibit A.

MR. CAMBRON: Thank you, Brian.
Is there anybody here representing the applicant?

APPLICANT REP: Yes.

MR. CAMBRON: Is there anybody that would like to ask any questions about this?

(NO RESPONSE)

MR. CAMBRON: Do you want to say anything?

APPLICANT REP: No.

MR. CAMBRON: Any comments or questions from any of the members?

(NO RESPONSE)

MR. APPLEBY: Is Chair ready for a motion?

MR. CAMBRON: Chair is ready for a motion, Mr. Appleby.

MR. APPLEBY: Make a motion for approval based on Planning Staff Recommendations with Conditions 1 through 3 and Findings of Fact 1 through 4.

MR. JAGOE: Second.

MR. CAMBRON: Motion by Mr. Appleby and second by Mr. Jagoe. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT - WITH THE DISQUALIFICATION OF MR. KIRKLAND - RESPONDED AYE.)

MR. CAMBRON: That passes unanimously.
ITEM 5

821, 825 West 11th Street
Consider zoning change: From I-1 Light Industrial
to I-2 Heavy Industrial.
Applicant: Dahl & Groezinger, Inc.

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because there
have been major changes of a physical, social or
economic nature that were not anticipated in the
adopted Comprehensive Plan and those changes have
substantially altered the basic character of the
general vicinity. The conditions and Findings of Fact
that support this recommendation include the
following:

Conditions:

1. Alley closing submitted and reviewed
for compliance with the Comprehensive Plan under a
Public Facility Review.

2. Submission of a consolidation plat to
consolidate the tracts to adjoining property upon
alley closure.

3. Install a continuous 8' high solid
wall or fence with one tree every 40 linear feet on
the subject property for screening the adjoining
residential property to the north and east.

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4. Repair damaged screening on the existing site along the east side of the property.

Findings of Fact:

1. The subject property is located in a Central Residential Plan area where heavy industrial uses are not recommended;

2. The extent of industrial uses and zonings was not anticipated in Comprehensive Plan;

3. Existing light industrial zoning for many properties in this area preclude central residential uses from developing as anticipated in the Comprehensive Plan and discourage maintenance of existing residential uses on I-1 lots; and,

4. The applicant's proposal expands an existing I-2 Heavy Industrial zone immediately adjacent to the site and proposed to be consolidated with an existing heavy industrial use.

MR. HOWARD: We would like to enter the Staff Report as Exhibit B.

MR. CAMBRON: Thank you, Mr. Howard.

Anybody here representing the applicant?

APPLICANT REP: Yes.

MR. CAMBRON: Any questions or comments from any public members?

(NO RESPONSE)
MR. CAMBRON: Any questions or comments from the staff or the commission?

(NO RESPONSE)

MR. CAMBRON: Chair is ready for a motion.

DR. BOTHWELL: Motion for approval with Conditions 1 through 4 and Findings of Fact 1 through 4.

MR. CAMBRON: Motion for approval by Dr. Bothwell.

MR. APPLEBY: Second.

MR. CAMBRON: Second by Mr. Appleby. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT - WITH THE DISQUALIFICATION OF MR. KIRKLAND - RESPONDED AYE.)

MR. CAMBRON: Motion passes unanimously.

I will relinquish the Chair back to Mr. Chairman.

ITEM 6

404 East 24th Street
Consider zoning change: From R-1C Single-Family Residential to B-4 General Business
Applicant: Alan Jarboe, Cathy W. Roper

PROPOSED ZONE & LAND USE PLAN

The applicant is seeking a B-4 General Business zone. The subject property is located in an Urban Residential Plan Area, where general business
uses are appropriate in very limited locations.

SPECIFIC LAND USE CRITERIA

(a) Building and lot patterns; outdoor storage yards - Building and lot patterns should conform to the criteria for "Nonresidential Development," and outdoor storage yards, with "Buffers for outdoor Storage Yards."

(b) Logical zoning expansions of proportional scope - Existing General Business zones may be expanded onto contiguous land that generally abuts the same street(s). The expansion of a General Business zone should not significantly increase the extent of the zone in the vicinity of the expansion and should not overburden the capacity of roadway and other necessary urban services that are available in the affected area.

(c) Expansions across intervening streets - in Central Residential, Urban Residential, Future Urban and Professional/Service Plan Areas, the expansion of an existing General Business zone across an intervening street should be at least one and one half (1.5) acres in size, but should not occur if this would significantly increase the extent of the zone in the vicinity.

APPLICANT'S FINDINGS

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For two years, my wife Cindy has had a dream of starting a new business. We've been searching for an appropriate location and are very interested in the house at 404 East 24th Street (next to the Earthgrains property) to start the business. Our tentative plans and their effect on the neighborhood.

