

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, Commissionees.

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
23 Applicant: Creek Haven Development, Inc.

24 MR. NOFFSINGER: Mr. Chairman, this
25 application has been reviewed by the Planning Staff.
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)
\$1,735.80
Surety posted by: Jagoe Homes & Construction
Company, Inc.

23 MR. JAGOE: I need to disqualify myself.

24 CHAIRMAN: So noted.

25 Chair is ready for a motion.

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.

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MR. APPLEBY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: This meeting is adjourned.

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:
23 DECEMBER 19, 2002

24 COUNTY OF RESIDENCE:
25 DAVIESS COUNTY, KENTUCKY