

## **ORDINANCE 15-2022**

### **AN ORDINANCE AMENDING THE OWENSBORO ZONING ORDINANCE ADOPTED MARCH 14, 1980, SO AS TO INCLUDE WITHIN THE B-2 CENTRAL BUSINESS ZONE PROPERTY LOCATED AT 407 EAST THIRD STREET.**

**WHEREAS**, the Owensboro Metropolitan Planning Commission met in regular session in Owensboro, Kentucky, on April 14, 2022, and did consider a proposal to change the zoning classification of the hereinafter described real property from its present classification of I-1 Light Industrial to B-2 Central Business; and

**WHEREAS**, by a vote of 6-1, the Owensboro Metropolitan Planning Commission has recommended that the proposal to change the zoning classification be approved. Findings of fact in support of adoption of the proposed revision to the Owensboro Metropolitan Zoning Ordinance are as follows:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in a Central Business Plan Area, where central business uses are appropriate in general locations;
3. The subject property is located within the downtown overlay districts as adopted by the City of Owensboro and the request is consistent with the concepts of the Downtown Master Plan;
4. The B-2 Central Business zoning classification is an expansion of existing B-2 zoning to the south and east of the subject property;
5. The B-2 Central Business zoning will promote the redevelopment of the downtown consistent with the Downtown Master Plan; and

**WHEREAS**, an official transcript of the proceedings at said meeting, including the evidence presented, the findings of fact, and the conclusions and recommendations of the Owensboro Metropolitan Planning Commission have been filed with and considered by the Board of Commissioners and are attached hereto; and

**WHEREAS**, it is considered and declared that the rezoning of the territory hereinafter described will be to the best interest of the health, safety, and public welfare of the citizens of Owensboro, and will promote progress of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OWENSBORO, KENTUCKY, AS FOLLOWS:**

**SECTION 1.** The proceedings before the April 14, 2022, meeting of the Owensboro Metropolitan Planning Commission relating to a zoning change of the property hereinafter described, including the findings of fact, and recommendations of the Planning Commission as to the zoning change relating to said property, are hereby confirmed and approved, and the zoning ordinance of the City of Owensboro and the maps pertaining thereto adopted March 14, 1980, be and the same are hereby amended and changed so that the following described property will be zoned B-2 Central Business:

LEGAL DESCRIPTION  
407 EAST THIRD STREET

A certain ½ of a town lot in Owensboro known on the plat of said town as lot No. 109 being the South half of said lot and is the same lot deeded to Wendell D. Booth and Faye W. Booth, his wife by Pettitt and recorded in Deed Book M page 295, in the office of the Daviess County Court Clerk.

The above property has been surveyed and is more accurately described as follows:

That certain lot containing 0.182 acres, more or less, as depicted on the survey plat of record in Plat Book 43, Page 159, in the Office of the Daviess

County Clerk, to which plat reference is made for a more complete description.

**SECTION 2.** All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

**INTRODUCED AND PUBLICLY READ ON FIRST READING**, this 21<sup>st</sup> day of June, 2022.

**PUBLICLY READ AND APPROVED ON SECOND READING**, this the 12<sup>th</sup> day of July, 2022.

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Thomas H. Watson, Mayor

ATTEST:

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Beth Davis, City Clerk

**Consent**

**CITY OF OWENSBORO  
AGENDA REQUEST AND SUMMARY  
COVER SHEET**

**Item No.****TITLE**407 E 3<sup>rd</sup> Street**MEETING OF CITY COMMISSION ON****BUDGET** (State any budget consequences): N/A**SUMMARY AND BACKGROUND** (Continue on additional sheet, if necessary):



The Owensboro Metropolitan Planning Commission met in regular session on April 14, 2022, to consider an application by Daniel and Maria Keaveney for a zoning classification amendment from I-1 Light Industrial to B-2 Central Business, for a 0.182 acre tract of land located at 407 E 3<sup>rd</sup> Street. By a vote of 6 to 1 the Owensboro Metropolitan Planning Commission has recommended that the proposed zoning classification amendment be approved in that the proposal is in compliance with the adopted Comprehensive Plan (see attached Findings of Facts and staff report).

Check if continued on next page ☐**RECOMMENDATION OR ACTION REQUESTED** (State the action requested or recommended):Approve ordinance rezoning property at 407 E 3<sup>rd</sup> Street.**ATTACHMENTS** (12 copies for agenda packets)Check if no attachments ☐

OMPC Recommendation and Staff Report

Zoning Map Amendment Application and transcript of OMPC proceedings

**Note:** All City Commission Agenda items submitted by staff, including appropriate backup materials, must be approved and submitted to the City Clerk not later than noon Thursdays preceding Tuesday, 6:30 p.m. meetings.

Submitted by	Dept. Head Approval	City Attorney Approval	City Manager Approval
			



**Address: 407 E 3<sup>RD</sup> STREET**

**Applicant: Daniel Keaveney & Maria Keaveney**

**Document #: 2204.2207**

**RECOMMENDATION of the Owensboro Metropolitan Planning Commission, Owensboro, Kentucky**

Having considered the above matter at a Public Hearing on **April 14, 2022**

and having voted **6-1**

to submit this Recommendation to the **City of Owensboro**

the Owensboro Metropolitan Planning Commission hereby recommends **APPROVAL**

of this proposal, based on the following findings of fact.

**FINDINGS OF FACT**

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
2. The subject property is located in a Central Business Plan Area, where central business uses are appropriate in general locations;
3. The subject property is located within the downtown overlay districts as adopted by the City of Owensboro and the request is consistent with the concepts of the Downtown Master Plan;
4. The B-2 Central Business zoning classification is an expansion of existing B-2 zoning to the south and east of the subject property; and,
5. The B-2 Central Business zoning will promote the redevelopment of the downtown consistent with the Downtown Master Plan.

**CONDITIONS**

None.

**DESCRIPTION**

A public hearing was conducted for the above referenced application at the April 14, 2022 Owensboro Metropolitan Planning Commission meeting. After hearing testimony, the Planning Commission recommended approval of the application. From the audience, Terry Woodward, Carol Alvey, Marian Lanham, Angie Woodward, and LeAnne Caselden voiced concerns pertaining to traffic, parking, noise, hours of operation, and the appropriateness of a bar at the subject property. Commissioners Fred Reeves and Skyler Stewart questioned the applicants' desire to operate from the subject property and the anticipated occupancy at the establishment. The applicants, Daniel and Maria Keaveney, answered all questions from the audience as well as from Commissioners Reeves and Stewart. Commissioners Irvin Rogers and Manuel Ball sought clarification from staff in regards to the use's parking requirements and the appropriateness of the B-2 Central Business zone. Terry Woodward also sought clarification regarding the required distance separating an alcohol establishment from a church. All of such questions were addressed by OMPC Director Brian Howard and by OMPC legal counsel. There was no further public comment entered into the record at the meeting. The rezoning will become final 21 days after the planning commission meeting unless an aggrieved person or the appropriate legislative body files a petition with the OMPC office.