- The business will be a ladies' tearoom. The name of the business will be Miss Daisy's Tearoom and Gift Shop.

- The business will be open to the public during the day from 10:00 a.m. to 2:00 p.m. The gift shop will be located in the tearoom and will be open from 10:00 a.m. to 5:00 p.m.

- Although food will be served, this is not a typical restaurant. The food selection will be limited to a light fare. This will be a place where ladies can congregate at lunch to enjoy tea, fellowship and a bite to eat.

- Special events, such as a Valentine's Day Dinner and Tea, Mother's Day Tea, bridal shower, or a children's tea party would occasionally be planned. These events could occur during the evening hours or on a Sunday. These events would likely require a reservation.

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- We have plans for minimal changes to the front of the property facing the street. We will have one sign in the yard for the tearoom, which may be lighted with a spotlight at night if a special event is scheduled for that evening. We may enlarge the front porch entry. However, the main entrance to the tearoom will be a side door (facing the Earthgrains property to the west). We may change the color scheme. No other major changes are foreseen. Be assured that all modifications will be tastefully done.

- Currently, parking is allowed on the street. We do plan to add a large gravel or concrete parking area in the back of the house. This parking area can and will be screened from view from the street and adjoining neighbors will shrubbery, fencing, landscaping, et, as necessary.

The property at 404 East Fourth Street is currently zoned R-1C Single-Family Residential. In order for us to start the tearooms, the property would have to be rezoned to B-4 General Business to allow us to serve food. The Earthgrains property to the east is zoned I-1 Light Industrial. The Earthgrains property to the south is zoned B-4. The adjoining property to the east at 416 East 24th Street formerly
housed The Hobby Horse, a daycare center.

The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate. The existence of the Evansville Colonial Bakers Corporation at 300 East 24th Street and to the south of the subject property has economically and socially changed the area. Very few individuals looking for single-family housing want to be next door to a commercial bread making operation. Additionally, the adjoining property at 416 East 24th Street has been recently used as a daycare center instead of a single-family residence. The quasi commercial use of this property as a small tearoom will serve as an effective buffer to single-family residential use north of East 24th Street.

We appreciate the opportunity to answer any question and address any concerns that may arise.

PLANNING STAFF REVIEW

The subject property is located in the 800 block of West 11th Street. Land use criteria applicable to this proposal are reviewed below.

GENERAL LAND USE CRITERIA

Environment

According to a study prepared by the US Ohio Valley Reporting
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Department of Agriculture Soil Conservation Service dated March 6, 1990, it appears that the subject property is not located in a wetlands area. The subject property does not appear to be in a special flood hazard area per FIRM Map 21059CO140C. It appears that the subject property is not designated as prime agricultural land according to the "Important Farmlands" map created by the US Department of Agriculture Soil Conservation Service dated March 1980. The developer is responsible for obtaining permits as may be required by the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

It appears that the subject property is outside the Owensboro Wellhead Protection area according to a map created by the GRADD office dated March 1999.

Urban Services
All urban services are available to the site, including sanitary sewer.

Development Patterns
The subject property is located in an established residential neighborhood with a neighboring industrial use that predates zoning regulations.

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Property located to the north and east of the subject property are zoned residential and have existing single-family residences. The property to the south is split zoned with a R-1C Single-Family Residential portion abutting the subject property and a B-4 General Business zoning which fronts East 25th Street. The property to the west is zoned industrial and is occupied by the Colonial Bakery.

The proposed rezoning would allow any B-4 General Business use to locate on the subject property which is in an established residential neighborhood. Parking for a commercial use is a significant concern. For a tearoom, the parking requirement would be one parking space for every 200 square feet which would have to be on-site. On-street parking does not count toward required parking spaces. All parking areas and drives would be required to be paved and meet the minimum requirements of the zoning ordinance. Parking spaces are required to be a minimum of 9' in width and 18' in length and drive aisles require a minimum width of 24' for two-way traffic.

SPECIFIC LAND USE CRITERIA

According to the Comprehensive Plan, General Business uses are appropriate in very-limited locations within an Urban Residential Plan Area.

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The subject property adjoins residential zones to the north, east and south and light industrial zone to the west. No general business uses are present within this block front. A nonresidential general business use does not meet the criteria for expansion as it does not expand any general business use fronting 24th Street in this area. There have been no major changes in the area that were not anticipated in the Comprehensive Plan. The existing zoning classification of R-1C in the Urban Residential Plan Area is an appropriate zoning for the property. The Comprehensive Plan does not support new locations of B-4 in Urban Residential Plan areas, and no B-4 zoning exists abutting the same street to meet criteria for logical expansions.

