

## 1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 APRIL 14, 2005

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

9 MEMBERS PRESENT: Drew Kirkland, Chairman  
10 Gary Noffsinger  
11 Nick Cambron  
12 Dave Appleby  
13 Scott Jagoe  
14 Sister Vivian Bowles  
15 Judy Dixon  
16 Dr. Bothwell  
17 Martin Hayden  
18 Stewart Elliott,  
19 Attorney

20 \* \* \* \* \*

21 CHAIRMAN: I would like to call our April  
22 14, 2005, Planning Commission meeting to order. Our  
23 invocation tonight will be given by Mr. Dave Appleby.

24 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

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

26 (NO RESPONSE)

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

1 MS. DIXON: Move to approve.

2 MR. CAMBRON: Second.

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carried unanimously.

8 Next item, please.

9 -----

10 PUBLIC FACILITIES PLANS  
11 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

12 ITEM 2

13 1700 Parrish Plaza Drive  
14 Building Construction  
15 Consider request for the construction of the addition  
16 of 412 square feet of enclosed space at the  
17 Professional Development Center.  
18 Referred by: Daviess County Public Schools

19 MR. NOFFSINGER: Mr. Chairman, Planning  
20 Commission has reviewed this application on this site  
21 for use by the Daviess County Public Schools prior  
22 meeting. However, the school is coming back to this  
23 board asking for review for the addition. Planning  
24 Staff has reviewed the application. Find no conflict  
25 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

1 the schools?

2 (NO RESPONSE)

3 CHAIRMAN: Does anybody here have any  
4 questions?

5 (NO RESPONSE)

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

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

10 CHAIRMAN: Motion for approval by Mr.  
11 Cambron.

12 SISTER VIVIAN: Second.

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

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: The motion carried unanimously.

17 Next item.

18 ITEM 3

19 825, 1001 West 11th Street  
Land Disposition

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

23 CHAIRMAN: Mr. Noffsinger, I'm going to  
24 have to excuse myself from Item 3. I will set out on  
25 Item 4 and Item 5 because my business is involved in

1       this.  So I'll turn over the gavel to Mr. Cambron.

2                   MR. CAMBRON:  Thank you, Mr. Chairman.

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

11                   MR. CAMBRON:  Thank you, Mr. Noffsinger.

12                   Is anybody here representing the city?

13                   (NO RESPONSE)

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

16                   (NO RESPONSE)

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

19                   MR. APPLEBY:  Motion for approval.

20                   MR. JAGOE:  Second.

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

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

1 MR. CAMBRON: That passes.

2 Item Number 4.

3 -----

4 ZONING CHANGES - CITY

5 ITEM 4

6 801 Block West Fifth Street, 401 Block Poplar Street,  
7 Portions of 814, 816 West Fourth Street  
8 Consider zoning change: From B-4 General Business  
9 and R-4DT Inner-City Residential to B-4 General  
Business.  
Applicant: H.L. Neblett Community Center, Inc.

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

12 MR. HOWARD: Brian Howard.

13 (MR. BRIAN HOWARD SWORN BY ATTORNEY.)

14 PLANNING STAFF RECOMMENDATIONS

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

20 Conditions:

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

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

1 building permits.

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

6 Findings of Fact:

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

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

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

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

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

25 MR. CAMBRON: Thank you, Brian.

1                   Is there anybody here representing the  
2   applicant?

3                   APPLICANT REP:   Yes.

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

6                   (NO RESPONSE)

7                   MR. CAMBRON:   Do you want to say anything?

8                   APPLICANT REP:   No.

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

11                   (NO RESPONSE)

12                   MR. APPLEBY:   Is Chair ready for a motion?

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

15                   MR. APPLEBY:   Make a motion for approval  
16   based on Planning Staff Recommendations with  
17   Conditions 1 through 3 and Findings of Fact 1 through  
18   4.

19                   MR. JAGOE:    Second.

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

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

25                   MR. CAMBRON:   That passes unanimously.

1                   Next item.

2       ITEM 5

3       821, 825 West 11th Street  
4       Consider zoning change: From I-1 Light Industrial  
5       to I-2 Heavy Industrial.  
6       Applicant: Dahl & Groezinger, Inc.

