

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 MARCH 8, 2001

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4 The Owensboro Metropolitan Planning  
5 Commission met in regular session at 6:00 p.m. on  
6 Thursday, March 8, 2001, 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 Jimmy Gilles
- 14 Scott Jagoe
- 15 Irvin Rogers
- 16 Sister Vivian Bowles
- 17 Judy Dixon
- 18 Belinda Douglas
- 19 Martin Hayden

20 \* \* \* \* \*

21 CHAIRMAN: I want to welcome everybody to  
22 the March 8th meeting of the Owensboro Metropolitan  
23 Planning Commission. Let's rise and have our  
24 invocation and pledge.

25 (INVOCATION AND PLEDGE OF ALLEGIANCE)

26 CHAIRMAN: Our first order of business  
27 tonight is we have a new commissioner, Mr. Jimmy  
28 Gilles.

29 Mr. Gilles, will you stand, raise your  
30 right hand as we swear you in.

1 (MR. JIMMY GILLES SWORN IN AS  
2 COMMISSIONER.)

3 CHAIRMAN: Our next action of business  
4 will be to elect a secretary. The floor is now open  
5 for nomination.

6 MR. CAMBRON: Mr. Chairman, I'd like to  
7 make a motion for Dave Appleby for secretary.

8 CHAIRMAN: We have a motion of Mr. Dave  
9 Appleby.

10 MR. HAYDEN: I'll second.

11 CHAIRMAN: We have a second by Mr. Martin  
12 Hayden. Are there any other nominations?

13 (NO RESPONSE)

14 CHAIRMAN: The nominations will cease.  
15 All in favor as Mr. Dave Appleby as our new secretary  
16 raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: It is unanimous. Mr. Appleby  
19 is our secretary.

20 Congratulations, Mr. Appleby.

21 Mr. Noffsinger.

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23 PUBLIC FACILITIES PLANS  
24 REVIEW FOR CONSISTENCY WITH COMPREHENSIVE PLAN

25

1       ITEM 2

2       100 Block Ben Ford Road (Map CO-38)  
3       Land Acquisition

4       Consider comments regarding the purchase of property  
5       for realignment of Ben Ford Road to relocate its  
6       intersection with US 431.

7       Referred by: Daviess County Fiscal Court

8                   MR. NOFFSINGER: This application has been  
9       reviewed by the Planning Staff. The application comes  
10      to this board for consideration of its consistency  
11      with the Comprehensive Plan. This realignment project  
12      will involve state moneys. Will also involve  
13      acquisition of property to realign the intersection.  
14      The Planning Staff review finds no conflict with the  
15      Comprehensive Plan and would recommend that this  
16      commission forward a letter to that affect to the  
17      Daviess County Fiscal Court.

18                  CHAIRMAN: Do any of the commissioners  
19      have any questions?

20                  (NO RESPONSE)

21                  CHAIRMAN: Chair is ready for a motion.

22                  MR. JAGOE: Move for approval.

23                  CHAIRMAN: Move for approval by Mr. Jagoe.

24                  MR. APPLEBY: Second.

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

27                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1                   CHAIRMAN: Motion carries unanimously.

2                   We have one other order. Since we've had  
3 our newly elected secretary we also need to consider  
4 the minutes of our February 8th meeting. Are there  
5 any questions, suggestions or additions to those  
6 minutes?

7                   MR. NOFFSINGER: No, sir.

8                   MS. DIXON: Move for approval.

9                   SISTER VIVIAN: Second.

10                  CHAIRMAN: We have a move for approval and  
11 a second. All in favor raise your right hand.

12                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13                  CHAIRMAN: The motion carries. The  
14 minutes is approved.

15                  ITEM 3

16                  5054 Carter Road (Map N-68)  
17                  Land Disposition

18                  Consider comments regarding the sale of property to  
19                  Kenergy for the construction of an electrical  
20                  substation.

21                  Referred by: City of Owensboro

22                  MR. NOFFSINGER: This application has been  
23 reviewed by the Planning Staff. We find that it's not  
24 inconsistent with the Comprehensive Plan and recommend  
25 that you forward a letter to that affect to the City  
of Owensboro.

CHAIRMAN: Are there any questions?

1 (NO RESPONSE)

2 MR. APPLEBY: Motion for approval.

3 CHAIRMAN: Motion for approval by Mr.  
4 Appleby.

5 MR. HAYDEN: Second.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item, please.

11 ITEM 4

12 Portion 2631 South Griffith Avenue (Map N-16)  
13 Land Acquisition and Street Construction  
14 Consider comments regarding the acquisition of  
15 property for upgrading storm water facilities and  
16 reconstruction of a portion of Scherm Road.  
17 Referred by: City of Owensboro

18 MR. NOFFSINGER: Mr. Chairman, the  
19 Planning Staff has reviewed this application. Find no  
20 conflicts with the Comprehensive Plan and would  
21 recommend that you forward a letter to that affect to  
22 the City of Owensboro.

23 CHAIRMAN: Any questions from the  
24 Commissioners?

25 (NO RESPONSE)

MR. ROGERS: Motion for approval.

CHAIRMAN: Mr. Rogers has a motion for

1 approval.

2 SISTER VIVIAN: Second.

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

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 Next item, please.

8 ITEM 5

9 1802 Leitchfield Road (Map N-7)  
10 Land Acquisition and Street Construction  
11 Consider comments regarding the acquisition of  
12 property for improvements to the intersection of East  
13 18th Street and Leitchfield Road.  
14 Referred by: City of Owensboro

15 MR. NOFFSINGER: Mr. Chairman, this  
16 project comes to us for consideration of the  
17 re-alignment of the intersection of 18th and  
18 Leitchfield Road to do away with that triangle piece  
19 of property and that Y intersection. The Planning  
20 Staff has reviewed this application and find no  
21 conflicts with the Comprehensive Plan and would  
22 recommend you forward a letter of that affect to the  
23 City of Owensboro.

24 CHAIRMAN: Any questions or comments?

25 (NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move for approval.

1 CHAIRMAN: Judy move for approval.

2 MR. JAGOE: Second.

3 CHAIRMAN: Second by Mr. Jagoe. All in  
4 favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 Next item, please.

8 ITEM 6

9 302 East Third Street (Map N-4)  
Land Acquisition and Street Construction  
10 Consider comments regarding the acquisition of  
property for improvements to the intersection of J.R.  
11 Miller Boulevard, East Third Street and the Glover  
Cary Bridge (US 231).  
12 Referred by: City of Owensboro

13 MR. NOFFSINGER: This application is to a  
14 re-alignment at the Glover Cary Bridge intersection.  
15 It would add a lane, one additional lane onto the  
16 bridge to the west and it would also move the J.R.  
17 Miller Boulevard intersection at Third Street to the  
18 east. It would make an improvement to that  
19 intersection. Planning Staff has reviewed the plan.  
20 We find no conflicts with the plan and would recommend  
21 you forward a letter to that affect to the City of  
22 Owensboro.

23 CHAIRMAN: Commissioners have any  
24 questions?

25 (NO RESPONSE)

1 MS. DIXON: Move for approval.

2 CHAIRMAN: Motion for approval.

3 MR. GILLES: Second.

4 CHAIRMAN: Mr. Gilles has a second. All  
5 in favor raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item.

9 ITEM 7

10 917, 923, 925 West Fifth Street, 419 Sycamore Street  
(Map N-3)

11 Land Disposition

12 Consider comments regarding the sale of property to an  
13 adjacent property owner, Mount Pisgah Lodge F&AM #20.  
14 Referred by: City of Owensboro

15 MR. NOFFSINGER: This application has been  
16 reviewed by the Planning Staff. We find no conflicts  
17 with the Comprehensive Plan and would recommend you  
18 forward a letter to that affect to the City of  
19 Owensboro.