PLANNING STAFF RECOMMENDATIONS

Staff recommends denial because the proposal is not in compliance with the community's adopted Comprehensive Plan. The findings of fact that support this recommendation include the following:

Findings of Fact:

1. The subject property is located in an Urban Residential Plan Area, where General Business uses are appropriate in very-limited locations;

2. The subject property is located in an

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established residential neighborhood where no other contiguous General Business uses or zones abut the same street;

3. The subject property does not meet the specific criteria in the Comprehensive Plan to qualify as a logical expansion of an existing B-4 General Business zone within an Urban Residential Plan Area;

4. The current R-1C Single-Family Residential zone is appropriate in the Urban Residential Plan Area; and,

5. There have been no major changes in the vicinity that have changed the character of the neighborhood that were not anticipated in the Comprehensive Plan.

MR. HOWARD: We would like to enter the Staff Report as Exhibit C.

CHAIRMAN: Is there anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have any questions of the applicant?

(NO RESPONSE)
MR. HOWARD: I do have one correction that needs to be made. I stated that the property was located in 800 block of West 11th Street. That's incorrect. It's located in the 400 block of East 24th Street. That should be noted.

CHAIRMAN: So noted.

Would the applicant like to make a statement?

MR. ELLIOTT: State your name, please.

MR. JARBOE: My name is Alan Jarboe.

(MR. ALAN JARBOE SWORN BY ATTORNEY.)

MR. JARBOE: Thank you for having us here tonight considering this. We do have our surveyor with a parking plan that we would like to submit if that's possible.

CHAIRMAN: Sure. Go ahead Why don't you just hand one out to Mr. Appleby and then you can continue.

MR. JARBOE: The only thing I can say is that the neighborhood is bordered on the west and on the south by Earthgrain Bakery. There's not a lot there. I have spoke to many of the neighbors, all of the neighbors. There's one property owner that I have not been able to contact. All those that I have talked to have been supportive of our efforts to open
up the tearoom in this location. I thank you for this opportunity to speak to you.

CHAIRMAN: Thank you.

Mr. Noffsinger, after seeing this parking plan, do you have some comments?

MR. NOFFSINGER: Well, it appears that parking can be gained to the rear of the property, which it looks like the parking is adequate; however, there's an existing concrete drive that's proposed to be 12 foot wide, I believe. The minimum requirements for two way traffic would be a 24 foot drive.

MR. JARBOE: Yes. The proposal is that on the east side of the property it will egress for a loop around. We would have an exit. An entrance on one side of the facility and an exit to the other side of the facility. There is room there for another nine foot exit way.

MR. NOFFSINGER: Mr. Jarboe, East 24th Street is classified as an arterial street I believe it is. There are spacing standards along East 24th Street. Meaning that you could not have a secondary access point on East 24th Street. You could still loop like you're speaking of, but it would have to come in and go to the east side of the property.

MR. JARBOE: Back to the original
MR. NOFFSINGER: Back to the original entrance.

CHAIRMAN: Mr. Noffsinger, will that still create a problem where he's got a 12 foot drawing versus the 24 foot that's needed for two-way?

MR. NOFFSINGER: What you would set up would be one-way flow of traffic in and out of the facility. So that would be allowable.

MR. CAMBRON: I just ask you this, Mr. Noffsinger: Would it not be easier for him to possibly just flip that make that entrance way -- he still have the spacing. Coming on the east side.

MR. NOFFSINGER: I'm sorry I'm not getting you.

MR. CAMBRON: He could put a 24 foot driveway up to the east side. It looks like there's plenty of room there.

MR. NOFFSINGER: Yes, that's a possibility and enclose the existing drive.

MR. JARBOE: There's enough space on the property, I believe, to facilitate the needs of the requirements.

DR. BOTHWELL: Mr. Noffsinger, looking at the parking, I didn't see that that was an objection
that was raised in the findings of fact for denial. Whether they could have adequate parking, you still recommend against based on other reasons?

MR. NOFFSINGER: Yes, sir, that is correct.

DR. BOTHWELL: So this really doesn't change the Staff's recommendation; is that correct?

MR. NOFFSINGER: No, sir.

DR. BOTHWELL: Question: There is or was an existing daycare center next-door?

MR. NOFFSINGER: I believe there was a daycare center located at 416 East 24th Street. That daycare center was allowed to operate in a residential zone with a Conditional Use Permit. We do have a number of those throughout the community operating in residential zones. It's my understanding that the daycare center is no longer at this location.

MR. JARBOE: That's correct.

MR. NOFFSINGER: The home is being used for - -

MR. JARBOE: It's a rental house.

MR. NOFFSINGER: Right. Single-family residential. So it's been converted back to a residence.

DR. BOTHWELL: The home currently is
single-family?

MR. JARBOE: Single-family residence, yes.

MR. CAMBRON: You don't plan on living there, right?