**ATTEST: April 18, 2022**

Executive Director, Brian R. Howard, AICP

**ENCLOSURES**

Map, Staff Report

The above recommendation of the Owensboro Metropolitan Planning Commission will become final on May 5, 2022 unless the appropriate Legislative Body chooses to decide this zoning map amendment by filing notice on the attached form with the OMPC or an aggrieved person files notice for the appropriate Legislative Body to decide this application prior to the stated date. In the event a notice is filed for the appropriate Legislative Body to decide this application, a full transcript of the minutes of the OMPC meeting will be forwarded to the appropriate Legislative Body along with a copy of this recommendation when the transcript becomes available.



Address of property requested for zone change:	407 E. 3 <sup>rd</sup> St Owensboro, KY		
Acreage involved:	1/2 acre (approx. 2)		
Zone change requested:	B-2		
Applicant:	Daniel & Maria Kearney		
Date of OMPC public hearing:	4/14/22		
OMPC Recommendation:	Date: 4/14/22	APPROVE <input checked="" type="checkbox"/>	Date: <input type="checkbox"/> DENY <input type="checkbox"/>

**NOTICE FOR LEGISLATIVE BODY TO DECIDE ZONING MAP AMENDMENT (Must be filed within 21 days of OMPC recommendation)**

**NOTICE FILED BY :**

Please indicate by checking appropriate box for notice or request to have legislative body decide zoning application	Daviess County Fiscal Court	<input type="checkbox"/>
	City of Owensboro	<input type="checkbox"/>
	City of Whitesville	<input type="checkbox"/>
	Aggrieved Person	<input checked="" type="checkbox"/>
Name ( please print):	Carol King Alvey	
Signature:	Carol Alvey	
Date Notice filed:	4/18/22	
<p>Submittal of this notice serves as written request in accordance with KRS 100.2111 to the Owensboro Metropolitan Planning Commission (OMPC) that the final decision on the above referenced map amendment is to be made by the appropriate Legislative Body. If no written request or notice is made by the Legislative Body or any aggrieved person to the OMPC within 21 days after the final action of the OMPC then the recommendation made by the OMPC relating to the proposed amendment shall become final and if recommended for approval by the OMPC, the map amendment shall be automatically implemented subject to the provisions of KRS 100.347</p>		
RECEIVED IN OMPC OFFICE ON: 4/18/2022 YMS		

**APRIL 14, 2022**

**407 E 3<sup>RD</sup> ST**

## ZONE CHANGE

<b>From:</b>	I-1 Light Industrial
<b>To:</b>	<b>B-2 Central Business</b>
<b>Proposed Use:</b>	Food and Beverage Establishment
<b>Acreage:</b>	0.182
<b>Applicant:</b>	Daniel Keavney & Maria Keaveney (2204.2207)
<b>Surrounding Zoning Classifications:</b>	
<b>North:</b> I-1	<b>South:</b> B-2
<b>East:</b> I-1	<b>West:</b> B-2

### Proposed Zone & Land Use Plan

The applicant is seeking a B-2 Central Business zone. The subject property is located in a Central Business Plan Area, where Central Business uses are appropriate in general locations.

### SPECIFIC LAND USE CRITERIA

- (a) **Building and lot patterns** Building and lot patterns should conform to the criteria for “Nonresidential Development” (D7).

### Planning Staff Review

#### GENERAL LAND USE CRITERIA

##### Environment

- It appears that the subject property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO138D.
- It appears that the subject property is not located within the Owensboro Wellhead Protection area per the OMU map dated 2015.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA, the EPA, the OMPC building/electrical/HVAC division or other state and federal agencies as may be applicable.

##### Urban Services

All urban services, including sanitary sewers, are available to the subject property.

##### Development Patterns

The subject property is a 0.182 acre tract of land located at the northeast intersection of E 3<sup>rd</sup> Street and Crittenden Street. The applicant intends to develop the property as a food and beverage establishment.

The subject property is located in the Downtown Core overlay district per the Downtown Master Plan adopted by the City of Owensboro in October 2009 and adopted within the land use portion of the Comprehensive Plan. As part of the overall redevelopment of the downtown area, areas

within the downtown overlay districts are considered ideal candidates for B-2 Central Business zoning as a means to promote the City's goal of a vibrant downtown. The rezoning of the property to allow for this new proposed development will promote the redevelopment of this area. This proposed rezoning is a portion of an overall City of Owensboro initiative to promote redevelopment of the area and implementation of the Downtown Master Plan.

Since the subject property is located within a downtown overlay district, the downtown design administrator is required to review and approve any use prior to occupancy. Dennis Wilson, Downtown Design Administrator, shall be contacted to ensure the use and all site development requirements of Article 21 of the Owensboro Metropolitan Zoning Ordinance are met.

Prior to any construction activity on the property the applicant must obtain approval of a site plan or final development plan to demonstrate compliance with zoning ordinance requirements including, but not limited to, parking, landscaping, building setbacks, access management and signage. The OMPC Building, Electrical & HVAC department shall be contacted before any construction activity takes place on the property.

### SPECIFIC LAND USE CRITERIA

The applicant's proposal is in compliance with the Comprehensive Plan. The proposed food and beverage establishment is appropriate within the downtown area. The proposal is an expansion of existing B-2 zoning of adjoining properties to the south and west. The proposed B-2 zoning will promote with the redevelopment of the downtown area consistent with the Downtown Master Plan and will serve the needs of the downtown area.

### Planning Staff Recommendations

The planning staff recommends approval subject to the findings of fact that follow:

#### Findings of Fact:

- Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;
- The subject property is located in a Central Business Plan Area, where central business uses are appropriate in general locations;
- The subject property is located within the downtown overlay districts as adopted by the City of Owensboro and the request is consistent with the concepts of the Downtown Master Plan;
- The B-2 Central Business zoning classification is an expansion of existing B-2 zoning to the south and east of the subject property; and,
- The B-2 Central Business zoning will promote the redevelopment of the downtown consistent with the Downtown Master Plan.





## Applicant Information

In filling out this form, please note that the term **Owner / Co-Applicant** is used to denote that the owner of the subject property is considered to be a party to this application and that the owner has authorized its submission, even when the primary applicant is not the current legal owner of the subject property.