20 CHAIRMAN: Commissioners have any  
21 questions?

22 (NO RESPONSE)

23 MS. DIXON: Motion for approval.

24 MR. CAMBRON: Second.

25 CHAIRMAN: We have a motion by Judy. Mr.  
Cambron had a second. All in favor raise your right



1 hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item, please.

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6 ZONING CHANGE - CITY

7 ITEM 8

8 Portion 1117 Allen Street, amended to 0.221 acres  
(Map N-4) (POSTPONED)

9 Consider zoning change: From R-4DT Inner-City  
Residential to I-1 Light Industrial.

10 Applicant: Steve Mayton, John & Frieda Calhoun

11 (MS. BECKY WATSON SWORN BY CHAIRMAN.)

12 CHAIRMAN: State your name.

13 MS. WATSON: I'm Becky Watson.

14 PLANNING STAFF RECOMMENDATIONS

15 Staff recommends approval because the proposal is  
16 in compliance with the adopted Comprehensive Plan.

17 This recommendation is made subject to the findings of  
18 fact that follow:

19 FINDINGS OF FACT:

20 1. The subject property is located within a  
21 Central Residential Plan Area, where light industrial  
22 uses are appropriate in very-limited locations;

23 2. The subject property is bounded on the north,  
24 south and east across Daviess Street by I-1 Light  
25 Industrial zoned property;

1           3. The expansion of an I-1 Light Industrial zone  
2 and use would not significantly increase the extent of  
3 industrial uses located within the 1100 block of  
4 Daviess Street;

5           4. The rezoning request is a logical expansion  
6 of light industrial uses located within this block of  
7 Daviess Street;

8           5. The expansion of an I-1 Light Industrial zone  
9 and use would not overburden the capacity of the  
10 roadway or other necessary urban services in the area;  
11 and

12           6. The pattern of lot development along the  
13 existing block fronts will be respected, thereby  
14 reducing the potential for conflicts with neighboring  
15 areas.

16                       MS. WATSON: We would like to enter the  
17 Staff Report as Exhibit A, please.

18                       (STAFF REPORT, ITEM 8 ON THE AGENDA, IS  
19 ATTACHED AND MADE A PART OF THE RECORD AT THIS TIME AS  
20 EXHIBIT A.)

21                       CHAIRMAN: Is the applicant represented  
22 here?

23                       MR. MAYTON: Yes.

24                       CHAIRMAN: Do you have any comments you  
25 would like to make?

1 MR. MAYTON: Not at this time unless  
2 somebody objects to it being done.

3 CHAIRMAN: Is there anybody from the  
4 audience that would like to make any comments?

5 MR. HASTINGS: I'm Larry Hastings.

6 (MR. LARRY HASTINGS SWORN BY CHAIRMAN.)

7 CHAIRMAN: Give your name, please.

8 MR. HASTINGS: Larry Hastings.

9 CHAIRMAN: Thank you, Mr. Hastings.

10 MR. HASTINGS: Good evening, Commissiones.

11 I've been asked to speak for the J.Z. Moore  
12 Neighborhood Association. To avoid so many speakers  
13 we've combined most of our ideas into one dialogue.  
14 There will be other speakers on specific items. We  
15 are here tonight to oppose the rezoning of 1117 Allen  
16 Street east of Daviess Street, property belonging to  
17 John Calhoun, from inner-city residential to light  
18 industrial.

19 The plans are for an automotive  
20 restoration shop to be built and operated from this  
21 location.

22 Inner-city residential is the most  
23 appropriate zoning for this property. Our  
24 neighborhood supported Mr. Calhoun last year when he  
25 successfully had the property changed to residential

1 from light-industrial. We still believe that  
2 inner-city residential is the most appropriate zone.  
3 The property lies immediately adjacent to three homes;  
4 two single-family homes and one duplex in close to a  
5 fourth residence for two families.

6 Three-fourths of this block is part of the  
7 local historic district originally approved by the  
8 Historic Preservation Board and up for reviewed by the  
9 city commissions.

10 The only property not included in historic  
11 district is owned by John and Freida Calhoun who asked  
12 the neighborhood not to include their property in the  
13 application. The Calhouns no longer live in our  
14 neighborhood. They have purchased a new home and  
15 their Allen Street home is also for sale.

16 Residents of the neighborhood do not want  
17 an automotive restoration shop so close to their  
18 homes. We are the largest national historic district  
19 in the city. We have worked hard with lots of help  
20 from the city and to attain this recognition. We are  
21 concerned with Mr. Calhoun's efforts to sale his  
22 property. We are talking to local organizations to  
23 promote interest in this land for beautification  
24 spot. We have hopes that the property will become a  
25 mini park or landscape green space as an alternative

1 to rezoning.

2 Old Owensboro Neighborhood Association and  
3 others have discussed the development of this property  
4 as an inner-city green space. We think of this  
5 property as being the doorway to our neighborhood.  
6 Why put an automotive shop at this location when there  
7 are more suitable industrial spaces available with  
8 room for expansion. An automotive restoration shop  
9 does not seem appropriate adjacent to our residence.  
10 The J.Z. Moore Neighborhood is working to preserve our  
11 heritage, to keep part of the past of life for the  
12 future generations. We are asking for your help in  
13 keeping the neighborhood residential.

14 Thank you for listening to our request and  
15 at this time I ask the residents of the neighborhood  
16 who oppose of rezoning the property to stand, please.

17 (AUDIENCE COMPLIES WITH REQUEST.)

18 MR. HASTINGS: We stand together to say  
19 let's keep the property residential. Thank you.

20 CHAIRMAN: Thank you, Mr. Hastings. I  
21 appreciate you bundling up all your comments with one  
22 speaker. That makes our job much easier. Appreciate  
23 it.

24 CHAIRMAN: State your name, please.

25 MR. WHITAKER: Roger Whitaker.

1 (MR. ROGER WHITAKER SWORN BY CHAIRMAN.)

2 MR. WHITAKER: My wife and I recently  
3 purchased the property at 115 East 12th Street. Our  
4 property basically touches the property that is  
5 currently being reconsidered for rezoning. The  
6 property that is currently being reconsidered for  
7 rezoning is - - since it is our backyard, we are  
8 naturally concerned about the rezoning from  
9 residential to light industrial.

10 We purchased our property with the  
11 intention, of course, of being able to use our  
12 backyard, but our concern about the possible traffic,  
13 the noises and the smells of a light industrial  
14 establishment that could potentially bring to a quiet  
15 community.

16 I'm certainly pro-business and I have no  
17 grievance with the Calhouns nor Mr. Mayton, but I  
18 don't believe that taking a city block where half the  
19 block or approximately half the block there are four  
20 residential houses and turning that portion of the  
21 block or a small portion of the block into light  
22 industrial based upon residents that currently live  
23 there.

24 It has also come to our attention, my wife  
25 and I, that our property is currently considered light

1 industrial. Our house that's on that property has  
2 been there for approximately 96 years and I'm not  
3 really sure why it was ever considered light  
4 industrial, but we are certainly looking into the  
5 possibility of rezoning our property from light  
6 industrial back to what it really should be as  
7 residential. I know that places part of a bearing of  
8 zoning in that particular block.