6       PLANNING STAFF RECOMMENDATIONS

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

15           Conditions:

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

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

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



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

3 Findings of Fact:

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

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

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

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

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

20                   MR. CAMBRON: Thank you, Mr. Howard.

21                   Anybody here representing the applicant?

22                   APPLICANT REP: Yes.

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

25                   (NO RESPONSE)

1 MR. CAMBRON: Any questions or comments  
2 from the staff or the commission?

3 (NO RESPONSE)

4 MR. CAMBRON: Chair is ready for a motion.

5 DR. BOTHWELL: Motion for approval with  
6 Conditions 1 through 4 and Findings of Fact 1 through  
7 4.

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

10 MR. APPLEBY: Second.

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

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

15 MR. CAMBRON: Motion passes unanimously.

16 I will relinquish the Chair back to Mr.  
17 Chairman.

18 ITEM 6

19 404 East 24th Street  
20 Consider zoning change: From R-1C Single-Family  
21 Residential to B-4 General Business  
22 Applicant: Alan Jarboe, Cathy W. Roper

23 PROPOSED ZONE & LAND USE PLAN

24 The applicant is seeking a B-4 General  
25 Business zone. The subject property is located in an  
Urban Residential Plan Area, where general business

1 uses are appropriate in very limited locations.

2 SPECIFIC LAND USE CRITERIA

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

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

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

25 APPLICANT'S FINDINGS

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

8                   - The business will be a ladies' tearoom.  
9           The name of the business will be Miss Daisy's Tearoom  
10          and Gif Shop.

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

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

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

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

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

18                   The property at 404 East Fourth Street is  
19 currently zoned R-1C Single-Family Residential. In  
20 order for us to start the tearooms, the property would  
21 have to be rezoned to B-4 General Business to allow us  
22 to serve food. The Earthgrains property to the east  
23 is zoned I-1 Light Industrial. The Earthgrains  
24 property to the south is zoned B-4. The adjoining  
25 property to the east at 416 East 24th Street formerly

1       housed The Hobby Horse, a daycare center.

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

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

19      PLANNING STAFF REVIEW

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

23      GENERAL LAND USE CRITERIA

24              Environment

25              According to a study prepared by the US

            Ohio Valley Reporting  
            (270) 683-7383

1 Department of Agriculture Soil Conservation Service  
2 dated March 6, 1990, it appears that the subject  
3 property is not located in a wetlands area. The  
4 subject property does not appear to be in a special  
5 flood hazard area per FIRM Map 21059C0140C. It  
6 appears that the subject property is not designated as  
7 prime agricultural land according to the "Important  
8 Farmlands" map created by the US Department of  
9 Agriculture Soil Conservation Service dated March  
10 1980. The developer is responsible for obtaining  
11 permits as may be required by the Division of Water,  
12 The Army Corp of Engineers, FEMA or other state and  
13 federal agencies as may be applicable.

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

#### 18 Urban Services

19 All urban services are available to the  
20 site, including sanitary sewer.

#### 21 Development Patterns

22 The subject property is located in an  
23 established residential neighborhood with a  
24 neighboring industrial use that predates zoning  
25 regulations.

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

9                   The proposed rezoning would allow any B-4  
10    General Business use to locate on the subject property  
11    which is in an established residential neighborhood.  
12    Parking for a commercial use is a significant concern.  
13    For a tearoom, the parking requirement would be one  
14    parking space for every 200 square feet which would  
15    have to be on-site. On-street parking does not count  
16    toward required parking spaces. All parking areas and  
17    drives would be required to be paved and meet the  
18    minimum requirements of the zoning ordinance. Parking  
19    spaces are required to be a minimum of 9' in width and  
20    18' in length and drive aisles require a minimum width  
21    of 24' for two-way traffic.