MR. JARBOE: That's correct.

MR. CAMBRON: This seems to be a business you all want to start.

MR. JAGOE: Is the Conditional Use Permit indefinite once it's issued?

MR. NOFFSINGER: Generally, yes, once all conditions have been satisfied, the Conditional Use Permit may continue; however, once they cease operation of a conditionally permitted use and take back to a use that's principally permit, then the Conditional Use Permit is no longer in affect.

MR. JARBOE: I have something else too I would like to present to you if it's okay. It's the view of the industrial area, the area to the south. It's photographs.

MR. CAMBRON: Mr. Noffsinger, I have a question. This property since it's right next to the Colonial Bakers Corporation right there it is zoned I-1 to the west. I'm just asking this as a question. Could this be rezoned to I-1 at some time if Colonial Bakery were to buy that? They could apply for it,
correct?

MR. NOFFSINGER: Yes, sir. They could make application for I-1 zoning.

MR. CAMBRON: As it is now behind there, on the lot behind Evansville Colonial Baking Company that owns that, are they using that? Is that in compliance with that, with what they're using it for?

MR. NOFFSINGER: The property immediately adjoining this to the rear is Zoned R-1C. I would have to defer to Mr. Howard as to the use of that property since it's tucked back in behind the public view. I have not actually been on the site to look to see what use we have.

MR. CAMBRON: I think even without you saying, I think the use is for storage of vehicles.

MR. HOWARD: It is. They have semi trailers that are there.

MR. CAMBRON: So it's kind of out of compliance there too, correct?

MR. HOWARD: It's quite likely -- the principal Colonial Bakery site predates zoning regulations so it's likely that that site predates zoning.

MR. CAMBRON: I don't think they've owned that that long.

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MR. HOWARD: It does have semi trailers stored on the site and there is a building and parking area.

DR. BOTHWELL: I'm a little surprised that none of the neighbors are here to voice opinions or objection.

MR. JARBOE: Some of the neighbors are here.

MR. BOTHWELL: I thought that Mr. Chairman already asked for comments.

CHAIRMAN: I asked for comments, but that doesn't necessarily mean that they're going to do it. We could invite them.

Would you all like to make a comment? If you do, you need to come to the podium.

MR. ELLIOTT: State your name, please.

MS. SPALDING: My name is Barbara Spalding.

(MS. BARBARA SPALDING SWORN BY ATTORNEY.)

MS. SPALDING: I live directly across. My concern is if this is made commercial, what happens to the rest of the houses? Can they become commercial also?

CHAIRMAN: That's a fair question.

Obviously it depends where the houses are located.
This house is right next-door to an I-1. The Staff has recommended denial, but that doesn't mean that we are going to deny it. A house that would be adjoining this, if this goes commercial, a house that's contiguous or next-door to it would be likely to be eligible for, but not necessarily. A house across the street however would probably, it also could be considered.

MS. SPALDING: It could be a domino effect though, couldn't it?

DR. BOTHWELL: It opens the door.

CHAIRMAN: Yes, ma'am.

DR. BOTHWELL: But it's not going to jump like in the middle of the block.

MR. CAMBRON: I just make a comment. Colonial Bakery is a great person to be there, but they make a lot of traffic noise through there and it's usually 24/7.

MS. SPALDING: Yes, they do.

MR. CAMBRON: I would think that maybe a business such as this may be a welcome thing. I'm just saying that. I'm not saying you're for it or against it.

MS. SPALDING: I'm for the tea house. It sounds like a really nice place and it could be a lot
worse. My concern is if it doesn't make it in two
eyears, could it be a tattoo parlor or something.

DR. BOTHWELL: No.

CHAIRMAN: We may need to refer to Mr. Noffsinger on that one.

MR. NOFFSINGER: Once the property is
rezoned B-4 General Business, it could be used for any
use that's allowed in that zone. It can be a tattoo
parlor. It could be a restaurant. It could be any
type of retail sales professional offices. There's a
wide variety of uses that could be made to the
property.

MS. SPALDING: It sounds like this is
opening the door to a lot of offers maybe.

MR. NOFFSINGER: I won't comment on that
except to state that the Staff is not recommending
based upon land use issues in terms of transition of
uses. What you're speaking of in terms of we don't
have any B-4 General Business on that particular block
right now. This would be a new location of B-4
General Business in that block. This brings the
non-residential use further into that existing block.
In terms of creating problems and whatnot, it may not
create any problems if it's rezoned. It may. A lot
of that depends on the use of the property.
MS. SPALDING: As long as that was that, I wouldn't have worry, but it's what it could be.

MR. NOFFSINGER: Sure.

CHAIRMAN: Let me ask you one question, ma'am. Is your final statement that of this particular application that you are supportive of the tea house?