9 I guess the last thing I would like to say  
10 is since our house is 96 years old that I know it has  
11 seen a lot come and go, but I certainly hope that it  
12 does not see a light industrial come to its backyard.  
13 Thank you.

14 MR. CHAIRMAN: Yes, ma'am, would you like  
15 to make a comment. State your name, please.

16 MS. COMBS: Vicki Combs.

17 (MS. VICKI COMBS SWORN BY CHAIRMAN.)

18 MS. COMBS: I just wanted to quickly  
19 address three of the points under the findings of  
20 fact.

21 Point Number 2, "The subject property is  
22 bounded on the north, south and east across Daviess  
23 Street by I-1 Light Industrial zoned property." I  
24 wanted to make a point particularly about the property  
25 owned by Smith Machine & Supply Company. That

1 property currently is not actually being used. It  
2 certainly is zoned light industrial, but it is  
3 currently not actually being used. It has been for  
4 sale for more than a year I believe and the owners are  
5 clearing the property completely. Mr. Arnell has  
6 talked with me on several occasions and has assured me  
7 that they're interested in doing something on the  
8 property that is consistent with the neighborhood and  
9 in particular with the historic district. So simply  
10 wanted to make that point.

11 In addition points 3 and 4, I think I can  
12 combine. It says the expansion of light industrial  
13 use would not significantly increase the extent of  
14 industrial uses that's located within the block.  
15 Currently there are no industrial uses in the block at  
16 all. The one small building which is zoned light  
17 industrial has been vacant for some time and is  
18 currently for rent. So we have no current industrial  
19 uses. The only industrial use that I can remember  
20 since living in the neighborhood since 1984 was when  
21 that little building was a small cabinet shop and then  
22 just after that it was a small automotive shop. When  
23 that owner decided to expand he chose to relocate out  
24 of the neighborhood. Thank you.

25 CHAIRMAN: Are there any more comments



1 from the audience?

2 MS. BRIZENDINE: Janice Brizendine.

3 (MS. BRIZENDINE SWORN BY CHAIRMAN.)

4 MS. BRIZENDINE: I have some pictures that  
5 I would like to pass to you all.

6 The J.Z. Moore Neighorhood has changed a  
7 lot since that zoning to light industrial was passed  
8 It has seen a large increase in private investment  
9 over the last several years and believe you me we have  
10 put a lot of sweat equity into our homes there.

11 Although some property is located near the  
12 site in question, our zoned industrial there is no  
13 harsh use in that area at the present time.

14 The following uses exist: There this is  
15 vacant property; there is a church; there is a police  
16 station; there is a teenage non-alcoholic night spot;  
17 there is a warehouse with really nice landscaping; and  
18 everything else is single-family residential except a  
19 duplex.

20 It is our understanding that the original  
21 zone change request has been amended as to not being  
22 to include the entire lot but just the one-half facing  
23 Daviess Street.

24 The reasons why the entire lot should not  
25 be rezoned to industrial would still carry to the

1 remaining piece. The lot is only roughly 80 by 135  
2 feet. It would not be large enough to handle an  
3 automotive repair shop even if it did meet the  
4 planning requirements. Surely there will be more cars  
5 and car parts on the lot than could fit within the  
6 designated parking area.

7           Although the adjacent property located  
8 along West 12th Street is zoned light industrial, the  
9 lots are being used for residential. That's a repeat  
10 of what we've already said. We want to make sure that  
11 it's understood that that is all residential.

12           The bottom line is that if this rezoning  
13 application is approved, it will allow a possibly  
14 harsh industrial use to be placed right next to  
15 residential property.

16           Planning Commissioners, I feel that you  
17 can understand the investment and pride that we all  
18 take in our neighborhood and we ask you to deny this  
19 application based on the following findings: The  
20 existing zoning classifications of R-4DT is  
21 appropriate and the proposed zoning classification of  
22 light industrial is inappropriate. There has been  
23 major changes of economic physical and social nature  
24 within the revitalization of the J.Z. Moore  
25 residential neighborhood. These changes have

1 substantially altered the basic character of the area  
2 in question. The strength of viability of residential  
3 use within the neighborhood have had a huge impact on  
4 residential inner-city revitalization. The proposed  
5 light industrial zone and use such as an automotive  
6 repair shop would be an intrusive invasion of the  
7 residential character of our neighborhood. Thank you.

8 CHAIRMAN: Are there any more comments  
9 from any of the residents or audience?

10 Yes, sir, the applicant would like to make  
11 a statement. State your name, please.

12 MR. MAYTON: Steve Mayton.

13 (MR. STEVE MAYTON SWORN BY CHAIRMAN.)

14 MR. MAYTON: Do you all have this report  
15 that I have that shows the plot?

16 CHAIRMAN: Yes, we do.

17 MR. MAYTON: If you look at the plot  
18 drawing, half the lot that I'm wanting to rezone,  
19 there is an alley that separates it from the other  
20 residents. There's a ten-foot alley there. That  
21 separates that from the rest of the houses there that  
22 goes both directions. I'm not going past the other  
23 side of the alley.

24 As far as it being zoned residential, I  
25 have a letter from the Habitat for Humanity. They

1 would not even build a house there for residents. So  
2 it looks like to me the only thing that would be  
3 proper would be industrial use. I have that letter  
4 with me if you'd like to see a copy of it.

5 MR. CAMBRON: I'd like to.

6 MR. MAYTON: It was sent to Mr. Calhoun  
7 and not to me.

8 I don't plan on making a used car lot out  
9 of the place. When you restore antique cars  
10 everything stays inside. People aren't going to have  
11 them sitting outside. Put up a nice block building.  
12 I think it'd be an asset to the neighborhood. There  
13 are zoning laws to keep it from making it a junk mess.  
14 That's really all I have to say. If anybody have any  
15 questions, I'd be glad to answer them.

16 CHAIRMAN: Let's see. Does anybody on the  
17 commission have any questions?

18 MR. CAMBRON: What are your exact intent  
19 there? You're going to make a restoration shop?

20 MR. MAYTON: Restore antique cars. It's a  
21 one-man operation. You can't get a whole lot around  
22 there.

23 MR. CAMBRON: Will you be doing spray  
24 painting?

25 MR. MAYTON: Yes. I would have EPA

1 approved just like suppose to have.

2 MR. CAMBRON: Will you be disposing of  
3 your hazardous waste in a proper way?

4 MR. MAYTON: Yes, sir.

5 MR. CAMBRON: Even though you don't have  
6 to?

7 MR. MAYTON: I assumed it was the law, but  
8 I would anyway.

9 MR. CAMBRON: It depends on how many  
10 employees you have.

11 MR. MAYTON: One. I can't fire myself.

12 MR. CAMBRON: How many cars do you plan on  
13 restoring a month, a year, a week, a day or whatever?

14 MR. MAYTON: Maybe 10 or 12 a year.

15 MR. CAMBRON: What type cars are you going  
16 to be restoring?

17 MR. MAYTON: I've done antique cars from  
18 1928 models up. It just depends on what a person  
19 wants restored.

20 MR. CAMBRON: Are you going to add on to  
21 the building?

22 MR. MAYTON: I have no intention to.  
23 There's no building there. It's vacant, but what I  
24 build should be sufficient for what I want to do.

25 MR. CAMBRON: What size building are you

1 going to build?

2 MR. MAYTON: Forty by sixty. That leaves  
3 me over 70 feet for a parking lot.

4 MR. CAMBRON: That's all the questions I  
5 have.

6 CHAIRMAN: Does anybody else, any of the  
7 other commissioners have any questions or comments  
8 they would like to make?