Date received by Planning Office

## Subject Property for Zone Change

Street Address 407 E. 3rd. St.  
Owensboro, KY 42301

Existing Zoning I-1

Proposed Zoning B-2

Existing Land Use (Be specific) Empty lot

Proposed Land Use (Be specific) Food & Beverage establishment

## Applicant

Name Daniel Keaveney

Address 533 E. 24 th. St.  
Owensboro, KY 42303

Day Telephone 702-287-5099

## Property Owner / Co-Applicant

Name Maria Keaveney

Address 533 E. 24th. St.  
Owensboro, KY 42303

Day Telephone 702-287-5099 5497

## Attorney if applicable

Name

Address

Day Telephone

## Filing Fee based on proposed zone

ZONING CHANGE TO		FEE
A-R Rural Agriculture	A-U Urban Agriculture	\$235 + \$3/whole acre
MHP Manufactured Housing	R-1A Single-Family Res	
R-1B Single-Family Res	R-1C Single-Family Res	
R-1T Townhouse		\$355 + \$5/whole acre
R-2MF, R-3MF Multi-Family Res	R-4DT Inner-City Res	
P-1 Professional/Service	B-1 Neighborhood Business	\$470 + \$10/whole acre
B-2 Central Business	B-3 Highway Business	
B-4 General Business	B-5 Business/Industrial	
I-1 Light Industrial	I-2 Heavy Industrial	
# WHOLE ACRES		0.182
FILING FEE		\$470.00

## Applicant & Owner Certifications

**By the Applicant/Owner:** I (We) the undersigned applicant and owner, fully understand that approval of this Zoning Amendment does not allow the applicant/owner to construct, alter, modify, or occupy a building on the subject property. The applicant/owner is responsible for obtaining all approvals as necessary, including plan review, permitting inspections and site plan drainage approval before occupancy of the building will be allowed. Please contact the Building/Electrical Division of the OMPC at 270-687-8650 prior to beginning any work on the subject property for applicable requirements.

Applicant/Owner's Signature Date  
By: Daniel F. Keaveney 03-21-22  
Applicant  
By: Maria Keaveney 3/21/22  
Owner

**By the Applicant:** I do hereby certify that, to the best of my knowledge and belief, all application materials are herewith submitted, and the information they contain is true and correct. I further certify that I accept responsibility for payment of advertising costs relating to this application and fully understand that the Messenger-Inquirer requires that the OMPC Hearing Notice be paid in full before the notice is published. If the applicant fails to pay for the notice when contacted by the Messenger-Inquirer the item cannot be heard by the OMPC.

Applicant's Signature Date  
By: Daniel F. Keaveney 03-21-22

**By the Owner/Co-Applicant:** I do hereby certify that I am the owner of this property and authorize the submission and consideration of this application and all information herein and attachments hereto.

Owner/Co-Applicant's Signature Date  
By: Maria Keaveney 3/21/22  
(Please type or print name below signature)

SUBSCRIBED AND SWORN TO, before me, by

On this the 21 day of March, 2022  
My commission expires 3 2025  
Notary Public Mallory Jo Elliott  
NOTARY ID# KINF9905



**Legal Description of Property**

A legal description of the subject property must accompany submitted application materials.

**No Deed Restrictions Certification**

In cases of zone change requests to industrial, business, professional, or multi-family residential zones, a letter of certification from an attorney stating there are no deed restrictions prohibiting the proposed use of the subject property must accompany submitted application materials. An attorney must certify no deed restrictions for a period of sixty (60) years for non-residential requests and for a period of thirty (30) years for residential requests.

**Location Status**

In this part of the application, the applicant must address the status of development patterns, environment, and urban services at the location of the subject property.

**Development Patterns Status  
surrounding the subject property:**

**North** Existing Zoning I-1  
Existing Land  
Use (be specific) Vacant lot

**East** Existing Zoning I-1  
Existing Land  
Use (be specific) Residence

**South** Existing Zoning B-2  
Existing Land  
Use (be specific) Parking lot

**West** Existing Zoning B-2  
Existing Land  
Use (be specific) Wax Works parking lot

**Environmental Status  
of the subject property:**

**Floodplain Areas** ☐ Yes ☒ No If Yes:  
Flood Insurance Rate Map Zone \_\_\_\_\_  
Base Flood Elevation (100-Year) \_\_\_\_\_  
Floodway Areas ☐ Yes ☐ No

**Known Wetlands Area** ☐ Yes ☒ No

**Prime Agricultural Land** ☐ Yes ☒ No

**Steep Slopes** (greater than 16% grade) ☐ Yes ☒ No

**Known Historical, Archaeological Sites** ☐ Yes ☒ No

**Urban Services Status  
for the subject property:****Sanitary Sewage Disposal**

☒ Existing ☐ Proposed, provided by: \_\_\_\_\_

**Storm Water Drainage Easements**

☒ Existing ☐ Proposed

**Storm Water Drainage Improvements**

☒ Existing ☐ Proposed

**Solid Waste Disposal**

☒ Existing ☐ Proposed, provided by: \_\_\_\_\_

**Water Supply**

☒ Existing ☐ Proposed, provided by: \_\_\_\_\_

**Electricity Supply**

☒ Existing ☐ Proposed, provided by: \_\_\_\_\_

**Natural Gas Supply**

☒ Existing ☐ Proposed, provided by: \_\_\_\_\_

☐ Atmos Energy ☐ Liquid propane

PLEASE TYPE OR PRINT

## List of Adjoining Property Owners

The applicant must submit a list of names and mailing addresses of all persons owning property adjoining the subject property, including properties directly across streets and other public right-of-way. Use the form below. The names shall be secured from the records of the Daviess County Property Valuation Administrator (PVA) no more than thirty (30) days prior to submission of this application, and shall be referenced by street address to the street addresses on the Property Information Drawing submitted as part of this application.

**In cases where a business, institution or other owner group is to be notified**, please provide the name of the president, chairman or other officer of the owner group. The applicant should retain a copy of this listing, especially to ensure that certified letters notify all adjoining property owners.

Address of Property Adjoining Subject Property	Name(s) of Property Owner(s)	Mailing Address(es) with Zip Codes
417 E. 3rd. St. Owensboro, KY 42301	Carol Alvey	417 E. 3rd. St. Owensboro, KY 42301
227 Crittenden St. Owensboro, KY 42301	Terry Woodward	325 E. 3rd. St. Owensboro, KY 42301
325 E. 3rd. St. Owensboro, KY 42301	Terry Woodward	3662 Bridgepointe Owensboro, KY 42301
420 E. 3rd. St. Owensboro, KY 42301	Owensboro Christian Church INC	2818 New Hartford Rd. Owensboro, KY 42303
319 Crittenden St. Owensboro, KY 42301	Terry Woodward	3662 Bridgepointe Owensboro, KY 42301
316 E. 3rd. St. Owensboro, KY 42301	JND LLC	316 E. 3rd. St. Owensboro, KY 4230

PLEASE TYPE OR PRINT

## Applicant's Findings for Zone Change

In order for the Owensboro Metropolitan Planning Commission to make a recommendation for a zoning map amendment, it must make findings of fact in support of its recommendation. The type of facts that must be cited in support of the applicant's proposal depends on whether or not the proposal is found to be in compliance with the criteria of the adopted comprehensive plan. Below, the applicant must address either Type 1 Findings or Type 2 Findings.

