The Owensboro Metropolitan Planning Commission met in regular session at 6:00 p.m. on Thursday, January 8, 2004, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Drew Kirkland, Chairman
Gary Noffsinger
Nick Cambron
Dave Appleby
Jimmy Gilles
Scott Jagoe
Irvin Rogers
Sister Vivian Bowles
Judy Dixon
Martin Hayden
Stewart Elliott, Attorney

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CHAIRMAN:  I would like to call the January 8th meeting to order. Our invocation tonight will be given by Jimmy Gilles.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Our first order of business is to consider the minutes of the December 11, 2003. Are there any additions, corrections or questions from anybody in the audience?

(NO RESPONSE)
CHAIRMAN: Anybody on the commission?
(NO RESPONSE)
CHAIRMAN: If not the chair is ready for a motion.
MR. JAGOE: Move for approve.
CHAIRMAN: Motion for approval by Mr. Jagoe.
MR. CAMBRON: Second.
CHAIRMAN: Second by Mr. Cambron. All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.
The next order of business is the election of officers for our Planning Commission. Turn it over to Mr. Elliott.
MR. ELLIOTT: Our bylaws require we do this the first meeting in January. With that in mind the floor is now open for the nomination for the office of chairman.
MR. CAMBRON: I nominate Mr. Kirkland.
MR. JAGOE: Second.
MR. ELLIOTT: Are there any other nominations?
(NO RESPONSE)
MR. ELLIOTT: All in favor signify by
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raising your hands.

(ALL BOARD MEMBERS RESPONDED AYE.)

MR. ELLIOTT: Mr. Kirkland is chairman.

We have the vice chairman.

CHAIRMAN: I'd like to nominate Nick Cambron.

MR. ELLIOTT: We have a nomination of Mr. Cambron. Any second?

MS. DIXON: Second.

MR. ELLIOTT: Are there any other nominations?

(NO RESPONSE)

MR. ELLIOTT: All in favor of Mr. Cambron being vice chairman signify by raising your hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Mr. Cambron is vice chairman.

Now we have the office of secretary.

CHAIRMAN: I'd like to nominate Mr. David Appleby.

MR. ELLIOTT: Do we have a second?

MR. GILLES: Second.

MR. ELLIOTT: Any other nomination?

(NO RESPONSE)

MR. ELLIOTT: All in favor of Mr. Appleby being secretary signify by raising your hand.

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(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. ELLIOTT: Mr. Appleby is secretary.

That concludes the elections of officers.

CHAIRMAN: Mr. Noffsinger our first of

business.

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ZONING CHANGE- CITY

ITEM 3

1221, 1223 Mosley Street, 0.207 acres
Consider zoning change: From I-1 Light Industrial to
B-4 General Business
Applicant: Green Valley Development

MR. ELLIOTT: State your name, please.

MS. STONE: Becky Stone.

(MS. BECKY STONE SWORN BY ATTORNEY.)

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is
in compliance with the community's adopted
Comprehensive Plan. This recommendation is made
subject to the conditions and findings of fact that
follow:

Conditions:

1. Provide off-street parking as required by the
Zoning Ordinance for the proposed use;

2. Reduce the access on Mosley Street to one
access point not to exceed 24-feet in width; and,

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3. Install a three-foot high continuous element with one tree per 40 linear feet of boundary in a minimum 3-foot wide easement between vehicular use areas and the Mosley Street public right-of-way.

Findings of Fact:

1. The subject property is located in a Business/Industrial Plan area, where general business uses are appropriate in general locations;
2. The subject property is located in an area comprised of mixed industrial and general business uses; and,
3. The land use element of the Comprehensive Plan recognizes these mixed use areas and allows for their continuation.

MS. STONE: We'd like to enter the Staff Report as Exhibit A into the record.

CHAIRMAN: Is there anybody here representing the applicant?

MR. SHELTON: Ed Shelton.

(MR. ED SHELTON SWORN BY ATTORNEY.)

MR. SHELTON: I'm the president of Green Valley Development Corporation. May I pass out some pictures to you all?

CHAIRMAN: Yes.

MR. SHELTON: This property is 50-foot
wide. Consist of 3,000 square feet. We're required
to have five parking spaces. We have five parking
spaces.