MS. SPALDING: I don't mind the tea house. Yes, I'm supportive of that, if I have a guarantee that it's going to be there a long time.

CHAIRMAN: Now, if you all go in there and they're busy 24 hours a day, 7 days a week, I'm sure they'd be more than happy to guarantee that, but that's something this board --

MS. SPALDING: Right. I'm not concerned about them. I'm concerned what ifs. That's my concern.

CHAIRMAN: Yes, ma'am.

MR. CAMBRON: That's a legitimate concern. I think it's one that we all take whole-heartedly.

Then I revert back to, and I just say this, not that it would happen, but it can be rezoned to I-1 too. With that being said, you know, it's a possibility.

CHAIRMAN: Would the other neighbor like to voice her comment?
MR. ELLIOTT: State your name, please.

MS. HEATH: My name is Patty Heath.

(MS. PATTY HEATH SWORN BY ATTORNEY.)

MS. HEATH: I was just concerned about the traffic. There's a lot of traffic between J.R. Miller and Veach Road and they go pretty fast by there. We was thinking sometimes you park on both sides of the street and you can't get down 24th Street. We didn't know that they were going to have parking in the back. That was one concern too.

CHAIRMAN: Did you want to see this or have you seen it?

MS. HEATH: I have seen it awhile ago. Thank you.

CHAIRMAN: Does that satisfy your concerns?

MS. HEATH: Yes, because you wouldn't want somebody parked in front of your house all day long to go to a tea parlor.

CHAIRMAN: Are we interpreting what you're saying that you support this item? What is your position?

MS. HEATH: I was just thinking about the traffic and the parking is what it was. I'm not opposed to the tea house. I think they'll probably
CHAIRMAN: Thank you very much.

MR. NOFFSINGER: I do have one comment on the parking.

Although parking is being provided to the rear of the property, they're also proposing as a use of this property to be used I think for wedding receptions and things like that. There are no guarantees that all parking associated with the activity on this facility will be to the rear. You may have some on-street parking. I just want you to be aware of that.

MS. HEATH: Well, some streets have like you can park on one side of the street and it's no parking on the other. Would that ever happen like on that street? Because it's so busy and it's hard to get up and down and you have to wait to pass.

MR. NOFFSINGER: The current plan, which is likely not to be implemented, but the current plan would be for 24th Street to be a one-way couplet with 25th Street. I don't see that happening anywhere in the near future. In fact, I don't see it happening at all. I don't anticipate any changes to the parking situation on that street in the near term anyway, unless there's a bike lane facility proposed for that.
particular street. If that were proposed, then that
would likely address parking on one side or the other.

DR. BOTHWELL: Mr. Chairman, I have a hard
time I guess opposing this change if the neighbors
basically say they don't have a problem with it. As
Mr. Cambron stated, this could very easily become I-1.
I know it opens the door but, again, I'm not hearing
the neighbors being overly concerned about that.

MR. APPLEBY: The biggest issue I see, I
don't think that this is necessarily a bad use or a
good use. It's more or less a spot zoning though.
It's a B-4 zoning. There's no B-4 on this street and
there are no findings of fact to support it. You make
a motion you've got to come up with a finding of fact
to support it.

DR. BOTHWELL: To support that issue.

MR. JAGOE: You're exactly right. You've
got a residential and industrial and you're trying to
go to a B-4 in --

DR. BOTHWELL: Somewhere in the middle.

MR. JAGOE: Yes, which you would think is
not as bad as -- it's not as high as the zoning or
low, whichever side you want to look at. It's
industrial.

MR. CAMBRON: Mr. Noffsinger, just a
question. If for some reason there is a motion to approve this and it does go, should it not be contingent on a development plan with whatever proper parking and screening that would need to be allowed there?

MR. NOFFSINGER: That could certainly be a consideration.

CHAIRMAN: Mr. Cambron, are you working on a motion at this time?

MR. CAMBRON: No. I'm just working on a thought right now.

MR. HAYDEN: Isn't that B-4 zoning on the back of that property?

MR. APPLEBY: It's residential in the rear, if I read that right.

MR. NOFFSINGER: Yes, sir.

MR. HAYDEN: R and B-4.

MR. NOFFSINGER: You see the dash break line. That indicates that that's not a property line. To the south of that break line is B-4 General Business. To the north and to the east of that break line would be R-1C Single-family.

DR. BOTHWELL: We saw the pictures of tractor-trailers parked there. I hardly call that residential at this point in time.
MR. CAMBRON: There's nothing on that property, is there, Mr. Howard, on the back there other than concrete?

DR. BOTHWELL: So it's not contiguous with that B-4, strictly speaking.

MR. NOFFSINGER: Yes, sir.