**Type 1 Findings - IN COMPLIANCE:** If the applicant determines that his/her proposal is in compliance with the Comprehensive Plan, the applicant must cite specific facts with reference to the Land Use Criteria and/or other elements of the Comprehensive Plan in support of this determination.

**Type 2 Findings - NOT IN COMPLIANCE:** If the applicant determines that his/her proposal is NOT in compliance with the Comprehensive Plan, the applicant must state specific facts in support of one or both of the following:

- A. The existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate; AND/OR
- B. There have been major changes of an economic, physical or social nature within the AREA involved which were not anticipated in the adopted comprehensive plan and those changes have substantially altered the basic character of the AREA involved.

**Below, the applicant must address either Type 1 or Type 2 Findings in support of the Zone Change.** The types of findings are described above. Attach additional sheets if more space is needed.

### Type 2 Findings:

The Comprehensive Plan Land Use Plan Map shows the site in the Downtown Overlay District Boundary, which refers to Article 21 of the Owensboro Metropolitan Zoning Ordinance for specific land use recommendations.

Chapter 21 of the Owensboro Metropolitan Zoning Ordinance shows the site in the (DT-C) Downtown Core Overlay District.

~~The current B-1~~ zoning is inappropriate and not compatible with the Comprehensive Plan or the surrounding land uses including residential to the east and mixed use to the north. It also would not support the Purpose and Objectives of Chapter 21 of the Owensboro Metropolitan Zoning Ordinance for the Downtown Core Overlay District including following the development emphasis of reinforcing the pedestrian orientation and street walls along 3rd Street.

The proposed B-2 zoning is compatible with the Downtown Core Overlay District, which generally establishes B-2 as the overriding zoning except where carved out by the existing zoning. Chapter 21 only addresses B-2 zoning within the Downtown Core Overlay District. Changing the zoning to any designation other than B-2 would not be harmonious with the Downtown Core Overlay District.

The 2008 Downtown Illustrative Master Plan shows Lower Density Residential at this location. However, there were existing residential structures on this site around the same time the Illustrative Master Plan map was prepared. However, the structures were destroyed by a tornado in October 2007.

There is no property zoned as residential within 275' of the site. While residential is proposed on the second floor, constructing exclusively residential structures on this site in lieu of a mixed use would not be in the spirit of the Downtown Core Overlay District priorities and would be incompatible with the existing development surrounding the site to the north, west, southeast, and south.



FOREMAN | WATSON | HOLTREY

February 24, 2022

Owensboro Metropolitan Planning Commission  
200 East 3<sup>rd</sup> Street  
P.O. Box 732  
Owensboro, Kentucky 42302

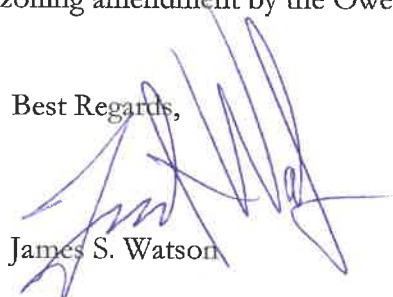
**RE:** Zoning Map Amendment Application – 407 East Third St, Owensboro, KY

To Whom It May Concern:

I have been retained by Daniel Keaveney and Maria Keaveney, husband and wife, to research deed restrictions for 407 East Third Street, Owensboro, KY, currently owned by Daniel Keaveney and Maria Keaveney, husband and wife, as referenced in Deed Book 1060, Page 486, in the Office of the Daviess County Clerk.

After researching the relevant and properly indexed records in the Office of the Daviess County Clerk, for a period of over sixty (60) years, I find that there are no deed restrictions, no deeds of dedication, and no other covenants of record that would prohibit the proposed use of the subject property or invalidate consideration of the requested zoning amendment by the Owensboro Metropolitan Planning Commission.

Best Regards,



James S. Watson

p. 270.689.2412 | f. 270.689.2335 | fwhlegal.com

530 Frederica Street, Owensboro, Kentucky 42301

Additional Offices: Evansville, IN | Hartford, KY | Bowling Green, KY | Franklin, TN



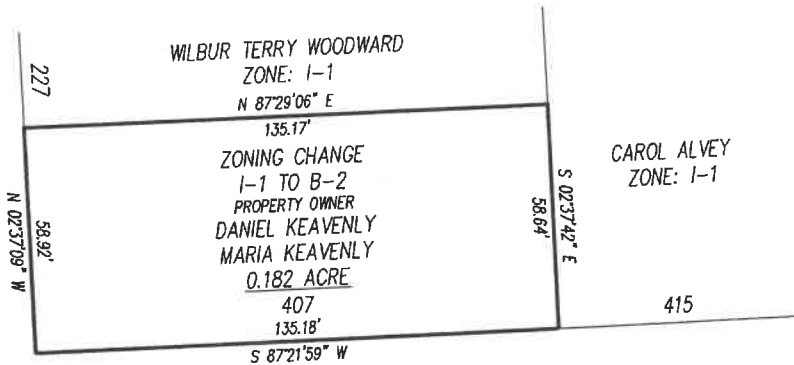
VICINITY MAP



WILBUR TERRY WOODWARD  
ZONE: B-2

325

CRITTENDEN STREET



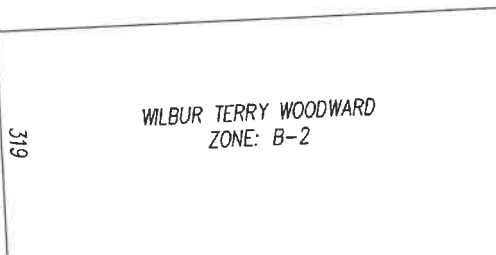
EAST 3rd STREET

CAROL ALVEY  
ZONE: I-1

415

316

JND, LLC.  
ZONE: B-2



WILBUR TERRY WOODWARD  
ZONE: B-2

319

420

OWENSBORO CHRISTIAN  
CHURCH, LLC.  
ZONE: B-2

ALLEY

PROPERTY & NOTIFICATION AREA MAP



STATE of KENTUCKY

JOSEPH H.  
SIMMONS, JR.  
1874

LICENSED  
PROFESSIONAL  
LAND SURVEYOR

PROPERTY INFO. DRAWING: ZONING CHANGE FROM I-1 TO B-2

PROPERTY ADDRESS: 407 EAST 3rd STREET

APPLICANT: DANIEL & MARIA KEAVENLY

ADDRESS: 533 EAST 24th STREET

OWNER: DANIEL & MARIA KEAVENLY

ADDRESS: 533 EAST 24th STREET

PREPARED BY: SIMMONS SURVEYING

DATE: MARCH 15, 2022

1 CHAIRMAN: Hearing none the chair will accept  
2 a motion.

3 Commissioner Reeves.

4 MR. REEVES: Motion to approve this  
5 application based on Staff Recommendations and  
6 Findings of Fact 1 through 5 and Condition Number 1.