According to the landscape requirement of
the city -- we might have three parking spaces at the
most that we would be able to utilize. There's no way
to turn around in this parking lot without backing out
on the street. Every business in this block are on a
curve and they drive off the street parking. They
want us to build some parking around back.

One of these pictures shows the back of
the building. We're standing in the alley in the
back. You can see over top of the building. So if
we're going to -- we're going to have to do some
major excavation back there to build a parking a lot
in the rear. We can landscape next to the front of
the building. Just like to get away from having to
landscape out on the street curve and do away with
that parking.

This property is wanting to be rented by
Sister Lorraine Lauter. She's from Louisville. She's
going to use this property to teach computer skills
and other skills to his Hispanic people in Daviess
County. I don't know whether she's funded by the
state or funded by the federal government, but she is
the one that wants to rent this property for that purpose. Has to be zoned for that. So we're asking for some kind of a variance on this landscaping.

CHAIRMAN: Mr. Shelton, this board has the authority to pass this zoning change, but you used the key word there. As far as the variance, this board does not have the jurisdiction to pass a variance. We can pass what you're requesting as a zoning change, but we cannot grant a variance. To get a variance you have to go to the Board of Adjustments.

MR. SHELTON: Are they the one that controls the landscape requirements?

CHAIRMAN: Well, they're the ones that will grant or can grant a variance to the ordinance. We can only pass a zoning change from going from your I-1 to your business classification.

MR. CAMBRON: Mr. Chairman, if I may direct this to Mr. Noffsinger.

Can we approve this as a zoning change but not -- I mean can we not include the conditions for the off street parking at this point in time, be subject to the variance?

MR. NOFFSINGER: What you might want to consider, the conditions that staff placed on this application mere the zoning ordinance requirements and
they were put in there to put the applicant or anyone interested in the property on notice as to what the condition would be to using that site.

Now, the Planning Commission could recommend to approve this zoning change without these conditions, but that does not make those conditions go away. You would then have to go before the Board of Adjustment for variance request if you couldn't meet the site development requirements. So I guess what I'm saying is the Planning Commission you can recommend to change the zoning without the conditions, but this board can't make those conditions go away or the site development requirements go away. That authority is only granted at this time to the Board of Adjustment.

MR. SHELTON: If we get it zoned business tonight with that stipulation and then we don't get the variance or the Board of Adjustments, then we're stuck. If we're zoned B-4, we can't go back to light industrial without meeting the same requirements; is that right?

MR. NOFFSINGER: Again, that's true. What you're saying is true. I mean you could go back to I-1 Light Industrial, but you will still have those requirements. Those requirements are going to be
there regardless of whether you change the zoning or not. A B-4 general business use generally will generate more traffic than industrial use. So that's why it becomes more important if you're rezoning from industrial to commercial. That the access on these items be considered because generally you're going to have more traffic there and more activity. If it's left the way it is, light industrial, there's not as much traffic generated generally. So you don't have that big of an issue. Regardless, you're going to be faced with this issue and would need to be from the Board of Adjustment.

MR. SHELTON: But if we leave it light industrial as it is now, that's where we are, right? We can leave it light industrial and walk away and it probably stays the same.

MR. NOFFSINGER: That's a question that I cannot answer. The reason being that would be subject to the zoning administrator's interpretation of the ordinance, Mr. Jim Mischel. How long the property has been unoccupied. There are different factors that go into this. Have you talked with Mr. Jim Mischel about the use of the property?

MR. SHELTON: I tried to today.

MR. NOFFSINGER: I can't give you a direct
answer to that because you may -- even if you leave it zoned I-1 Light Industrial, when a use goes in you may have to make the same improvements, but I don't know enough about the history of the property to give you a definite answer.

CHAIRMAN: Mr. Noffsinger, why don't we bring Mr. Mischel to the podium and he can answer these questions.

MR. ELLIOTT: State your name, please.

MR. MISCHEL: Jim Mischel.

(MR. JIM MISCHEL SWORN BY ATTORNEY.)