9 (NO RESPONSE)

10 CHAIRMAN: You are familiar with what the  
11 zoning requirements would be as far as your shielding  
12 and your screening of your property?

13 MR. MAYTON: Yes, sir

14 CHAIRMAN: Mrs. Watson, have you gone over  
15 that with him, the applicant?

16 MS. WATSON: We haven't reviewed a site  
17 plan.

18 CHAIRMAN: Let me ask her to step to the  
19 stand if we could to get her on record.

20 MS. WATSON: A site plan hasn't been  
21 submitted for review yet, but he is aware of screening  
22 and parking requirements that would be looked at from  
23 the zoning ordinance.

24 CHAIRMAN: Would you briefly, Ms. Watson,  
25 would you briefly outline some of the requirements,

1 you know, as far as screening and things that will be  
2 required.

3 MS. WATSON: I would rather Mr. Mischel do  
4 that since he's the enforcement officer on those type  
5 of issues.

6 CHAIRMAN: Would you state your name,  
7 please.

8 MR. MISCHEL: Jim Mischel.

9 (MR. JIM MISCHEL SWORN BY CHAIRMAN.)

10 MR. MISCHEL: As far as the screening and  
11 parking, the parking requirements for that type of  
12 use, restoring cars would be one for 600 or a minimum  
13 of five at least.

14 The screening to the south, which will be  
15 the houses close to 12th Street, there would be no  
16 screening since the property is zoned I-1. To the  
17 rear of the property, which would be zoned to the  
18 west, would be - - he'd have to have a ten foot buffer  
19 grass strip. You have to have a six foot solid  
20 element.

21 CHAIRMAN: Then to the north toward the  
22 railroad tracks?

23 MR. MISCHEL: He wouldn't have to have  
24 anything. It's not a street, official street so there  
25 would be no buffer there.

1                   Now, on Daviess Street, which will be the  
2 east side, he would be required to have a landscape  
3 buffer between the street and his parking lot. If he  
4 has a 40 by 60, that would be 2400 square feet. He'd  
5 have to have four, but there's a minimum of five so  
6 he'd have to have five parking spaces which will have  
7 to be paved.

8                   CHAIRMAN: Mr. Mischel, would you stay  
9 there just a minute.

10                  Do you have a question, Mr. Cambron?

11                  MR. CAMBRON: Yes. Would he have to  
12 provide an outdoor storage facility for these  
13 automobiles that he is not repairing that are waiting  
14 there to be repaired or place for storage?

15                  MR. MISCHEL: He would only have to if he  
16 had outdoor storage. If he didn't have any outdoor  
17 storage, it wouldn't be required. If he did, he would  
18 be required to have a solid fence.

19                  CHAIRMAN: Would you stay with us just a  
20 minute, Mr. Mischel.

21                  Does anybody in the audience, do you all  
22 have any questions that you would like to ask of Mr.  
23 Mischel before we dismiss him?

24                  Yes, ma'am.

25                  MS. COMBS: Vicki Combs.



1 I wanted to clarify about the alley. It  
2 almost sounded as if Mr. Mayton was suggesting that  
3 the alley separates all of the homes in the property  
4 and it does not. It only separates - - in other  
5 words, it doesn't run behind the homes at 115 East  
6 12th Street and 119 and 125. Those homes abut up  
7 immediately against that property. That's all.

8 MR. CAMBRON: It does show some type of  
9 setback there. What is that? Easement?

10 MR. MISCHEL: I think at one time it might  
11 have been used for an alley, but it's not a public  
12 alley. It was probably used for that, but it's  
13 probably private type alley, passway, from what I can  
14 tell. Since those three properties are zoned I-1, it  
15 would not be a buffer requirement by the zoning  
16 ordinance.

17 CHAIRMAN: Yes, ma'am, did you have a  
18 question or did she take care of your question?

19 State your name, please.

20 MS. HOWELL: Dorothy Howell.

21 (MS. DOROTHY HOWELL SWORN BY CHAIRMAN.)

22 MS. HOWELL: I wanted to have clarified.  
23 Did I did understand that there would be no screening  
24 at all to the south? The south is where the homes  
25 are.

1 MR. CAMBRON: That's because they're zoned  
2 I-1 when you abut up or near I-1.

3 Am I correct, Mr. Mischel?

4 MR. MISCHEL: That's correct. His  
5 property if it's rezoned will be I-1. Three houses to  
6 the south, they're currently zoned I-1 and there's no  
7 buffer requirement between I-1 zone.

8 MS. HOWELL: Even though they're used as  
9 residences and have been for eons? That wouldn't have  
10 a reflection on how they should be screened or  
11 protected?

12 MR. MISCHEL: The only time you require  
13 that is if he had some outdoor storage like we talked  
14 about before. If he did have outdoor storage, he'd  
15 have to put a six-foot solid element around that. The  
16 only other, his building itself, if it's built out of  
17 wood or metal, he would be required to at least stay  
18 ten feet off that property line with his building.

19 MS. HOWELL: That doesn't leave much space  
20 for operation of a business, does it? That's all, I  
21 guess. Thank you.

22 CHAIRMAN: Thank you very much.

23 Does anybody else have any other questions  
24 of Mr. Mischel?

25 State your name and come to the microphone

1 if you have a question. State your name, please.

2 MR. PHILIPS: My name is Mike Philips.

3 (MR. MIKE PHILIPS SWORN BY CHAIRMAN.)

4 MR. PHILIPS: I own the property in  
5 question on 1122 Daviess Street. We currently have  
6 for rent. I don't see any problem with what the  
7 gentleman is going to do. I understand what he's  
8 going to do because I'm in the business. He's going  
9 to build a building there and he's going to have to  
10 conform to beautification things that to me are absurd  
11 when you're beside a railroad track. It's going to  
12 look better most likely than the houses in the  
13 neighborhood when he gets done with them.

14 I have concerns if that's not left or not  
15 gone gone back to I-1 that maybe my property could be  
16 changed in some way to where I could not rent. We  
17 operated a machine shop there for 14 years. Do any of  
18 you people even know me?

19 (NO RESPONSE)

20 MR. PHILIPS: We didn't cause much  
21 trouble, did we? I was there for 14 years. We  
22 operated an automotive type machine shop. We probably  
23 built 500 engines in that building in 14 years, not to  
24 mention cleaning, valve jobs, and other things. Make  
25 ten times the noise, or not ten times the noise. At

1 least five times the noise and stuff of what one man  
2 can can do restoring old cars. We had five people  
3 working in that building.

4 Anybody ever have any complaints out of  
5 what we did there?

6 (NO RESPONSE)

7 MR. PHILIPS: I know you didn't.

8 I don't know there gentleman over here.  
9 Me and Mr. Calhoun have had our differences and he's  
10 the one that's going to benefit on the sale. He tried  
11 to sell it as just a residential thing. These people  
12 opposed to what he wanted to do there. Now he's  
13 trying to sell it. Go back to I-1 and sell it.  
14 They're opposing that. I don't know these people. I  
15 don't have a problem with them, but I just don't  
16 understand why this gentleman over here can't go in  
17 there and put in a business that's like I say has to  
18 conform to all the codes and stuff. That's all I have  
19 to say.

20 CHAIRMAN: Let me say one thing. One, the  
21 screening to the north that's next to the railroad  
22 tracks, if I'm wrong, Mr. Mischel, I'm sure you'll  
23 correct me. But the screening to the north, there's  
24 no screening required there abutting the railroad  
25 tracks. There is no screening there.