7 CHAIRMAN: We have a motion. Do we have a  
8 second?

9 MR. ROGERS: Second.

10 CHAIRMAN: Second by Commissioner Rogers. Any  
11 questions on the motion?

12 (NO RESPONSE)

13 CHAIRMAN: All in favor of the motion raise  
14 your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries.

17 ITEM 7

18 407 East 3rd Street, 0.182 acres  
19 Consider zoning change: From I-1 Light Industrial to  
20 B-2 Central Business  
Applicant: Daniel Keaveney & Maria Keaveney

21 PLANNING STAFF RECOMMENDATION

22 The Planning Staff recommends approval subject  
23 to the findings of fact that follow:

24 FINDINGS OF FACT:

25 1. Staff recommends approval because the

1     proposal is in compliance with the community's adopted  
2     Comprehensive Plan;

3             2. The subject property is located in a  
4     Central Business Plan Area, where central business  
5     uses are appropriate in general locations;

6             3. The subject property is located within the  
7     downtown overlay districts as adopted by the City of  
8     Owensboro and the request is consistent with the  
9     concepts of the Downtown Master Pan;

10            4. The B-2 Central Business zoning  
11     classification is an expansion of existing B-2 zoning  
12     to the south and east of the subject property; and,

13            5. The B-2 Central Business zoning will  
14     promote the redevelopment of the downtown consistent  
15     with the Downtown Master Plan.

16            MS. EVANS: We would like to enter the Staff  
17     Report into the record as Exhibit E.

18            CHAIRMAN: Thank you, Melissa.

19            Is there anyone here representing the  
20     applicant?

21            MRS. KEAVENEY: Marie Keaveney.

22            MR. KEAVENEY: And Daniel Keaveney.

23            (MARIE AND DANIEL KEAVENEY SWORN BY ATTORNEY.)

24            MS. KEAVENEY: We're just here to answer any  
25     questions.



1 CHAIRMAN: Thank you.

2 Does anybody have any questions of the  
3 applicant?

4 MR. WOODWARD: I don't have questions of the  
5 applicant, but I would like to speak.

6 CHAIRMAN: You may.

7 MR. WOODWARD: I'm Terry Woodward.

8 MR. PORTER: And your connection to the  
9 application?

10 MR. WOODWARD: I'm a property owner near the  
11 property.

12 (TERRY WOODWARD SWORN BY ATTORNEY.)

13 MR. WOODWARD: I don't oppose anything. I'm  
14 obviously pro business, but this is an exception in my  
15 minds.

16 Let me ask you one question. If you all  
17 rezone this property tonight from light industrial to,  
18 what, B-2, then can he automatically put a bar there?  
19 I mean is it over with tonight if it's rezoned?

20 MR. HOWARD: A dining establishment, a bar  
21 would be a permitted use in a B-2 zone. It would be  
22 required to submit a required site plan or development  
23 plan. It would require approval from the city  
24 engineer's office and utilities and whatnot, but that  
25 would be a permitted use in a B-2 zone.

1           MR. WOODWARD: Well, let me tell you why I  
2       object to it. Okay?

3           Number one, I own the property in front of it,  
4       I own the property directly behind it, I own the  
5       property west of it. Since he has no parking, I'm  
6       going to have to be a parking cop I would think going  
7       forward because there would be parking on the street.  
8       I don't have any statistics, but that's been a pretty  
9       dangerous intersection for years. There's been a lot  
10      of accidents there. If they start parking on the  
11      street, it's really going to become to me a hazard.  
12      It's going to be pretty dangerous.

13          Number 2, I don't know who is here tonight,  
14      but half a block down Crittenden Street they have AA  
15      meetings. Right across Third Street is Friends of  
16      Sinners, a rehab facility. Next to that I think St.  
17      Paul has a rehab facility. I can't think of a worse  
18      place for a bar in Owensboro than this location. Here  
19      we're trying to rehab people on a daily basis and we  
20      put a bar right in the middle of it. It just seems  
21      like it's not an appropriate place for it.

22          Number three, I've been down there a long  
23      time. I've been trying to create an art district in  
24      this area. Leanne Musick has a dance studio on Second  
25      Street right behind it. She has 400 some odd students

1       that's there three times a week. I just rented what I  
2       call the old Mischel building to Kinder Hart. She has  
3       about 60 or 80 young children that's there every  
4       night. Kentucky Wesleyan wants to move into the  
5       Wright Machine building and put in an art academy. So  
6       on a daily basis down there, there's going to be  
7       between 5 and 600 underage people in that  
8       neighborhood.

9               Like I said, I'm not against businesses, but  
10       I'm totally against a bar being on that piece of  
11       property for the reasons that I have just stated.

12              CHAIRMAN: Thank you, Mr. Woodward.

13              Would the applicant like to respond to his  
14       concerns?

15              MR. KEAVENEY: Daniel Keaveney again.

16              First off, Friends of Sinners I do believe is  
17       moving to 18th Street in the foreseeable future so  
18       they won't be anywhere near there.

19              MR. WOODWARD: They're still going to use the  
20       facility for recovery. I talked to the director.

21              MR. KEAVENEY: Just being within that district  
22       right there with the motel right across the street  
23       from it, it just makes sense for the city plan to  
24       actually expand that business down there. Have some  
25       more food and beverage options. Also, a bar facility

1 is mostly open at night where minors aren't usually  
2 awake and around.

3 MR. WOODWARD: Well --

4 MR. PORTER: You cannot make any statements  
5 unless you're at the podium and have been sworn in.  
6 Please withhold any comments until you do that.

7 I would remind each of the applicant and any  
8 other person who testifies that they should address  
9 any comments to the Board.

10 MR. WOODWARD: Well, there's also residents in  
11 that area. You know, Ms. Alvey lives right next-door  
12 to this facility. If he's going to stay open until  
13 2:00 in the morning, I don't know if she's ever going  
14 to get any sleep anymore. It's just not appropriate  
15 for that lot. That's all I'm saying. There's a lot  
16 of uses for that lot, but a bar shouldn't be one of  
17 them, in my opinion and for the reasons I've stated.

18 CHAIRMAN: Thank you, Mr. Woodward.

19 Would the applicant like to respond?

20 MRS. KEAVENEY: We're currently zoned for a  
21 multi-use that used to be an apartment building there.  
22 It's a lot that has had a history of multiple people  
23 coming and going.

24 MR. KEAVENEY: There was a four-plex on there  
25 prior to the tornado that destroyed it. There were

1 residents coming and going all the time, all day and  
2 night. So putting a business with certain hours would  
3 be a lot better, in my opinion.