MR. MISCHEL: I think what Mr. Noffsinger said was correct. If you have a use what we would call grandfathered in, if that use was like for storage or whatever, it's zoned I-1, if it's been used for storage it can continue that way. If it's vacant or that use is discontinued for 18 months or more, then you lose that grandfather clause. At this time I really don't know what it's been used for. I'm just using that for an example. If you've been using it for storage, you can continue that, but if it has been say vacant for 18 months, then it should --

MR. SHELTON: It's been used for storage.

Next-door, we own that property also. It's been used for storage by them. Intend to get someone in there
that wants to make cabinets, it would fall into light industrial.

MR. MISCHEL: Yes. If you had a cabinet shop, that would fall into light industrial. That's a change of use. You would lose that grandfather clause. They should comply with the parking standard and anything else that would come into play. Right now if it is has been a warehouse, you can continue that for unlimited time. You just keep doing that and you don't have to --

MR. APPLEBY: What's the park requirement for light industrial?

MR. MISCHEL: For storage it's 1 to 600. It's different depending on the use. Light industrial uses are 1 to 600. So much is tied into number of vehicles too. Some industrial uses may not have to have that many. I think you said you had a slope back there. You might get someone to back up and you don't need that many. I don't know. I haven't seen it.

MR. SHELTON: Number of parking spaces, only thing that's hurting the parking spaces is the landscaping in front. The back, that property slopes so bad. It's all sod and grass. You blacktop it you would have water going in the back door and out the front unless you put some kind of retention basin in.
MR. MISCHEL: I think it would be good to probably have a surveyor or something to — he might have some ideas that might not be that bad. I don't know at this time.

MR. SHELTON: Can we have postpone it for 30 days and talk to Board of Adjustment?

MR. CAMBRON: Mr. Chairman, he was asking you a question.

CHAIRMAN: I'm sorry.

MR. SHELTON: Can we postpone this for 30 days and talk to the Board of Adjustments about getting some kind of agreement with them?

CHAIRMAN: Yes.

MR. MISCHEL: There is one thing, just for the record. I think when you go to the Board of Adjustment for a variance there's certain things they can hear, if I understand the law correctly. They can hear like a landscape variance, conditional variance, but I don't believe they can hear a variance on parking. I don't think that's the way the Board of Adjustment can approve what we call a parking variance.

MR. SHELTON: Parking variance, is there a parking problem with this? There's one spot requirement for every 600 square feet. This is a
3,000 square building. It's five spaces. We have five spaces in front now.

MR. MISCHEL: Those that you have you're backing out on a right-of-way. I'm not sure they can even hear the parking issue. They could on landscaping and things of that nature.

CHAIRMAN: Let me ask Mr. Elliott a question.

Mr. Elliott, based on the questions that Mr. Mischel brought up and the situation Mr. Shelton is in, what would you suggest would be his route to get an answer to his question as far as variance, parking spaces?

MR. ELLIOTT: First of all Mr. Mischel is right about the parking. Board of Adjustment doesn't consider those. So that's not an option for them. The way that I understand it maybe want to go talk to Jim about to see whether or not they've got a non-conforming use of the property first. He may be okay as far as that's concerned. Has he done that yet? He hasn't talked to you about the use, has he?

MR. MISCHEL: I think -- is that your brother?

MR. SHELTON: Yes.

MR. MISCHEL: I talked to him today about
the parking issue, things of that nature. Really
didn't have a whole lot of time to talk this
afternoon. We haven't talked into the use that's
there now or anything.

MR. ELLIOTT: As far as applying for a
variance, I'm not so sure that he can do that now
until the zoning has been granted. I really don't
know the answer to your question.

MR. APPLEBY: Why couldn't he apply for a
variance from landscaping? With an I-1 zone he's
going to have to bring it --

MR. ELLIOTT: He can do that. He can do
that with landscaping.

MR. NOFFINGER: Mr. Chairman, at this
point staff would recommend that you consider the
recommendation with or without the conditions because
the issue of the variance is not going to change what
this board does. They're going to need, most likely
they will need to go before the Board of Adjustment
with some type of variance regardless of how the
property is zoned. The decision is should it be B-4
or do you want to keep it I-1. Recommend Planning
Commission look at it in approving it as stated with
the conditions or without the conditions, but
realizing that just because it may be approved without
the conditions, that doesn't make those site
development requirements go away. You know, there are
two issues. There's a zoning issue and then there's a
potential variance issue. You're going to have that
regardless of how the property is zoned.