1 MR. MISCHEL: That's correct.

2 CHAIRMAN: As far as anything affecting  
3 your zoning of I-1, no. You are zoned I-1. You will  
4 be I-1. Anything that takes place here, will not  
5 affect your zone in any way.

6 MR. PHILIPS: That's my main concern right  
7 there. I think I have the building rented. We had a  
8 hard time trying to rent it. It's not something  
9 that's easy to rent because of what it is. You have  
10 to get more rental out of it because of what it is.  
11 The gentleman that's going to go in there to do what  
12 he's going to do has epoxy type business that has no  
13 smells that I know of. He's not going to make any  
14 more racket or noise than residential place, you  
15 know. The guy that's going in my property would be  
16 doing something similar to what this gentleman wants  
17 to go over there. As far as what I'm talking about,  
18 not the business but the noise factor and the smell or  
19 whatever, traffic or so forth like that.

20 CHAIRMAN: Thank you.

21 MS. DIXON: I have a question.

22 CHAIRMAN: Ms. Dixon.

23 MS. DIXON: Just to satisfy my curiosity.

24 If all of these houses on Daviess and so forth have  
25 been houses forever, and I know that they have, I've

1       been in a good many of them, why are they zoned  
2       industrial? How did that happen?

3                   CHAIRMAN: That would be a question for  
4       Mr. Mischel.

5                   MS. DIXON: I mean did somebody just  
6       blanketly spread I's over a great deal of land 100  
7       years ago?

8                   CHAIRMAN: Mr. Adams is going to come to  
9       the microphone.

10                   State your name, please?

11                   MR. ADAMS: Gary Adams.

12                   (MR. GARY ADAMS SWORN BY CHAIRMAN.)

13                   MR. ADAMS: This as we've been hearing  
14       discussed is property immediately adjoining the  
15       railroad tracks. Back when Owensboro was first zoned  
16       in the late '40s and early '50s, we had pyramidal  
17       zoning which meant that when you had industrial zoning  
18       you could do anything you wanted from industrial on  
19       down to commercial on down to residential within that  
20       zone. So a lot of properties immediately adjoining  
21       railroad tracks were zoned industrial even down into  
22       some of the adjoining residential areas.

23                   Subsequent to that though, the Kentucky  
24       Supreme Court said you can't have pyramidal zoning.  
25       You have to have discreet zone and you can't do

1 resident, industrial or vice versa. So you have some  
2 leftover situations where you have residential uses  
3 that are zoned light industrial because ever since  
4 1980 when the new zoning ordinance was adopted,  
5 Planning Commission has not chosen to assertively go  
6 out and rezone properties assuming what the property  
7 wanted it to be.

8           There could be assumption here that those  
9 three houses or the two houses next to the small  
10 business the gentleman who just spoke, those owners  
11 may want some day to do light-industrial use on there.  
12 The Planning Commission is not presuming what their  
13 future interest is. But that's the reason that you'll  
14 have some situations near railroad tracks where you'll  
15 have houses zoned industrial because they were zoned  
16 industrial in 1947 when Owensboro first had zoning.

17           CHAIRMAN: Thank you, Mr. Adams.

18           Ms. Dixon, your continuation.

19           MS. DIXON: Can I follow up on that?

20           CHAIRMAN: Yes, ma'am.

21           MS. DIXON: What that's basically saying  
22 is if you buy an older home and you don't seek out  
23 some avenue to rezone it, then sooner or later that's  
24 going to come back and slap you in the face even if  
25 you didn't realize. That's going to work to your - -

1 I have a problem with that.

2 MR. APPLEBY: You're under some  
3 obligations to determine what the zone is before you  
4 buy the property.

5 MS. DIXON: I know, but - -

6 MR. JAGOE: A lot of people don't inquire  
7 about that.

8 CHAIRMAN: Yes, sir. One more comment.  
9 State your name, please.

10 MR. DARLING: Robert Darling.

11 (MR. ROBERT DARLING SWORN BY CHAIRMAN.)

12 MR. DARLING: I'm president of the Old  
13 Owensboro Neighborhood Alliance which services the  
14 area from Parrish Avenue North and Frederica Street  
15 East, which J.Z. Moore is in our area.

16 A question I'd like to bring up is really  
17 your own words and the issue that just got discussed a  
18 second ago. Once this is changed to light industrial,  
19 it will stay light industrial forever. If Mr. Myers  
20 meets all the codes and is a good neighbor and  
21 everything, will be in 5 or 14 years as a machine  
22 shop. All at once his business won't be there, but  
23 yet you'll have a piece of property that's light  
24 industrial. What would be the next business that  
25 might go in there in a light industrial area that you



1 don't know - - that would meet all the codes and  
2 everything because it would already be, you know,  
3 already be changed to light industrial.

4                   So once you change - - you know, this  
5 property has already been changed to residential which  
6 we encourage commercial business too, but once you  
7 change it back it's kind of like, you know, every two  
8 or three years it's just going to go back and forth  
9 between the two. I would just question. I wanted to  
10 comment. Since the last time I was down here I see  
11 almost all new board members. In ten years from when  
12 there's another whole set of new board members,  
13 they'll say, well, that's light industrial. Whatever  
14 business is there can go there. You're making changes  
15 for the future. Not just today.

16                   CHAIRMAN: I'll just address several of  
17 your comments.

18                   One, this property has been before us  
19 before. It was light industrial. He did change it to  
20 residential and now he's coming back to put it back  
21 where it was before. As far as what businesses will  
22 be in or in a light industrial zone, it's spelled out  
23 what businesses can be in light industrial zone from  
24 now on.

25                   This board if anyone of you all want to

1 change your classification of your house, you know,  
2 you make an application, come before this board and  
3 you can reclassify it as many times as you want, you  
4 know, assuming the board passes it. So there's no  
5 iron-clad thing, but if somebody is happy with light  
6 industrial and they're operating light industrial,  
7 they will be light industrial. That's the way the  
8 process works regardless who is on the board and what  
9 time.

10 SISTER VIVIAN: I have a question.

11 CHAIRMAN: Yes, ma'am.

12 SISTER VIVIAN: It was said that there  
13 didn't have to be a buffer between the proposed  
14 property and what is light industrial already. On our  
15 map it says Lynn Iler and Philips property. There are  
16 two sides to this story that I'm hearing tonight. One  
17 is the people that have property that are homes, they  
18 want the sanctity of that, but yet this is adjacent to  
19 the light industrial already. So there's an argument  
20 both ways. Would it be at all appeasing if it would  
21 be recommended by us that there be some kind of  
22 fencing, attractive fencing between that property and  
23 the homes that are already zoned light industrial?

24 MR. MISCHER: Make it a condition upon the  
25 rezoning?

1                   SISTER VIVIAN: I mean I don't know that  
2                   it would appease them at all or not, but it would help  
3                   me if I had a home and industry of any kind was going  
4                   into the back of my home.

5                   MR. MISCHEL: I would assume that the  
6                   board could make conditions to the rezoning. As the  
7                   zoning ordinance stands right now, when you have I-1  
8                   light industrial property abutting I-1 light  
9                   industrial there is no screening requirement.

10                  SISTER VIVIAN: I guess really my question  
11                  is more it can be done. Like if Mr. Mayton buys the  
12                  property and he would agree to do that, would that  
13                  help at all the homeowners in the neighborhood?