4 CHAIRMAN: Anyone else that would like to  
5 respond?

6 MR. REEVES: I have a question.

7 CHAIRMAN: Mr. Reeves.

8 MR. REEVES: I have a question, sir. Would  
9 you mind to step back, please.

10 Have you already purchased the property?

11 MR. KEAVENEY: Yes.

12 MR. REEVES: Just piece of advise in the  
13 future. Never purchase a piece of property without  
14 the appropriate zoning. Put that responsibility on  
15 the person you're going to buy the property from,  
16 number one.

17 Number two, have you looked at any other  
18 potential locations in the area?

19 MR. KEAVENEY: Yes.

20 MR. REEVES: You didn't opt to use those  
21 locations because?

22 MRS. KEAVENEY: We saw that the city plan has  
23 an incorporation to two sites of us that were  
24 appropriate for what we would like to do. We went  
25 ahead and purchased the property.

1 MR. KEAVENEY: It's for the downtown project.

2 MRS. KEAVENEY: It's part of the entertainment  
3 district.

4 MR. KEAVENEY: It's just off the bridge, which  
5 would bring businesses to the other side of the bridge  
6 now. It just continues the business a little bit  
7 further.

8 MR. REEVES: Thank you very much.

9 MS. ALVEY: I'm Carol Alvey. I live at 417  
10 East Third Street which will be adjacent to this piece  
11 of property.

12 (CAROL ALVEY SWORN BY ATTORNEY.)

13 (COMMISSIONER JASON GASSER JOINING MEETING AT  
14 THIS TIME.)

15 MS. ALVEY: I've lived there since 1999. I  
16 lived there when it was a multi-family dwelling with  
17 apartments. People were not coming and going at all  
18 hours of the day and night. A lot of the people were  
19 elderly and they were families that I was friends  
20 with. There was a house in-between that building and  
21 mine that I purchased and had it torn down, which is  
22 now my side lot. My bedroom is on that side of the  
23 house.

24 He stated that it would be open late at night.  
25 Well, that makes sleep impossible for me from that

1 point on. We have churches in the neighborhood; one  
2 of which the pastor couldn't be here so I have a  
3 letter from him opposing the facility being built  
4 there.

5 I'm not for sure what two sides or three sides  
6 he was talking about that would be beneficial to him,  
7 but I'm on one side and Mr. Woodward is on two sides  
8 at least, if not the third side. We have that area  
9 all the way around him. I'm not for sure what he's  
10 talking about that would be beneficial to him there.

11 It's a small lot and I figured that it will  
12 have to be close to my property somehow. He hasn't  
13 addressed, you know, is there going to be an outside  
14 patio which puts noise outside. The article that was  
15 in the paper named it Lab with light menu. It just  
16 kind of sloughed over the fact that there would be  
17 alcoholic beverages there. It mentioned more  
18 nonalcohol. I'm from a bar background. My father  
19 owned Martin's Bar, which a lot of people are familiar  
20 with. My grandparents owned two bars here and one in  
21 Henderson. So I come from a bar background and no  
22 matter what you name it, a bar is a bar is a bar.

23 It will be a detriment to the people around  
24 them. So that's my statement for, you know, I'm not  
25 somebody that has been anti-drinking. Like I say,



1       when I was born, we lived above Martin's Bar. So I'm  
2       used to being in a bar situation. My nephew owns a  
3       bar right now in Owensboro. My niece tended a bar  
4       here and in Lexington. My second brother took over a  
5       Martin's Bar. So I'm in a bar background and know  
6       from which I speak.

7               CHAIRMAN: Thank you, Ms. Alvey.

8               MR. WOODWARD: May I ask another question?

9               CHAIRMAN: Yes, Mr. Woodward.

10              MR. PORTER: Just reminder that any person who  
11       testifies again they are under oath.

12              MR. WOODWARD: There used to be an ordinance.  
13       I don't know. There used to be an ordinance that if  
14       there was a church you couldn't put a bar, I don't  
15       know what the distance was. Is that ordinance still  
16       in effect?

17              MR. PORTER: It's not an ordinance. It's an  
18       ABC regulation and statutory regulation. So that  
19       would be up to the Alcohol Beverage Control  
20       Commission.

21              MR. WOODWARD: What's the distance; do you  
22       know?

23              MR. PORTER: I do not remember that, no. I  
24       think some of those have changed.

25              MR. WOODWARD: Well, First Baptist Church is a

1 block away.

2 MR. PORTER: Again, that would be a part of  
3 the Alcoholic Beverage Control Commission's decision  
4 to decide whether they are within an area that would  
5 prohibit an application for a license.

6 MR. WOODWARD: Okay.

7 CHAIRMAN: Commissioner Stewart.

8 MS. STEWART: Mr. and Mrs. Keaveney, I have  
9 two questions for you.

10 Is your business plan, is it strictly a bar?  
11 Is it light food? I just want to know more about the  
12 intended business.

13 MR. KEAVENEY: The intended business is  
14 probably about 50 percent alcohol. We do want to  
15 plan, you know, bartender classes. We want to plan  
16 yoga meetings. We want to have a food place, a  
17 gathering place. Not just alcohol, but more of a  
18 place to gather and enjoy each other's company. Not a  
19 party atmosphere, if you will. Sure, there might be a  
20 night or two, but in general it's going to be a nice  
21 laid back kind of situation. We're going to have a  
22 robust juice menu because I find that here in town  
23 that fresh juice is kind of hard to find. We brought  
24 some fresh lemonade just to do that. It's just a  
25 change of the food here in town. We found that that

1 property being right off the blue bridge right there  
2 and right across from the motel right there, it kind  
3 of extended right at the end of the trolley. It  
4 seemed like a good location to have all of this to  
5 happen.

6 MS. STEWART: Thank you. One more. What is  
7 your estimated capacity once you get a building?

8 MRS. KEAVENEY: We haven't decided on a design  
9 of the building yet.

10 MR. KEAVENEY: We want to make sure it's all  
11 right before we get with the architect. Once we get  
12 with the architect, we'll be working with the city  
13 planner to see what is allowed. The latest they said  
14 probably not but for patio, but we're still working on  
15 that.

16 MS. STEWART: Thank you.

17 CHAIRMAN: Ma'am.

18 MS. LANHAM: My name is Maryanne Lanham and I  
19 live at 411 East Fourth Street which is just up the  
20 alley from where they're planning on putting this.

21 (MARYANNE LANHAM SWORN BY ATTORNEY.)

22 MS. LANHAM: I live on that block. Well, when  
23 I was born I lived on that block. I moved away for a  
24 short period of time after the appropriate age. At 19  
25 I moved out of the house, but I moved back and bought

1 my family home.

2 There's been a lot of changes in that  
3 neighborhood, but it's still a residential  
4 neighborhood. There's the businesses, Dollar General,  
5 Budget Inn, and then what's over on Second Street, and  
6 Mr. Woodward's places.