MR. SHELTON: I have to deal with both
those issues regardless, right?

MR. NOFFSINGER: Right. If you postpone,
that's going to take -

MR. SHELTON: Sooner or later I have to
deal with the issue.

MR. NOFFSINGER: Right. It may be that -
- well, you need to make a decision on which zone you
think you will need and want to. Whether you want to
stay I-1 or B-4.

MR. SHELTON: You're going to have the
problem regardless.

MR. NOFFSINGER: Exactly. Then we will
work with you.

MR. SHELTON: We need B-4.

MR. NOFFSINGER: We'll work with you on
the site conditions.

MR. SHELTON: We're not in a big rush on
this. If we're going to -- we've got to face the
issue sooner or later. You know, take B-4. We'll go
to the Board of Adjustments and go from there.

There's no way around this issue according you all.

MR. NOFFSINGER: If I may. I make that
recommendation based upon we don't know what one, two
months down the road might bring. It may mean that
you need X number of spaces for a particular use and
that use could change and maybe you need certain,
maybe you need fewer. The Board of Adjustment will
not be able to grant you a variance on the number of
parking spaces you need, but they can consider issues
such as how you get to those parking spaces and where
they will be located. I don't know how your proposed
use is, but if there's a chance that could change,
then I'd hate to see you hold up on the zoning change
if you really are looking for B-4 in the future.

MR. SHELTON: No. I say go ahead with B4.

MR. MISCHEL: I might have a couple of
suggestions. If you're not in a time crunch, one, it
might be good if somebody, an expert went over to see
if you could get the parking back where it wouldn't be
that much of a problem and they could get the drainage
out of there; and two, if you're not sure if you want
business industrial we do have a new B-5 zoning coming
up.

MR. SHELTON: Is that in effect now?
MR. MISCHEL: It's a good possibility in the near future to where you could use it either way, if you're not in a hurry right now. That might benefit you too.

MR. SHELTON: But that might be several months off?

MR. MISCHEL: Yes, could be.

MR. NOFFSINGER: You might have been a couple of months early.

MR. SHELTON: We go B-4 and deal with it.

CHAIRMAN: Do you have any other comments, Mr. Shelton, or questions?

MR. SHELTON: No.

CHAIRMAN: Any other questions from the commission?

(NO RESPONSE)

MR. CAMBRON: Is chair ready for a motion.

CHAIRMAN: Chair is ready for a motion.

MR. CAMBRON: Motion for approval, and this is with a question. We do not have to recommend Conditions 1 through 3, is that correct, right now, Mr. Noffsinger?

MR. NOFFSINGER: Yes, sir.

MR. CAMBRON: Motion for approval with no conditions tied to it at this point. Findings of Fact

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1 through 3.

MR. APPLEBY: Second.

CHAIRMAN: We've got a motion for approval by Mr. Cambron. We have a second by Mr. Appleby. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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DEVELOPMENT PLANS

ITEM 4

600 Emory Drive, 0.827 acres
Consider approval of final development plan.
Applicant: Paul Martin

MR. NOFFSINGER: Mr. Chairman, this applicant has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order and ready for consideration.

CHAIRMAN: Is anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody in the audience or the commission have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.
MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 5

3175 Fairview Drive, 0.610 acres
Consider approval of final development plan.
Applicant: B.C.E. Properties

MR. NOFFSINGER: Mr. Chairman, on Item 5 I have a letter in the application from the applicant asking that this item be postponed until our regularly scheduled meeting in February. You'll need to vote on that to postpone.

MR. APPLEBY: Motion to postponement.

CHAIRMAN: Motion for postponement by Mr. Appleby.

MR. JAGOE: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

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Next item, please.

ITEM 6

3434, 3438, 3442, 3446 Legacy Run, 1.136 acres
Consider approval of amended final development plan.
Applicant: Earl Hayden

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order and for those reasons we recommend approval.