14                  MR. MISCHEL: I'm sure. That would be for  
15                  them to discuss, but that might - - I can't answer for  
16                  them.

17                  MR. MAYTON: Can I comment on that?

18                  CHAIRMAN: Please do.

19                  MR. MAYTON: I've been down to the  
20                  Planning & Zoning several times trying to figure  
21                  exactly what I need to do to make everybody happy. If  
22                  my understanding is correct, I have to have at least  
23                  30 feet in front of the building. That's going to be  
24                  parking lot and set the building 30 feet off the  
25                  street. Then you put a 60-foot long building there.

1 That's going to be up against the back of those houses  
2 or up against the alley. The building is going to be  
3 on that side of the lot towards the alley. Then at  
4 the end of the lot you might have 40 or 50 feet that  
5 wouldn't have a building or anything there that would  
6 be the vacant part of the lot. So if you've got a  
7 60-foot building there and a 30-foot parking lot, why  
8 would you need a fence between there and the alley?

9 CHAIRMAN: I don't need to speak for you,  
10 Sister Vivian. You can handle it yourself.

11 SISTER VIVIAN: I was trying to protect  
12 the homeowners. That if your business was backing up  
13 to their homes, that if I lived in one of those houses  
14 I would like some kind of attractive fencing or  
15 something there to give any impression between the  
16 industry and the home. But you're saying that you're  
17 going to be so close to their property line that you  
18 couldn't even put a fence in there?

19 MR. MAYTON: I could put the building  
20 wherever I want to on the lot, but there's a ten foot  
21 alley there that separates these properties that's at  
22 least ten foot wide.

23 SISTER VIVIAN: I thought someone said  
24 awhile ago there was not an alley. It was only - -

25 MR. APPLEBY: There's an easement there.

1 CHAIRMAN: Easement.

2 MR. MAYTON: There is gravel path there.

3 I don't know if you want to call it an alley or not.

4 I don't know if it's classified as an alley.

5 MR. CAMBRON: It's almost like a common  
6 driveway?

7 MR. MAYTON: Yes. But if you put a  
8 six-foot fence up beside a 12 foot building, what have  
9 you gained? I don't care to put the fence up if  
10 that's what you want.

11 MR. CAMBRON: If you had a bunch of scrap  
12 material, drums of something, garbage.

13 MR. MAYTON: I'm not going to have that.

14 MR. CAMBRON: We don't know. That's what  
15 we're saying. She may want you to do that if she  
16 determines that she wants to make a recommendation and  
17 that's the reason possibly.

18 Is that correct, Sister?

19 SISTER VIVIAN: Yes. I was just thinking  
20 of the view. I don't know that that would even, you  
21 know, that this group over here would even be amenable  
22 to that. I was raising the question trying to get  
23 some kind of compromise here.

24 MR. MAYTON: I'm planning on putting up a  
25 nice block building and painting it, you know. To me

1 it would be an asset to the neighborhood.

2 Collision shop has cars sitting around  
3 waiting to be repaired outside a lot of times because  
4 they don't have room. A restoration shop you work on  
5 one or two cars at a time and they stay inside for  
6 months at a time. You don't have cars sitting outside  
7 waiting to be worked on. You're only going to have 40  
8 or 50 feet at the end of the lot that's not going to  
9 have a nice white wall there or clay color, whatever  
10 color I paint the outside of the wall.

11 CHAIRMAN: His block building can go right  
12 on the property line.

13 MR. MAYTON: Within three feet, I believe.

14 CHAIRMAN: Jim, how close to the block  
15 building?

16 MR. MISCHER: If the building was built  
17 out of wood or metal, it would have to be 10-feet off  
18 the property line. If it's out of block,  
19 theoretically it could go up to the property line.  
20 There's a grading for that.

21 At this time for what he's proposing I  
22 don't know. The most it would be probably be a - -

23 CHAIRMAN: So a standard block he would be  
24 right on, he could be right on the property line, run  
25 back within 40 foot of the end and then he - - what

1 you were suggesting, Sister Vivian, is maybe a  
2 continuation of that with maybe some solid fence  
3 because I think your neighbor on Daviess Street would  
4 not really care or desire for a fencing dividing your  
5 two properties. I think that's what Sister Vivian is  
6 proposing is a possible - -

7 MR. MAYTON: The fence on the last 40  
8 feet.

9 CHAIRMAN: Yes.

10 MR. MAYTON: No problem.

11 MR. NOFFSINGER: Mr. Mayton, this board  
12 has not had the privilege to review your site plan.  
13 Therefore they're working toward trying to understand  
14 as they question you as to how that site is going to  
15 develop. I think Sister Vivian is speak of is that  
16 along that south property line if you had a building  
17 wall that doesn't have any windows in it, if you will,  
18 or along the property line between 115 and 119 East  
19 12th Street where you had an area that is not, the  
20 building doesn't extend to those properties, that that  
21 area would be filled in by say a 6-foot high fence. I  
22 think you indicated to the record that there would be  
23 no outdoor storage on the site. Now, if there's any  
24 outdoor storage on the site, that would need to be  
25 enclosed on all sides by minimum 6-foot high solid

1 wall or fence. Thank you.

2 CHAIRMAN: Yes, sir, would you like to  
3 make one more comment. State your name again.

4 MR. PHILIPS: Mike Philips.

5 One other thing about the properties that  
6 they're talking about that would be next to this  
7 gentleman's place. When we moved in there 14 years  
8 ago, the grass on that railroad block was 3 foot high.  
9 We mowed that lot for six or seven years plumb back  
10 behind these houses that they wasn't mowing the grass.  
11 We did that. The railroad had left concrete blocks.  
12 There was trees. There was at one time a hermit  
13 living in this clump of area behind the houses that  
14 don't have an alley. Now, I'm telling the truth here  
15 now. When Mr. Calhoun bought this place he cleaned  
16 all that mess up and he started mowing that area back  
17 there. Anything he puts up is going to be a buffer  
18 between their houses and the railroad track. I guess  
19 I'm just ranting and raving, but I don't understand  
20 any kind of problem.

21 The only other thing I've got - - another  
22 thing I want to say about what he's going to do with  
23 his parking lot there. I have a garage door at my  
24 building there. The alley is on my property. I don't  
25 think he should be able to put up something that would



1 keep me from being able to back into that door because  
2 that building has been able to back into that door for  
3 almost 50 years since it was built in '56. I would  
4 hope that his parking lot would be adjacent to that  
5 alley right there where that if anybody wanted to back  
6 into my building they could turn around there instead  
7 of putting a fence up right on the property line and  
8 not be able to get in there at all.

9 CHAIRMAN: Sister Vivian's suggestion is  
10 for a fence which would be on the west side.

11 MR. PHILIPS: Right. I understand that.

12 CHAIRMAN: And I am sure he would not want  
13 to put up any more fencing.

14 MR. PHILIPS: Well, his parking lot should  
15 be open to my building and not closed. I don't know  
16 how the codes are going to say that he's got to do the  
17 shrubbery and stuff there on the parking lot which  
18 would be on Daviess Street side.

19 CHAIRMAN: Between you and him, because  
20 both of you are light industrial, there's no screening  
21 required. You all are abutting.

22 MR. PHILIPS: Another thing that I think  
23 that needs to be - - if he goes in there, I think the  
24 city needs to pave beside it.