DR. BOTHWELL: It's contiguous with a light industrial.

MR. CAMBRON: I was just asking. There's nothing back there now other than --

MR. HOWARD: The commercial building in front of the bakery that fronts 25th Street is there. There is another building further back.

MR. CAMBRON: That's storage of some type.

MR. HOWARD: Right. It possibly could be on part of the residential portion, but without -- you know, in looking at the field it's impossible to tell where the zoning line actually splits that property.

MR. CAMBRON: From what I'm seeing here, it looks like the zoning split is on the south side of that piece of property. If you look at one of these pictures he's provided, and I hold this up just for you. It looks like the split is right there. Is that correct? Would you think so?
MR. HOWARD: It could be, but again it's impossible to tell without having some type of survey done to actually show the exact location.

MR. CAMBRON: I understand.

CHAIRMAN: If there's no further discussion or questions, Chair will entertain a motion.

DR. BOTHWELL: I'm trying to come up with a findings of fact.

CHAIRMAN: Why don't you and Judy work on some findings.

MR. CAMBRON: I just make this statement -

- 

MR. JAGOE: How about common sense, is that a finding?

MR. CAMBRON: I sit here and I'm trying to rack my brain for a finding of fact and I agree with Mr. Appleby that you need to do that. In this case I think that, as Mr. Jagoe says, I think common sense prevails instead of a particular finding of fact, if there's any finding of fact it would be that I think the residence would rather have it B-4 than I-1 which it can go through eventually very easily.

DR. BOTHWELL: That would be a finding of fact.
CHAIRMAN: Let me make a suggestion here and ask Mr. Noffsinger, even though the Staff formulated a denial based on their initial study that the Staff would help us formulate some findings of fact to support an approval.

MR. NOFFSINGER: If you're looking at a finding of fact, I think it would be difficult to say the proposal is in compliance with the adopted Comprehensive Plan; however, you might want to look at the other statutory requirements as to rezoning a piece of property. One of those being that the existing R-1C zoning is inappropriate and the proposed B-4 General Business zoning classification is appropriate in that looking at the uses that bound the property on the south and west. You might talk about buffer.

MR. APPLEBY: The applicant makes that argument.

MR. NOFFSINGER: Given that the neighborhood, which zoning is there to protect, really doesn't have an opposition to it. They certainly have some concerns. I think some of their concerns have been answered tonight. There are concerns we can address in terms of future use. Given the history of this particular piece of property, its location, you
might make a finding based upon the existing zoning to be inappropriate.

MR. CAMBRON: Mr. Noffsinger, as Mr. Appleby hit on the head there. If we look at the applicant's findings in the second to the last paragraph there, I would think that that would be enough findings of fact to make a motion on that. Would that not be so? So if that's the case, I'd like to make a motion if the Chair is ready.

CHAIRMAN: The Chair is ready for a motion, Mr. Cambron.

MR. CAMBRON: I'd like to make a motion for approval based upon Finding of Fact, and I'll read this: "The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate. The existence of the Evansville Colonial Bakers Corporation at 300 East 24th Street and to the south of the subject property has economically and socially changed the area. Very few individuals looking for single-family housing want to be next door to a commercial bread making operation. Additionally, the adjoining property at 416 East 24th Street has been recently used as a daycare center instead of a single-family residence. The quasi commercial use of this property as a small
tearoom will serve as an effective buffer to
single-family residential use north of East 24th
Street. Also I would like to make a condition that —
—

CHAIRMAN: Excuse me, Mr. Cambron. This
is Findings of Fact 1, correct?

MR. CAMBRON: Finding of Fact 1, yes.
Condition 1 that the applicant provide a correct and
appropriate development plan subject to that, and also
that we have screening. I'm just going to add this
too because I think this will be good for everybody
involved here. I'd like to see some screening on the
west side of the property and on the south side of the
property. Let me get my bearings correct.

DR. BOTHWELL: South side against Colonial
Bakery?

MR. CAMBRON: Yes. I'd like to see some
screening back there. That's my proposal.

MR. NOFFSINGER: What type of screening?
MR. CAMBRON: Probably just some pine
trees of some type.

MR. APPLEBY: Isn't the screening required
where it adjoins residential in the rear?

MR. NOFFSINGER: Where it joins
residential, yes.
MR. APPLEBY: According to the map there is residential in the rear.

CHAIRMAN: Mr. Cambron, you're wanting screening on the south side where, if I understand correctly, this is where you want it, where Colonial is parking their trucks?

MR. CAMBRON: That is correct.

MR. NOFFSINGER: There's a ten foot buffer requirement along the south and the east side. Then be six foot high continuous element, 1 tree per 40 feet.

MR. CAMBRON: Correct. That's my recommendation, my proposal, Mr. Chairman.