CHAIRMAN: Anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody in the audience or the commission have a question of the applicant?

(NO RESPONSE)

CHAIRMAN: If not chair is ready for a motion.

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

CHAIRMAN: Motion for approval by Mr. Cambron.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.
ITEM 7

3101 West Second Street, 4.399 acres
Consider approval of amended final development plan.
Applicant: Owensboro-Daviess County Humane Society, Carmel Simmons

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff, Engineering Staff. It's found to meet the minimum requirements of the adopted regulations and for that reason it's recommended for approval.

CHAIRMAN: Anybody here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody in the audience or the commission have any questions?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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MAJOR SUBDIVISIONS

ITEM 8

Covington Ridge, Section 2, Unit 2, 1.137 acres
Consider approval of amended major subdivision
preliminary plat.
Applicant: Robert Wimsatt

MR. NOFFSINGER: Mr. Chairman, this plat
has been reviewed by the Planning Staff, Engineering
Staff. It's found to be in order to meet all
regulations and we recommend for those reasons it be
approved.

CHAIRMAN: Anybody here representing the
applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any
questions?

(NO RESPONSE)

CHAIRMAN: Anybody have any questions from
the commission?

MR. CAMBRON: Is chair ready for a motion?

CHAIRMAN: Chair is ready for a motion.

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

CHAIRMAN: Motion for approval by Mr.
Cambron.

SISTER VIVIAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 9

The Parks of Heartland, Phase 3, Lots 23-42, 7.602 acres (POSTPONED)
Consider approval of major subdivision final plat.
Surety (Certificate of Deposit) posted: $16,121.20
Applicant: Jagoe Development Corporation

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order and meeting all adopted regulations and for that reason it's recommended for approval.

MR. JAGOE: Mr. Chairman, I need to disqualify myself.

CHAIRMAN: Mr. Jagoe will disqualified from the vote.

If there are no question, the chair is ready for a motion.

MR. ROGERS: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Rogers.
SISTER VIVIAN: Second.

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

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

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 10

Revocation of Creekview, 0.207 acres
Consider revocation of the major subdivision preliminary plat.
Applicant: Robert J. Wimsatt

MR. NOFFSINGER: Mr. Chairman, this preliminary subdivision plat was approved by the Planning Commission on September 11th of 2003. This plat created I believe 10 residential lots along a cul-de-sac street off Meadley Road called Creekview Court. The applicant has filed a request of the Planning Commission to revoke approval of that plat because the property will develop in a different manner than what was originally approved by the Planning Commission. What will happen, a large portion of this area will be consolidated in with adjoining lots and the Turtle Creek Subdivision. I believe two lots in the Turtle Creek Subdivision. Then there will be a lot or two that will front on

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Medley Road. The next item, Item 10A minor subdivision plat, I think actually creates the lots as I've just described to you. In order for us to approve Item 10A, the applicant is requesting that we revoke the approval of the previously approved preliminary plat.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. JAGOE: Move to approve.

MR. CAMBRON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 10A - Related Item:

938, 948 Turtle Creek Road, 3970 Medley Road, 4.162 acres

Consider approval of minor subdivision plat

Applicant: Robert J. Wimsatt

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff

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and Engineering Staff. It meets the minimum ordinance requirements and is ready for consideration.

CHAIRMAN: Does anybody have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. GILLES: Motion to approve.

CHAIRMAN: Motion for approval by Mr. Gilles.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 11

Summer Wind of Heartland, Phase 1, Lots 313-316, 380-401, 6.422 acres Consider approval of major subdivision final plat. Surety (Certificate of Deposit) posted: $42,568.60 Applicant: Jagoe Homes and Construction Co., LLC

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff and Engineering Staff. It's found to meet minimum ordinance requirements and for those reasons we recommend it be approved.
MR. JAGOE: Mr. Chairman, I need to disqualify myself on Items 11 and 12.

CHAIRMAN: Mr. Jagoe will be disqualified on Items 11 and 12.

Are there any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

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

CHAIRMAN: Motion for approval by Mr. Cambron.

MS. DIXON: Second.