25 CHAIRMAN: You're beyond us right now.

1 That's not us.

2 MR. CAMBRON: Ready for a motion?

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

5 MR. CAMBRON: Mr. Chairman, I make a  
6 motion for denial due to the changes in the economic  
7 and social conditions of the neighborhood and it being  
8 incompatible with the existing revitalization efforts  
9 of the neighborhood as incompatible with the historic  
10 district as it's designated, Mr. Chairman.

11 CHAIRMAN: Motion by Mr. Cambron.

12 MS. DIXON: Second.

13 CHAIRMAN: Second by Ms. Dixon. All in  
14 favor of the - - do we have any discussion or  
15 questions?

16 (NO RESPONSE)

17 CHAIRMAN: All in favor of the motion for  
18 denial raise your right hand.

19 (NICK CAMBRON, JUDY DIXON AND BELINDA  
20 DOUGLAS RESPONDED AYE.)

21 CHAIRMAN: Three.

22 All opposed to the motion for denial.

23 (DAVID APPLEBY, SCOTT JAGOE, JIMMY GILLES,  
24 IRVIN ROGERS, SISTER VIVIAN BOWLES, DREW KIRKLAND AND  
25 MARTIN HAYDEN RESPONDED NAY.)

1                   CHAIRMAN: Seven. Motion fails.

2                   The Chair is now ready for another motion.

3                   MR. APPLEBY: Mr. Chairman, I would make a  
4 motion for approval. I don't believe in my opinion  
5 the property is ever going to develop residential. I  
6 don't think it's suitable for residential use. I  
7 think the Planning Staff's Recommendations and  
8 Findings of Fact are accurate so I would make a motion  
9 for approval based on those findings of fact.

10                  MR. CAMBRON: Can I make a comment before  
11 we - -

12                  CHAIRMAN: By Mr. Appleby we have a motion  
13 on the floor for approval. Mr. Cambron would like to  
14 make a comment.

15                  MR. CAMBRON: One of the things that I see  
16 happening, Dave, is that if we do rezone this and he  
17 does put a restoration shop, that's great. I don't  
18 have a problem with that at all, but whose to say in a  
19 year if this gentleman gets sick, something happens,  
20 okay, it's turned into a restoration. He has all the  
21 facility there to be a collision facility and then all  
22 of a sudden this particular piece of ground and this  
23 building becomes a full fledged body shop with 15  
24 employees and cars everywhere. There's where I stand.  
25 We have no control after that's done. That's the only

1 problem I have, but I respect what you're telling.

2 CHAIRMAN: I think you're incorrect there,  
3 Mr. Cambron. I think by virtue of the code, by virtue  
4 of the number of parking spots and the square footage,  
5 that this building would not be able to support that  
6 size of operation. If he did go into a, as Mr.  
7 Mischel had stated, if he did go into a body shop,  
8 there would be total screening required and then there  
9 would be parking requirements and there's also parking  
10 requirements, if I'm not mistaken, Mr. Mischel, on the  
11 number of employees that you have also.

12 MR. CAMBRON: Well, there's not any  
13 requirements for that. They can't stipulate how many  
14 employees you have.

15 Here is the thing: Once you've done the  
16 rezoning and you've built the building and you've done  
17 the screening, you're three-quarters of the way there  
18 to a body shop. Bottom line.

19 MR. CHAIRMAN: Mr. Mischel, would you  
20 address that. Isn't there a requirement base don the  
21 number of employees also you have as far as the number  
22 parking spots be required?

23 MR. MISCHEL: In some instances there are.  
24 In this there isn't. It's just one per 600 square  
25 feet.

1 CHAIRMAN: Thank you.

2 We've had comments. We have a motion on  
3 the floor by Mr. Appleby for approval.

4 MR. HAYDEN: Second.

5 CHAIRMAN: Second by Mr. Hayden. All in  
6 favor of the approval of the motion.

7 (DAVE APPLEBY, SCOTT JAGOE, JIMMY GILLES,  
8 IRVIN ROGERS, SISTER VIVIAN BOWLES, DREW KIRKLAND AND  
9 MARTIN HAYDEN RESPONDED AYE.)

10 CHAIRMAN: Seven. All opposed raise your  
11 right hand.

12 (NICK CAMBRON, JUDY DIXON AND BELINDA  
13 DOUGLAS RESPONDED NAY.)

14 CHAIRMAN: The motion carries seven to  
15 three.

16 Next item.

17 -----

18 MAJOR SUBDIVISIONS

19 ITEM 9

20 Creek Haven, Unit #1, 5.805 acres (Map N-22)  
21 Consider approval of major subdivision final plat.  
22 Surety (Certificate of Deposit) posted \$25,068.20  
Applicant: Creek Haven Development, Inc.

23 MR. NOFFSINGER: Mr. Chairman, this  
24 application has been reviewed by the Planning Staff.  
25 It's found to be in order and ready for your

1 consideration.

2 CHAIRMAN: Any comments or questions about  
3 this?

4 (NO RESPONSE)

5 CHAIRMAN: Chair is ready for a motion.

6 MR. APPLEBY: Motion for approval.

7 MR. CAMBRON: Second.

8 MR. CHAIRMAN: Motion for approval by Mr.  
9 Appleby. Mr. Cambron a second. Cambron. All in favor  
10 raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 MR. JAGOE: Mr. Chairman, I need to  
14 disqualify myself for Item Number 10.

15 CHAIRMAN: Okay.

16 ITEM 10

17 Heritage Park, Unit #2, Lots 26-63, 9.460 acres  
(Map N-65)  
18 Consider approval of major subdivision final plat.  
Surety (Certificate of Deposit) posted: \$22,516.00  
19 Applicant: Jagoe Homes & Construction Co., Inc.

20 MR. NOFFSINGER: Mr. Chairman, this  
21 application has been reviewed by the Planning Staff.  
22 It's found to be in order and ready for your  
23 consideration.

24 CHAIRMAN: Any questions?

25 (NO RESPONSE)

1 MS. DIXON: Move for approval.

2 CHAIRMAN: Motion for approval by Ms.

3 Dixon.

4 MR. APPLEBY: Second.

5 MR. CHAIRMAN: Second by Mr. Appleby. All

6 in favor raise your right hand.

7 (ALL BOARD MEMBERS PRESENT WITH THE

8 EXCEPTION OF SCOTT JAGOE'S DISQUALIFICATION RESPONDED

9 AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Next one.

12 ITEM 11

13 William R. LeMaster, Tracts 5-25, 65.98 acres  
(Map Co-3, 4, 11)

14 Consider approval of major subdivision preliminary  
plat.

15 Applicant: William LeMaster

16 MR. NOFFSINGER: Mr. Chairman, I have a

17 letter in the application from the applicant's

18 engineer asking that this item be postponed until the

19 April 19, 2001, meeting of this commission.

20 CHAIRMAN: Mr. Noffsinger, do we need to

21 vote on postponing of that?

22 MR. NOFFSINGER: Yes, sir.

23 MR. APPLEBY: Motion to postpone.

24 MR. CAMBRON: Second.

25 CHAIRMAN: Motion by Mr. Appleby. Mr.

1 Cambron seconds. All in favor raise right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Next item, please.

4 ITEM 12

5 Carl Westerfield, 14.63 acres (Map N-40)  
6 Consider approval of major subdivision preliminary  
7 plat.

8 Applicant: Carl Westerfield

9 MR. NOFFSINGER: Mr. Chairman, I have a  
10 letter in this application from the applicant's  
11 engineer asking that this item be postponed until the  
12 April 19, 2001, meeting of this commission.