7 The parking situation, there's no parking down  
8 there for them to have, for anybody to have a place  
9 like that.

10 Where I live, I live right on an alley and the  
11 alley runs from Fourth Street to Third Street. I know  
12 from experience that when accidents occur on the  
13 bridge, when agricultural equipment goes across the  
14 bridge, that traffic backs up. It's difficult  
15 sometimes to get in and out of the alley for that  
16 reason, because there's already traffic. And I agree  
17 with Mr. Woodward, if you're parking on the street  
18 there, you're creating a hazard, more of a hazard.

19 I enjoy going to a bar myself and it would be  
20 nice because it would be close and I could walk, but I  
21 think overall, that's not a good situation or a good  
22 place to put that.

23 I don't want to dis a business, but I'm not  
24 sure that the Budget Inn has the type of clientele  
25 that would attend a business like that or go into a

1 business like that. I just think it's not a good  
2 idea. And I know we're trying to build up downtown,  
3 but I think that is not the spot to put that kind of a  
4 business.

5 CHAIRMAN: Thank you, Ms. Lanham.

6 Would the applicant like to respond?

7 MR. ROGERS: Mr. Chairman, I have a question  
8 for Brian.

9 On this zoning, his parking, he would have to  
10 be parking on this premises, correct, along with  
11 on-street parking?

12 MR. HOWARD: No. The way that the Downtown  
13 Design Guideline Ordinance, Article 21 was crafted by  
14 the consultant that the city hired to do so, if you're  
15 in a B-2 zone, generally your parking requirement is  
16 zero on site. That's way the ordinance is set up.  
17 They would be able to utilize on-street parking or  
18 wherever else, but they're not required to have  
19 on-site parking. It's different in the downtown area  
20 than it is everywhere else in the entire county.

21 CHAIRMAN: Ma'am.

22 MS. WOODWARD: I'm Angie Woodward.

23 MR. PORTER. Would you state your name and  
24 your connection to the application, please.

25 MS. WOODWARD: My name is Angie Woodward and I

1 have a business on Second Street behind the parking.

2 (ANGIE WOODWARD SWORN BY ATTORNEY.)

3 MS. WOODWARD: More of a concern. I've seen  
4 my dad's business down there, you know, the majority  
5 of my life. The parking is a huge concern, I feel is  
6 a really big thing because you figure at 4:00 or so  
7 people will start parking on Third Street and on down  
8 Crittenden, and you may still have trucks and they're  
9 picking things up. You go down to the Bistro when  
10 they're delivering food service, they close one lane  
11 there on Second Street. You know, that is a food and  
12 beverage district down there. So we're used to that  
13 happening. But you have that happen on Third Street a  
14 block from the bridge and you're going to have sort  
15 of, I think, a traffic situation. There's three  
16 parking lots there, but they're not for their use so  
17 we're not sure what kind of damage can come from  
18 people leaving and utilizing that. Just the clogged  
19 area.

20 Then Leanne Musick has had her business down  
21 there. You know, there's been a lot of talk with  
22 Wesleyan to really make an arts district down there.  
23 So to have a bar it will distract from those type of  
24 businesses really. I'm not sure what the long -- you  
25 know, they mentioned this is an approval with a

1 long-term city plan. I don't know what that is, but I  
2 would have thought that the art districts would be a  
3 good city plan with the River Park Center and then to  
4 have, you know, the arts academy with Wesleyan and  
5 Leanne's presence and Kindermusik and the symphony  
6 present. I don't see how this fits in with that mold  
7 of what is going on in that area, this area of town.  
8 I'm all for new restaurants and businesses. I support  
9 all the local ones. I love them. I just don't see  
10 where this fits this area is the concern.

11 The fact that Friends of Sinners and AA are  
12 still going to utilize those buildings, which are less  
13 than a block away, how that affects what they're  
14 trying to do which is rehab people, if this sends a  
15 good message for what they're trying to do and have  
16 that nice peaceful spot downtown. Thank you.

17 CHAIRMAN: Thank you.

18 Mr. Ball.

19 MR. BALL: I've got a few questions that are  
20 probably directed at Staff.

21 The current zoning is I-1. Wouldn't this  
22 really be more of a down zoning, something that's  
23 potentially less intensive? Can you give me a  
24 ballpark or maybe a couple of items that could  
25 currently go in the existing zoning?



1           MR. HOWARD: So I would say generally in the  
2           hierarchy of zoning an I-1 Light Industrial zone would  
3           be more intense than a B-2 zone. In an industrial  
4           zone, you could have any kind of manufacturing  
5           assembling, any light industrial type use. You could  
6           have some kind of a warehouse, distribution center.  
7           You could have things like that.

8           As far as stuff that could go on, I don't  
9           know. It's a smaller parcel. I think you would be  
10          limited on how much industrial use you could actually  
11          locate there. It is zoned I-1 Light Industrial.

12          So to answer your original question, yes, I  
13          would say that is in general an industrial zone is a  
14          higher intensity than a B-2 zone.

15          MR. BALL: Another item has come up is the  
16          arts district. What would be an appropriate zone for  
17          an arts district?

18          MR. HOWARD: The arts district, I think all of  
19          the uses and locations that they've talked about are  
20          located in the downtown area in these B-2 zones.

21          MR. BALL: If this parcel or parcels around it  
22          were rezoned to B-2 in the future, even though there  
23          may be immediate plans for an arts district or an arts  
24          type use, it's also highly conceivable that they could  
25          turn into a bar or a restaurant in the future?

1           MR. HOWARD: Sure. What we're looking at as  
2       staff is, is the zone appropriate. Based on the  
3       downtown master plan that was created and the design  
4       guidelines and all of that, you know, we made findings  
5       that a B-2 zone would be appropriate. Any of those  
6       properties in the vicinity that are zoned Light  
7       Industrial right now, the B-2 zoning would be just as  
8       appropriate on them as well.

9           MR. BALL: And there's no way when you're  
10      looking at an arts district, I know this has come up  
11      before as far as zoning goes, there's no way to  
12      eliminate a specific use out of the zoning either?

13          MR. HOWARD: It has always been the  
14      interpretation and our understanding as Staff and our  
15      legal counsel, and not to put Mr. Porter on the spot,  
16      he's not our typical attorney, but he's the county  
17      attorney, but you are correct. The Planning  
18      Commission cannot approve a rezoning with the  
19      prohibition of a single use. If the Board, if this  
20      commission finds that a B-2 zoning is appropriate and  
21      can making findings of fact as to why that zone is  
22      appropriate, then any use within that B-2 zone would  
23      be allowed on that property.

24          MR. BALL: But to say that this B-2 zoning is  
25      not appropriate on this parcel, but is next-door,

1 doesn't necessarily make sense either.