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

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

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 12

The Village of Heartland, Phase I, Lots 402-404, 423-457, 16.077 acres
Consider approval of major subdivision final plat. Surety (Certificate of Deposit) posted: $68,335.80
Applicant: Jagoe Homes and Construction Co., LLC

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and
Engineering Staff. It's found to meet minimum ordinance requirements and is ready for your consideration.

CHAIRMAN: Are there any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. GILLES: Second.

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

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

CHAIRMAN: Motion carries unanimously.

Next item.

SURETY TRANSFERS

ITEM 13

Commercial Warehousing, Inc., Unit #2, $1,073.80 Transfer of surety (Certified Check) for streets to the City of Owensboro
Surety posted by: Commercial Warehousing, Inc.
ITEM 14

The Greens of Heartland, Phase 5, $2,431.80
Transfer of surety (Certificate of Deposit) for 1"
Bitum Concrete Surface to the City of Owensboro
Surety posted by: Jagoe Homes and Construction
Company, Inc.

ITEM 15

The Greens of Heartland, Phase 5, $6,252.00
Transfer of surety (Certificate of Deposit) for
sidewalks to the City of Owensboro
Surety posted by: Jagoe Homes and Construction
Company, Inc.

ITEM 16

The North Landings of Heartland, Phase 1, $6,850.20
Transfer of surety (Certificate of Deposit) for 1"
Bitum Concrete Surface to the City of Owensboro
Surety posted by: Jagoe Homes and Construction
Company, Inc.

ITEM 17

The North Landings of Heartland, Phase 1, $15,672.00
Transfer of surety (Certificate of Deposit) for
sidewalks to the City of Owensboro
Surety posted by: Jagoe Homes and Construction
Company, Inc.

ITEM 18

The North Landings of Heartland, Phase 1, $4,810.00
Transfer of surety (Certificate of Deposit) for storm
sewers to the City of Owensboro
Surety posted by: Jagoe Homes and Construction
Company, Inc.

ITEM 19

Southgate Centre, $683,515.50
Transfer of surety (Performance Bond) for storm sewers
and sanitary sewers to the City of Owensboro
Surety posted by: Home Depot USA, Inc.

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ITEM 20

Southgate Centre, $639,279.00
Transfer of surety (Performance Bond) for streets to the City of Owensboro
Surety posted by: Home Depot USA, Inc.

MR. NOFFSINGER: Mr. Chairman, Surety Transfers Items 13 through 20 are in order. I do have a correction on Item 19 and 20. Those should be transferred to the City of Owensboro and not the Daviess County Fiscal Court. There is an error on the agenda. So it should be transferred to the City of Owensboro on 19 and 20. With that they're ready and may be considered to transfer toto.

CHAIRMAN: The chair is ready for a motion.

MR. JAGOE: Mr. Chairman, I need to disqualify myself on Items 14 through 18.

CHAIRMAN: Mr. Jagoe will be disqualified from Items 14 through 18.

Chair is ready for a motion.

MR. HAYDEN: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Hayden.

MS. DIXON: Second.

CHAIRMAN: Second by Ms. Dixon. All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT - WITH THE
DISQUALIFICATION OF MR. JAGOE ON ITEMS 14 THROUGH 18 -
RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.  
Chair is ready for one final motion.  
MR. APPLEBY: Move to adjourn.  
CHAIRMAN: Motion for adjournment by Mr. Appleby.  

MS. DIXON: Second.  
CHAIRMAN: Second by Ms. Dixon. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: We are adjourned.  

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Ohio Valley Reporting  
(270) 683-7383
STATE OF KENTUCKY

SS: REPORTER'S CERTIFICATE

COUNTY OF DAVIESS

I, LYNNETTE KOLLER, Notary Public in and for the State of Kentucky at Large, do hereby certify that the foregoing Owensboro Metropolitan Planning & Zoning meeting was held at the time and place as stated in the caption to the foregoing proceedings; that each person commenting on issues under discussion were duly sworn before testifying; that the Board members present were as stated in the caption; that said proceedings were taken by me in stenotype and electronically recorded and was thereafter, by me, accurately and correctly transcribed into the foregoing 31 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this the 22nd day of January, 2004.

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

COMMISSION EXPIRES:
DECEMBER 19, 2006

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

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