DR. BOTHWELL: I have a question before we go further. Does that alter your plans? Does that change? Do you want to still do this?

MR. JARBOE: That's fine. I just as soon not see those semis either. That's fine with us.

CHAIRMAN: The applicant agrees.

MR. CAMBRON: Again, I want to make sure that everybody understands. The development plan will need to come forward the planning people.

MR. HOWARD: When you say development plan, you mean a formal development plan that would
require utilities signatures. Not a site plan?

MR. CAMBRON: I don't know. I'll have to ask that question.

MR. NOFFSINGER: Final development plan.

CHAIRMAN: Would we want a site plan instead?

MR. APPLEBY: We can require a development plan in conjunction with the zoning.

MR. ELLIOTT: Yes.

MR. CAMBRON: We have to do that, the development plan. Not just a site plan?

MR. ELLIOTT: Yes.

MR. CAMBRON: That's my motion.

CHAIRMAN: Mr. Cambron has made a motion for approval based on his Finding of Facts which I'll just call 1 and his condition which I'll call 1. Do I have a second?

DR. BOTHWELL: Second.

CHAIRMAN: Second by Dr. Bothwell. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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ZONING CHANGES - COUNTY

Ohio Valley Reporting
(270) 683-7383
ITEM 7

6120 Old KY 54
Consider zoning change: From R-1A Single-Family Residential to B-4 General Business
Applicant: Sports Promotions, LLC, RBC, LLC

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The condition and findings of fact that support his recommendation include the following:

Conditions:
Install screening on the subject property along adjoining residential property to the south.

Findings of Fact:
1. The subject property is located in a Rural Community Plan Area, where General Business uses are appropriate in limited locations;
2. Development of the subject property will be nonresidential in character; and,
3. The subject property is a logical expansion of a contiguous B-4 General Business zone that will not significantly increase the extent of the zone in the vicinity and will not overburden roadways and other necessary urban services.

MR. HOWARD: We would like to enter the Ohio Valley Reporting (270) 683-7383
Staff Report as Exhibit D.

CHAIRMAN: Is anybody representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If not, the Chair is ready for a motion.

MR. CAMBRON: Motion for approval, Mr. Chairman, based on Condition and Findings of Fact 1 through 3.

CHAIRMAN: Motion for approval by Mr. Cambron.

MR. HAYDEN: Second.

CHAIRMAN: Second by Mr. Hayden. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 8

Portion of 3240 West Parrish Avenue
Consider zoning change: From B-4 General Business or R-3MF Multi-Family Residential
Applicant: Rodger D. Connor

PLANNING STAFF RECOMMENDATIONS

Ohio Valley Reporting
(270) 683-7383
Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. The condition and findings of fact that support this recommendation include the following:

Condition:

1. Submittal of a consolidation subdivision plat to consolidate the subject property to the lot located at 1830 Parrish Plaza Drive.

Findings of Fact:

1. The subject property is located in a Business Plan Area, where Multi-Family Residential uses are appropriate in limited locations;

2. The subject property will be part of an urban residential development;

3. The proposal is a logical expansion of a contiguous R-3MF zone located immediately east of the subject property; and,

4. The expansion of R-3MF zoning onto the subject property will not overburden the capacity of roadways and other necessary urban services that are available in the affected area.

MR. HOWARD: We would like to enter the Staff Report as Exhibit E.

CHAIRMAN: Is anybody representing the Ohio Valley Reporting
(270) 683-7383
applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If not, the Chair is ready for a motion.

DR. BOTHWELL: Motion for approval, Mr. Chairman, based on the one condition and Findings of Fact 1 through 4.

CHAIRMAN: Motion for approval by Dr. Bothwell.

MR. CAMBRON: Second.

CHAIRMAN: Second by Mr. Cambron. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously. Next item, please.

ITEM 9

Portion of 6845 US 231
Consider zoning change: From R-1A Single-Family Residential and A-U Urban Agriculture to B-4 General Business
Applicant: Lewis and Betty Oldham

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted

Ohio Valley Reporting
(270) 683-7383
Comprehensive Plan. The condition and findings of fact that support this recommendation include the following:

**Condition:**

- Submittal and approval of a consolidation plat to join the subject property with the B-4 lot located at 6831 US 231 before any permits are issued.

**Findings of Fact:**

1. The subject property is located in a Rural Community Plan Area, where General Business uses are appropriate in limited locations;

2. Development of the subject property will be nonresidential in nature;

3. The subject property will be consolidated with the existing B-4 zoning and use contiguous to the subject property at 6831 US 231;

and,

4. The applicant's proposal is a logical expansion of an existing B-4 zone and use that will not significantly increase the extent of the zone in the vicinity and will not overburden capacity of roadways and other necessary urban services in the affected area.