2 MR. HOWARD: As I said, as Staff when we  
3 reviewed it, we felt that it was appropriate. We made  
4 findings to determine that or to that effect. It is  
5 the job then of this Planning Commission to take into  
6 account the Planning Staff's recommendation that's  
7 based on comp plan and the downtown master plan in  
8 this instance, listen to all the other testimony and  
9 then make a decision as to whether or not that's  
10 appropriate. Really ultimately that's your decision.  
11 Then at the end of the day whatever your all's  
12 decision is, if that's not acceptable to either side,  
13 then it can be appealed to the City Commission and  
14 they would have the ultimate authority to make the  
15 decision on whether or not B-2 zoning is appropriate  
16 or not for this parcel.

17 MR. BALL: Thank you.

18 MS. ALVEY: Can I say one more thing?

19 MR. PORTER: Just to remind you that you're  
20 still under oath.

21 MS. ALVEY: Carol Alvey. I have one  
22 statement. Well, and it may be in the form of a  
23 question.

24 From all of that area that is showing up there  
25 on the screen, there is not a benefit to anybody in

1       that area for the bar to go in to that small area  
2       that's in the green rectangle. Nobody that lives  
3       there has made a statement that they are for it.  
4       Everyone around that area is opposed. If any of you  
5       were living where my house is right next to that green  
6       area, I don't think you would be for it either because  
7       then you would have a bar outside your bedroom window  
8       that would be in operation until 2 a.m. in the  
9       morning.

10               CHAIRMAN: Thank you, Ms. Alvey.

11               MS. WOODWARD: I have a quick question. Are  
12       you planning to have live entertainment?

13               MR. KEAVENEY: We're open to a lot of  
14       different business ideas. We own the property. We  
15       want to make the most use of this property. It's not  
16       out of the question, but it's not directly in our  
17       plans right now.

18               CHAIRMAN: Thank you.

19               MR. BALL: I have another question.

20               CHAIRMAN: Commissioner Ball.

21               MR. BALL: There's been a lot of questions  
22       about noise and live music. There are ordinances that  
23       take care of all of those type of concerns, correct?  
24       Whether it is an industrial use and then there's loud  
25       machinery that's working in there or whether it's a

1 bar use with live music outside, our local ordinances  
2 take those into account, correct?

3 MR. PORTER: They do.

4 MR. HOWARD: I would add those are ordinances  
5 beyond planning ordinances.

6 MR. PORTER: Those are your city ordinances or  
7 state statutes and fortunately or unfortunately that  
8 falls to the law enforcement to enforce and that means  
9 I get to make those decisions in front of court.  
10 Well, not decisions, but make those presentations in  
11 front of the court. I'm not the regular Planning  
12 Commission attorney. I'm the county attorney and the  
13 prosecutor.

14 MR. HOWARD: And we thank you, Mr. Porter, for  
15 filling in.

16 CHAIRMAN: Is there anybody else in the  
17 audience that has any questions or comments?

18 Ms. Musick.

19 MR. PORTER: Leanne, tell us your name and  
20 connection to the application.

21 MS. CASELDEN: My name is Leanne Caselden and  
22 I am connected to downtown.

23 (LEANNE CASELDEN SWORN BY ATTORNEY.)

24 MS. CASELDEN: I'd like to paint a picture for  
25 you guys. I've been downtown for 14 years. I've

1 obviously noticed that there is a need for expansion  
2 for our students at Musick Studios. So Kentucky  
3 Wesleyan and I are partnering to build a first of the  
4 kind of the United States a business from start to  
5 finish for young children to college graduates to a  
6 town agency to book them into a job. That information  
7 hasn't been developed as much as we want to at this  
8 moment. But what I'm trying to say is that the  
9 development that we're trying to do downtown is very,  
10 very important for our community. The growth, and not  
11 on for Owensboro, Kentucky for about business like  
12 this, but to expand not just the businesses that we  
13 have now, but the businesses that are going to be  
14 around the buildings that are there to be able to be  
15 put forth in more for the arts academy. Make sense?

16 What I'm trying to say is that the bar I think  
17 is not adequate for what we need for our businesses  
18 downtown and I'm going to tell you why.

19 There are a couple of people that straggle  
20 downtown that sometimes that we get scared of having  
21 to lock the doors. There are people walking around.  
22 I just went to the Dollar store awhile ago and just  
23 had some gentleman come to me and kind of point his  
24 little thing at me and say, "Are you going to save  
25 me?" I was like, this is downtown, this is downtown.

1 I'm coming to a city hall meeting about a bar being a  
2 bar right across the street from Musick Studio and the  
3 academy we're trying to build. So I feel like that is  
4 just something I oppose to. Being a business  
5 downtown, especially for 400 kids growing to 1200  
6 kids, partnering with a college, expanding downtown to  
7 become an arts district, I just don't approve of a  
8 bar, in my opinion.

9 CHAIRMAN: Thank you, ma'am.

10 MS. CASELDEN: Thank you.

11 CHAIRMAN: Anybody else that would like to  
12 speak?

13 (NO RESPONSE)

14 CHAIRMAN: Any questions from the  
15 Commissioners?

16 (NO RESPONSE)

17 CHAIRMAN: Hearing none at this time the chair  
18 will accept a motion.

19 Commissioner Ball.

20 MR. BALL: I would like to make a motion to  
21 approve based on Planning Staff Recommendations and  
22 Findings of Fact 1 through 5.

23 CHAIRMAN: Do we have a second?

24 MR. ROGERS: Second.

25 CHAIRMAN: Second by commissioners Rogers.

1 Are there any questions on the motion?

2 (NO RESPONSE)

3 CHAIRMAN: Hearing none all in favor signify  
4 by raising your right hand.

5 (COMMISSIONERS JASON STRODE, IRVIN ROGERS,  
6 JASON GASSER, MANUEL BALL, LEWIS JEAN AND SKYLAR  
7 STEWART RESPONDED AYE.)

8 CHAIRMAN: All opposed.

9 (COMMISSIONER FRED REEVES RESPONDED NAY.)

10 CHAIRMAN: Approved 6 to 1.

11 COMBINED FINAL DEVELOPMENT PLANS/MAJOR SUBDIVISION  
12 PRELIMINARY PLATS

13 ITEM 8

14 Heatherstone, 108.893 acres (Postponed from March 10,  
15 2022)  
16 Consider approval of a combined final development  
17 plan/major subdivision preliminary plat.  
18 Applicant: Deer Valley Subdivision, LLC; Sara Jane  
19 McNulty

20 MR. BALL: I need to recuse myself from this  
21 item.

22 MR. HOWARD: This item was part of a rezoning  
23 that was at the meeting last month. The rezoning was  
24 recommended for approval; however, the preliminary  
25 plat/final development plan still had a little bit of  
work to be done in regard to recommendations for  
roadway type improvements that might be needed based  
on the Traffic Impact Study. That has been reviewed