13 MS. DIXON: Move to postpone.

14 CHAIRMAN: Ms. Dixon motion for  
15 postponement.

16 MR. HAYDEN: Second.

17 CHAIRMAN: Mr. Hayden second. All in  
18 favor raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries.

21 Next item, please.

22 -----

23 MINOR SUBDIVISION

24 ITEM 13

25 5054 Carter Road, 2.643 acres (Map N-68)  
26 Consider approval of minor subdivision plat.

27 Applicant: Economic Development Properties, Inc.,  
28 City of Owensboro to Kenergy Corp.

Ohio Valley Reporting  
(270) 683-7383



1 MR. NOFFSINGER: Mr. Chairman, this  
2 application has been reviewed by the Planning Staff.  
3 It's found to be in order and ready for your  
4 consideration.

5 CHAIRMAN: Any questions?

6 (NO RESPONSE)

7 MR. APPLEBY: Motion for approval.

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

10 MR. HAYDEN: Second.

11 CHAIRMAN: Mr. Hayden has a second. All  
12 in favor raise your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries.

15 Next item.

16 -----

17 SURETY RELEASES

18 ITEM 14

19 Heritage Park, Unit #1, \$12,780.02  
20 Consider partial release of surety (Irrevocable Letter  
21 of Credit) for streets and sidewalks.  
22 Surety retained (Irrevocable Letter of Credit)  
23 \$1,735.80  
24 Surety posted by: Jagoe Homes & Construction  
25 Company, Inc.

23 MR. JAGOE: I need to disqualify myself.

24 CHAIRMAN: So noted.

25 Chair is ready for a motion.

1                   SISTER VIVIAN: Move for approval.

2                   CHAIRMAN: Sister Vivian moves for  
3 approval.

4                   MR. HAYDEN: Second.

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

7                   (ALL BOARD MEMBERS PRESENT WITH THE  
8 EXCEPTION OF MR. JAGOE'S DISQUALIFICATION RESPONDED  
9 AYE.)

10                  CHAIRMAN: Next item, please.

11                  ITEM 15

12                  Old Hickory Restaurant, \$2,272.00  
13 Consider release of surety (Certified Check) for  
14 landscaping.  
15 Surety posted by: Old Hickory Bar-B-Q, Inc.

16                  CHAIRMAN: Chair is ready for a motion.

17                  MR. JAGOE: Move to approve.

18                  MR. ROGERS: Second.

19                  CHAIRMAN: Second by Mr. Rogers. All in  
20 favor raise your right hand.

21                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22                  CHAIRMAN: Motion carries unanimously.

23                  Next item.

24

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SURETY TRANSFERS

25

1       ITEM 16

2       Heritage Park Development, Unit #15, \$1,980.00  
3       Transfer of surety (Certificate of Deposit) for  
4       sidewalks to the City of Owensboro.  
5       Surety posted by: O'Bryan Heirs

6       ITEM 17

7       Heritage Park Development, Unit #15, \$1,048.60  
8       Transfer of surety (Certificate of Deposit) for  
9       streets to the City of Owensboro.  
10      Surety posted by: O'Bryan Heirs

11      ITEM 18

12      Lanham River Terminal, \$14,000.00  
13      Transfer of surety (Irrevocable Letter of Credit) for  
14      water mains & fire hydrants to the Daviess County  
15      Fiscal Court.  
16      Surety posted by: Lanham River Terminal

17      ITEM 19

18      Tradewinds at Bon Harbo, Unit #4, \$5,736.00  
19      Transfer of surety (Certified Check) for sidewalks to  
20      the City of Owensboro.  
21      Surety posted by Jagoe Homes, Inc.

22      ITEM 20

23      Tradewinds at Bon Harbor, Unit #4, \$2,881.20  
24      Transfer of surety (Irrevocable Letter of Credit) for  
25      streets to the City of Owensboro.  
26      Surety posted by: Robert H. Steele

27                   MR. NOFFSINGER: Mr. Chairman, under  
28      Surety Transfers Item 16 through 20 are in order and  
29      can be transferred in toto; however, I think we may  
30      have some disqualification.

31                   MR. CAMBRON: We can do 16 through 18  
32      anyway, right?

33                   MR. NOFFSINGER: No. We're going to have

1 16 and 17 - - no. We can do 16 through 18 in toto.

2 MR. CAMBRON: Motion for approval.

3 CHAIRMAN: Mr. Cambron has a motion for  
4 approval.

5 MS. DIXON: Second.

6 MR. CHAIRMAN: Second by Ms. Dixon. All  
7 in favor raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item.

11 MR. JAGOE: I need to disqualify myself  
12 from Item 19.

13 CHAIRMAN: Mr. Jagoe is disqualified.

14 MR. APPLEBY: I need to disqualify myself  
15 on Number 20.

16 Motion for approval on Number 19.

17 MR. ROGERS: Second.

18 CHAIRMAN: Motion for approval by Mr.  
19 Appleby. Second by Mr. Rogers. All in favor raise  
20 your right hand.

21 (ALL BOARD MEMBERS PRESENT WITH THE  
22 EXCEPTION OF MR. JAGOE'S DISQUALIFICATION RESPONDED  
23 AYE.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item, please.

1 MR. HAYDEN: Motion for approval on 20.

2 MR. JAGOE: Second.

3 CHAIRMAN: All in favor raise your right  
4 hand.

5 (ALL BOARD MEMBERS PRESENT WITH THE  
6 EXCEPTION OF MR. APPLEBY'S DISQUALIFICATION RESPONDED  
7 AYE.)

8 CHAIRMAN: Motion carries.

9 Mr. Noffsinger, is there any new business?

10 MR. NOFFSINGER: Yes, sir. I would like  
11 to pass out an updated copy of the OMPC Agency  
12 Information booklet. While I'm doing that I would  
13 like to announce for the public that the recently  
14 adopted Comprehensive Plan is available on the OMPC  
15 web site. That address is IOMPC.ORG. There's a link  
16 to the City of Owensboro's web site. If you'll go to  
17 that link, it will point you directly to a little  
18 button that you can click on and there you can view  
19 the Comprehensive Plan in its entirety.

20 That's all I have.

21 CHAIRMAN: The Chair is ready for one final  
22 motion.

23 MS. DIXON: Move to adjourn.

24 CHAIRMAN: Ms. Dixon has a motion for  
25 adjournment.

1 MR. APPLEBY: Second.

2 CHAIRMAN: Second by Mr. Appleby. All in  
3 favor raise you right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: This meeting is adjourned.

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

3 I, LYNNETTE KOLLER, Notary Public in and for  
4 the State of Kentucky at Large, do hereby certify that  
5 the foregoing Owensboro Metropolitan Planning & Zoning  
6 meeting was held at the time and place as stated in  
7 the caption to the foregoing proceedings; that each  
8 person commenting on issues under discussion were duly  
9 sworn before testifying; that the Board members  
10 present were as stated in the caption; that said  
11 proceedings were taken by me in stenotype and  
12 electronically recorded and was thereafter, by me,  
13 accurately and correctly transcribed into the  
14 foregoing 54 typewritten pages; and that no signature  
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this  
17 the 31st day of March, 2001.

18

19

\_\_\_\_\_  
LYNNETTE KOLLER, NOTARY PUBLIC  
OHIO VALLEY REPORTING SERVICE  
202 WEST THIRD STREET, SUITE 2  
21 OWENSBORO, KENTUCKY 42303

22 COMMISSION EXPIRES:  
DECEMBER 19, 2002

23

24 COUNTY OF RESIDENCE:  
DAVIESS COUNTY, KENTUCKY

25