#### 22    SPECIFIC LAND USE CRITERIA

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



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

16      PLANNING STAFF RECOMMENDATIONS

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

21           Findings of Fact:

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

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

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

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

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

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

17 CHAIRMAN: Is there anybody here  
18 representing the applicant?

19 APPLICANT REP: Yes.

20 CHAIRMAN: Does anybody have any questions  
21 of the applicant?

22 (NO RESPONSE)

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

25 (NO RESPONSE)

1                   MR. HOWARD: I do have one correction that  
2 needs to be made. I stated that the property was  
3 located in 800 block of West 11th Street. That's  
4 incorrect. It's located in the 400 block of East 24th  
5 Street. That should be noted.

6                   CHAIRMAN: So noted.

7                   Would the applicant like to make a  
8 statement?

9                   MR. ELLIOTT: State your name, please.

10                  MR. JARBOE: My name is Alan Jarboe.

11                  (MR. ALAN JARBOE SWORN BY ATTORNEY.)

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

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

19                  MR. JARBOE: The only thing I can say is  
20 that the neighborhood is bordered on the west and on  
21 the south by Earthgrain Bakery. There's not a lot  
22 there. I have spoke to many of the neighbors, all of  
23 the neighbors. There's one property owner that I have  
24 not been able to contact. All those that I have  
25 talked to have been supportive of our efforts to open

1 up the tearoom in this location. I thank you for this  
2 opportunity to speak to you.

3 CHAIRMAN: Thank you.

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

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

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

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

25 MR. JARBOE: Back to the original

1 entrance.

2 MR. NOFFSINGER: Back to the original  
3 entrance.

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

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

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

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

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

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

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

24 DR. BOTHWELL: Mr. Noffsinger, looking at  
25 the parking, I didn't see that that was an objection

1       that was raised in the findings of fact for denial.  
2       Whether they could have adequate parking, you still  
3       recommend against based on other reasons?

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

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

8               MR. NOFFSINGER:  No, sir.

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

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

18              MR. JARBOE:  That's correct.

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

21              MR. JARBOE:  It's a rental house.

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

25              DR. BOTHWELL:  The home currently is

1 single-family?

2 MR. JARBOE: Single-family residence, yes.

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

5 MR. JARBOE: That's correct.

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

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

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

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

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

1 correct?

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

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

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

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

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

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

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

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



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

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

7                   MR. JARBOE: Some of the neighbors are  
8 here.

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

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

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

16                  MR. ELLIOTT: State your name, please.

17                  MS. SPALDING: My name is Barbara  
18 Spalding.

19                  (MS. BARBARA SPALDING SWORN BY ATTORNEY.)

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

24                  CHAIRMAN: That's a fair question.  
25 Obviously it depends where the houses are located.

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

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

11                  DR. BOTHWELL: It opens the door.

12                  CHAIRMAN: Yes, ma'am.

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

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

19                  MS. SPALDING: Yes, they do.

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

24                  MS. SPALDING: I'm for the tea house. It  
25       sounds like a really nice place and it could be a lot

1 worse. My concern is if it doesn't make it in two  
2 years, could it be a tattoo parlor or something.

3 DR. BOTHWELL: No.

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

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

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

15 MR. NOFFSINGER: I won't comment on that  
16 except to state that the Staff is not recommending  
17 based upon land use issues in terms of transition of  
18 uses. What you're speaking of in terms of we don't  
19 have any B-4 General Business on that particular block  
20 right now. This would be a new location of B-4  
21 General Business in that block. This brings the  
22 non-residential use further into that existing block.  
23 In terms of creating problems and whatnot, it may not  
24 create any problems if it's rezoned. It may. A lot  
25 of that depends on the use of the property.

1 MS. SPALDING: As long as that was that, I  
2 wouldn't have worry, but it's what it could be.

3 MR. NOFFSINGER: Sure.

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

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

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

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

18 CHAIRMAN: Yes, ma'am.

19 MR. CAMBRON: That's a legitimate concern.  
20 I think it's one that we all take whole-heartedly.  
21 Then I revert back to, and I just say this, not that  
22 it would happen, but it can be rezoned to I-1 too.  
23 With that being said, you know, it's a possibility.

24 CHAIRMAN: Would the other neighbor like  
25 to voice her comment?

1 MR. ELLIOTT: State your name, please.

2 MS. HEATH: My name is Patty Heath.

3 (MS. PATTY HEATH SWORN BY ATTORNEY.)