MR. HOWARD: We would like to enter the Staff Report as Exhibit F.
CHAIRMAN: Is anybody here representing the applicant?
APPLICANT REP: Yes.
CHAIRMAN: Do we have any questions of the applicant?
(NO RESPONSE)
CHAIRMAN: If not, the Chair is ready for a motion.
MR. CAMBRON: Motion for approval, Mr. Chairman, based on the Condition and Findings of Fact 1 through 4.
CHAIRMAN: Motion for approval by Mr. Cambron.
SISTER VIVIAN: Second.
CHAIRMAN: Second by Sister Vivian. All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.
Next item, please.
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MAJOR SUBDIVISIONS
ITEM 10
2849, 2853, 2856 Brooks Parkway, 0.620 acres
Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) posted: $4,086.60
Applicant: Owensboro Master Builders, Inc.
Ohio Valley Reporting
(270) 683-7383
MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning and Engineering. It's found to meet with the minimum subdivision regulations and zoning ordinance. It's in compliance with the adopted Comprehensive Plan.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If not, the Chair is ready for a motion.

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MR. HAYDEN: Second.

CHAIRMAN: Second by Mr. Hayden. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 11

2400-2601 Blocks East Byers Avenue, 65.392 acres Consider approval of major subdivision final plat. Applicant: National City Bank, Jagoe Development, LLC

Ohio Valley Reporting
(270) 683-7383
MR. JAGOE: Mr. Chairman, I need to disqualify myself on this item.

CHAIRMAN: Mr. Jagoe will be disqualified on voting.

Are there any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If not, the Chair is ready for a motion.

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

SISTER VIVIAN: Second.

CHAIRMAN: Second by Sister Vivian. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT - WITH THE DISQUALIFICATION OF MR. JAGOE - RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 12

870, 900, 934 Daniels Lane, 9.106 acres Consider approval of major subdivision final plat.
Applicant: James C. Ellis Estate Trust

MR. NOFFSINGER: Mr. Chairman, this plat is in order and ready for consideration.

CHAIRMAN: Anybody here representing the applicant?

Ohio Valley Reporting
(270) 683-7383
APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If not, the Chair is ready for a motion.

MR. HAYDEN: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Hayden.

MR. APPLEBY: Second.

CHAIRMAN: Second by Mr. Appleby. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

MINOR SUBDIVISIONS

ITEM 13

9900, 9920 KY 764, 15.938 acres
Consider approval of minor subdivision plat.
Applicant: Aubrey & Virginia Mayfield, Bernard & Janice Clark

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. The application is in order; however, it involves two pieces of property that are existing lots of record. They are Ohio Valley Reporting (270) 683-7383
somewhat unusual in shape. The result of this
proposed division is that one lot would perhaps become
more non-conforming in that it would be increased to
an agricultural size tract. The other tract would
become a little more unusual in shape in that it cuts
into some of the width of the property; however, given
that these two properties are existing and it's an
unusual lot configuration anyway, I don't think this
is going to make much of a difference. We recommend
that you approve.

CHAIRMAN: Is anybody here representing
the applicant?

(NO RESPONSE)

CHAIRMAN: Does anyone have any questions?

(NO RESPONSE)

CHAIRMAN: If not, the Chair is ready for
a motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr.

Appleby.

SISTER VIVIAN: Second.

CHAIRMAN: Second by Sister Vivian. All
in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.
The Chair is ready for one final motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Motion by Ms. Dixon.

SISTER VIVIAN: Second.

CHAIRMAN: Second by Sister Vivian. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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STATE OF KENTUCKY)  
) SS: REPORTER'S CERTIFICATE  
COUNTY OF DAVIESS)  

I, LYNNETTE KOLLER, Notary Public in and for the State of Kentucky at Large, do hereby certify that the foregoing Owensboro Metropolitan Planning & Zoning meeting was held at the time and place as stated in the caption to the foregoing proceedings; that each person commenting on issues under discussion were duly sworn before testifying; that the Board members present were as stated in the caption; that said proceedings were taken by me in stenotype and electronically recorded and was thereafter, by me, accurately and correctly transcribed into the foregoing 50 typewritten pages; and that no signature was requested to the foregoing transcript.  

WITNESS my hand and notarial seal on this the 2nd day of May, 2005  

LYNNETTE KOLLER, NOTARY PUBLIC  
OHIO VALLEY REPORTING SERVICE  
202 WEST THIRD STREET, SUITE 12  
OWENSBORO, KENTUCKY  42303  

COMMISSION EXPIRES:  
DECEMBER 19, 2006  

COUNTY OF RESIDENCE:  
DAVIESS COUNTY, KENTUCKY  

Ohio Valley Reporting  
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