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

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

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

15 CHAIRMAN: Does that satisfy your  
16 concerns?

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

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

23 MS. HEATH: I was just thinking about the  
24 traffic and the parking is what it was. I'm not  
25 opposed to the tea house. I think they'll probably

1       make it very nice.

2                   CHAIRMAN:   Thank you very much.

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

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

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

18                  MR. NOFFSINGER:   The current plan, which  
19      is likely not to be implemented, but the current plan  
20      would be for 24th Street to be a one-way couplet with  
21      25th Street.   I don't see that happening anywhere in  
22      the near future.   In fact, I don't see it happening at  
23      all.   I don't anticipate any changes to the parking  
24      situation on that street in the near term anyway,  
25      unless there's a bike lane facility proposed for that

1 particular street. If that were proposed, then that  
2 would likely address parking on one side or the other.

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

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

16 DR. BOTHWELL: To support that issue.

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

20 DR. BOTHWELL: Somewhere in the middle.

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

25 MR. CAMBRON: Mr. Noffsinger, just a

1 question. If for some reason there is a motion to  
2 approve this and it does go, should it not be  
3 contingent on a development plan with whatever proper  
4 parking and screening that would need to be allowed  
5 there?

6 MR. NOFFSINGER: That could certainly be a  
7 consideration.

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

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

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

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

16 MR. NOFFSINGER: Yes, sir.

17 MR. HAYDEN: R and B-4.

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

23 DR. BOTHWELL: We saw the pictures of  
24 tractor-trailers parked there. I hardly call that  
25 residential at this point in time.



1                   MR. CAMBRON: There's nothing on that  
2 property, is there, Mr. Howard, on the back there  
3 other than concrete?

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

6                   MR. NOFFSINGER: Yes, sir.

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

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

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

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

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

20                  MR. CAMBRON: From what I'm seeing here,  
21 it looks like the zoning split is on the south side of  
22 that piece of property. If you look at one of these  
23 pictures he's provided, and I hold this up just for  
24 you. It looks like the split is right there. Is that  
25 correct? Would you think so?

1                   MR. HOWARD: It could be, but again it's  
2 impossible tell without having some type of survey  
3 done to actually show the exact location.

4                   MR. CAMBRON: I understand.

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

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

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

12                  MR. CAMBRON: I just make this statement -  
13 -

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

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

24                  DR. BOTHWELL: That would be a finding of  
25 fact.

1                   CHAIRMAN: Let me make a suggestion here  
2                   and ask Mr. Noffsinger, even though the Staff  
3                   formulated a denial based on their initial study that  
4                   the Staff would help us formulate some findings of  
5                   fact to support an approval.

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

17                  MR. APPLEBY: The applicant makes that  
18                  argument.

19                  MR. NOFFSINGER: Given that the  
20                  neighborhood, which zoning is there to protect, really  
21                  doesn't have an opposition to it. They certainly have  
22                  some concerns. I think some of their concerns have  
23                  been answered tonight. There are concerns we can  
24                  address in terms of future use. Given the history of  
25                  this particular piece of property, its location, you

1       might make a finding based upon the existing zoning to  
2       be inappropriate.

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

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

12                  MR. CAMBRON:   I'd like to make a motion  
13       for approval based upon Finding of Fact, and I'll read  
14       this:   "The existing zoning classification given to  
15       the property is inappropriate and the proposed zoning  
16       classification is appropriate.   The existence of the  
17       Evansville Colonial Bakers Corporation at 300 East  
18       24th Street and to the south of the subject property  
19       has economically and socially changed the area.   Very  
20       few individuals looking for single-family housing want  
21       to be next door to a commercial bread making  
22       operation.   Additionally, the adjoining property at  
23       416 East 24th Street has been recently used as a  
24       daycare center instead of a single-family residence.  
25       The quasi commercial use of this property as a small

1       tearoom will serve as an effective buffer to  
2       single-family residential use north of East 24th  
3       Street. Also I would like to make a condition that -  
4       -

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

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

15                  DR. BOTHWELL: South side against Colonial  
16      Bakery?

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

19                  MR. NOFFSINGER: What type of screening?

20                  MR. CAMBRON: Probably just some pine  
21      trees of some type.

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

24                  MR. NOFFSINGER: Where it joins  
25      residential, yes.

1                   MR. APPLEBY: According to the map there  
2                   is residential in the rear.

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

7                   MR. CAMBRON: That is correct.

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

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

14                  DR. BOTHWELL: I have a question before we  
15                  go further.

16                  Does that alter your plans? Does that  
17                  change? Do you want to still do this?

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

20                  CHAIRMAN: The applicant agrees.

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

24                  MR. HOWARD: When you say development  
25                  plan, you mean a formal development plan that would

1       require utilities signatures. Not a site plan?

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

4                   MR. NOFFSINGER: Final development plan.

5                   CHAIRMAN: Would we want a site plan  
6       instead?

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

9                   MR. ELLIOTT: Yes.

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

12                  MR. ELLIOTT: Yes.

13                  MR. CAMBRON: That's my motion.

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

18                  DR. BOTHWELL: Second.

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

21                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22                  CHAIRMAN: Motion carries unanimously.

23       Next item.

24       -----

25                  ZONING CHANGES - COUNTY

Ohio Valley Reporting  
(270) 683-7383

1       ITEM 7

2       6120 Old KY 54  
3       Consider zoning change: From R-1A Single-Family  
4       Residential to B-4 General Business  
5       Applicant: Sports Promotions, LLC, RBC, LLC

5       PLANNING STAFF RECOMMENDATIONS

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

11           Conditions:

12                   Install screening on the subject property  
13      along adjoining residential property to the south.

14           Findings of Fact:

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

18                   2. Development of the subject property  
19      will be nonresidential in character; and,

20                   3. The subject property is a logical  
21      expansion of a contiguous B-4 General Buisness zone  
22      that will not significantly increase the extent of the  
23      zone in the vicinity and will not overburden roadways  
24      and other necessary urban services.

25                   MR. HOWARD: We would like to enter the

                  Ohio Valley Reporting  
                  (270) 683-7383



1 Staff Report as Exhibit D.

2 CHAIRMAN: Is anybody representing the  
3 applicant?

4 APPLICANT REP: Yes.

5 CHAIRMAN: Does anybody have any questions  
6 of the applicant?

7 (NO RESPONSE)

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

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

13 CHAIRMAN: Motion for approval by Mr.  
14 Cambron.

15 MR. HAYDEN: Second.

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Next item.

21 ITEM 8

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

25 PLANNING STAFF RECOMMENDATIONS

Ohio Valley Reporting  
(270) 683-7383

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

6                   Condition:

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

10                  Findings of Fact:

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

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

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

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

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

25                  CHAIRMAN: Is anybody representing the

Ohio Valley Reporting  
(270) 683-7383

1 applicant?

2 APPLICANT REP: Yes.

3 CHAIRMAN: Does anybody have any questions  
4 of the applicant?

5 (NO RESPONSE)

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

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

11 CHAIRMAN: Motion for approval by Dr.  
12 Bothwell.

13 MR. CAMBRON: Second.

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Next item, please.

19 ITEM 9

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

23 PLANNING STAFF RECOMMENDATIONS

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

1 Comprehensive Plan. The condition and findings of  
2 fact that support this recommendation include the  
3 following:

4 Condition:

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

8 Findings of Fact:

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

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

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

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

24 MR. HOWARD: We would like to enter the  
25 Staff Report as Exhibit F.

1 CHAIRMAN: Is anybody here representing  
2 the applicant?

3 APPLICANT REP: Yes.

4 CHAIRMAN: Do we have any questions of the  
5 applicant?

6 (NO RESPONSE)

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

9 MR. CAMBRON: Motion for approval, Mr.  
10 Chairman, based on the Condition and Findings of Fact  
11 1 through 4.

12 CHAIRMAN: Motion for approval by Mr.  
13 Cambron.

14 SISTER VIVIAN: Second.

15 CHAIRMAN: Second by Sister Vivan. All in  
16 favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Next item, please.

20 -----

21 MAJOR SUBDIVISIONS

22 ITEM 10

23 2849, 2853, 2856 Brooks Parkway, 0.620 acres  
24 Consider approval of major subdivision final plat.  
25 Surety (Certificate of Deposit) posted: \$4,086.60  
Applicant: Owensboro Master Builders, Inc.

1                   MR. NOFFSINGER: Mr. Chairman, this plat  
2                   has been reviewed by the Planning and Engineering.  
3                   It's found to meet with the minimum subdivision  
4                   regulations and zoning ordinance. It's in compliance  
5                   with the adopted Comprehensive Plan.

6                   CHAIRMAN: Is anybody here representing  
7                   the applicant?

8                   APPLICANT REP: Yes.

9                   CHAIRMAN: Does anybody have any questions  
10                  of the applicant?

11                  (NO RESPONSE)

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

14                  MS. DIXON: Move to approve.

15                  CHAIRMAN: Motion for approval by Ms.  
16                  Dixon.

17                  MR. HAYDEN: Second.

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

20                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21                  CHAIRMAN: Motion carries unanimously.

22                  Next item, please.

23                  ITEM 11

24                  2400-2601 Blocks East Byers Avenue, 65.392 acres  
25                  Consider approval of major subdivision final plat.  
Applicant: National City Bank, Jagoe Development, LLC

1 MR. JAGOE: Mr. Chairman, I need to  
2 disqualify myself on this item.

3 CHAIRMAN: Mr. Jagoe will be disqualified  
4 on voting.

5 Are there any questions of the applicant?

6 (NO RESPONSE)

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

9 MS. DIXON: Move to approve.

10 CHAIRMAN: Motion for approval by Ms.  
11 Dixon.

12 SISTER VIVIAN: Second.

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

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

17 CHAIRMAN: Motion carries unanimously.

18 Next item, please.

19 ITEM 12

20 870, 900, 934 Daniels Lane, 9.106 acres  
21 Consider approval of major subdivision final plat.  
22 Applicant: James C. Ellis Estate Trust

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

25 CHAIRMAN: Anybody here representing the  
applicant?

1                   APPLICANT REP:   Yes.

2                   CHAIRMAN:   Does anybody have any questions  
3   of the applicant?

4                   (NO RESPONSE)

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

7                   MR. HAYDEN:   Motion for approval.

8                   CHAIRMAN:   Motion for approval by Mr.  
9   Hayden.

10                  MR. APPLEBY:   Second.

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

13                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14                  CHAIRMAN:   Motion carries unanimously.

15                  Next item.

16                  -----

17                                 MINOR SUBDIVISIONS

18   ITEM 13

19   9900, 9920 KY 764, 15.938 acres  
20   Consider approval of minor subdivision plat.  
21   Applicant:   Aubrey & Virginia Mayfield, Bernard &  
22   Janice Clark

22                  MR. NOFFSINGER:   Mr. Chairman, Planning  
23   Staff has reviewed this application.   The application  
24   is in order; however, it involves two pieces of  
25   property that are existing lots of record.   They are



1       somewhat unusual in shape. The result of this  
2       proposed division is that one lot would perhaps become  
3       more non-conforming in that it would be increased to  
4       an agricultural size tract. The other tract would  
5       become a little more unusual in shape in that it cuts  
6       into some of the width of the property; however, given  
7       that these two properties are existing and it's an  
8       unusual lot configuration anyway, I don't think this  
9       is going to make much of a difference. We recommend  
10      that you approve.

11                   CHAIRMAN: Is anybody here representing  
12      the applicant?

13                   (NO RESPONSE)

14                   CHAIRMAN: Does anyone have any questions?

15                   (NO RESPONSE)

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

18                   MR. APPLEBY: Motion for approval.

19                   CHAIRMAN: Motion for approval by Mr.  
20      Appleby.

21                   SISTER VIVIAN: Second.

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

24                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25                   CHAIRMAN: Motion carries unanimously.

1                   The Chair is ready for one final motion.

2                   MS. DIXON:   Move to adjourn.

3                   CHAIRMAN:   Motion by Ms. Dixon.

4                   SISTER VIVIAN:   Second.

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

7                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8                   CHAIRMAN:   We are adjourned.

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