

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 MAY 6, 2010

3 The Owensboro Metropolitan Board of Adjustment
4 met in regular session at 5:30 p.m. on Thursday, May
5 6, 2010, at City Hall, Commission Chambers, Owensboro,
6 Kentucky, and the proceedings were as follows:

7 MEMBERS PRESENT: C.A. Pantle, Chairman
8 Ward Pedley, Vice Chairman
9 Ruth Ann Mason, Secretary
10 Gary Noffsinger, Director
11 Madison Silvert, Attorney
12 Marty Warren
13 Sean Dysinger
14 Clay Taylor

15 * * * * *

16 CHAIRMAN: Let's call the Owensboro
17 Metropolitan Board of Adjustment to order. We start
18 our meeting each night with a prayer and pledge of
19 allegiance. Madison will lead us in prayer at this
20 time.

21 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: I want to welcome all of you to the
23 meeting this evening. If you have any comments, come
24 to the podium and state your name so we can have a
25 record of it.

With that the first item is consider the
minutes of the April meeting. Are there any
corrections, additions?

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1 MR. NOFFSINGER: No, sir.

2 CHAIRMAN: Entertain a motion to dispose of
3 the item.

4 MR. PEDLEY: Motion to approve.

5 MS. MASON: Second.

6 CHAIRMAN: A motion has been made to approve
7 and a second. All in favor raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries.

10 Next item, please.

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12 CONDITIONAL USE PERMIT

13 ITEM 2

14 2300 Harbor Road, zoned I-2 (Postponed from the April
15 1, 2010 meeting)

16 MR. NOFFSINGER: Mr. Chairman, I have a letter
17 from the applicant asking that you delay this item
18 because they do not have the State of Kentucky
19 Division of Water approval. With that it does need
20 your vote to postpone until the June meeting which
21 will be the first Thursday in June.

22 CHAIRMAN: Entertain a motion to postpone.

23 MR. WARREN: Move to postpone the meeting to
24 the June meeting.

25 MR. DYSINGER: Second.

1 CHAIRMAN: A motion has been made and a
2 second. Any other comments or questions?

3 (NO RESPONSE)

4 CHAIRMAN: If not all in favor raise your
5 right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries.

8 Next item, please.

9 ITEM 3

10 1041, 1201 Pleasant Valley Road, zoned P-1
Consider a request for a revision to a previously
11 approved Conditional Use Permit that approved the
construction and operation of a 477 bed hospital. The
12 revision is to establish a building envelope in order
to allow changes to occur to the building footprint
13 within the established building envelope and to allow
internal site changes to occur through the final
14 development plan process.

Reference: Zoning Ordinance, Article 8, Section 8.2C1

15 Applicant: Owensboro Medical Health System, Inc.

16 MR. SILVERT: State your name, please.

17 MS. EVANS: Melissa Evans.

18 (MELISSA EVANS SWORN BY ATTORNEY.)

19 MR. WARREN: Mr. Chairman, I need to recuse
20 myself from this item. Although I am no longer
21 employed by Owensboro Medical Health System, it has
22 been recently and I probably just need to set back on
23 this one.

24 CHAIRMAN: So noted on the record.

25 ZONING HISTORY

1 The subject property is currently zoned P-1
2 Professional/Service. OMPC zoning records indicate
3 there have been four Zoning Map Amendments to the
4 subject property; in 1977, 1986, 1999 and most
5 recently in September of 2009.

6 There is also one previous Conditional Use
7 Permit that we're all aware of to operate the 477 bed
8 hospital, and to do so in a floodway that was approved
9 at the November 2009 Board of Adjustment meeting.

10 This application is requesting for a building
11 envelope to be established. This will allow changes
12 to the building footprint and internal site changes to
13 occur through the final development plan process
14 rather than revising the Conditional Use Permit each
15 time there is a change to the building during the
16 construction process.

17 LAND USES IN SURROUNDING AREA

18 The property to the north is zoned I-1. The
19 properties to the south are zoned A-U Urban
20 Agriculture, B-4 General Business and R-1A Single
21 Family Residential. The properties to the west are
22 zoned I-2 Heavy Industrial and I-1 Light Industrial.
23 The properties to the east are zoned I-1 Light
24 Industrial and A-U Urban Agriculture.

25 ZONING ORDINANCE REQUIREMENTS

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1 On the site plan that was submitted with the
2 application and what was approved on the site plan in
3 the November 2009 Conditional Use Permit application.

4 SPECIAL CONDITIONS

5 1. Approval of a Minor Subdivision Plat
6 consolidating 1041 Pleasant Valley Road with 1201
7 Pleasant Valley Road, and the Conditions 1 through 9
8 that were approved with the September 2009 Zoning Map
9 Amendment and the November 2009 Conditional Use
10 Permit.

11 MS. EVANS: We would like to enter the Staff
12 Report into the record as Exhibit A.

13 CHAIRMAN: Thank you.

14 Is there any comments filed with the office?

15 MR. NOFFSINGER: No, sir.

16 CHAIRMAN: Is there anyone wishing to object
17 to this item?

18 (NO RESPONSE)

19 CHAIRMAN: Does the applicant agree with all
20 the conditions made?

21 MR. KAMUF: We agree with the conditions.
22 They're marked on the site plan and have been
23 previously introduced.

24 CHAIRMAN: You got anything else you need to
25 add?

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1 MR. KAMUF: Give me about two minutes and I'll
2 show you something.

3 I'll give each one of you a plat that shows
4 exactly what the envelope is so you'll know exactly
5 what you're agreeing to. We'll put one in the record.

6 As you can see, tonight there are two
7 envelopes that we're asking for. According to this
8 big plat that we see, if you look up at the top
9 there's a railroad track. That's a maintenance
10 building. We're asking for an envelope in that
11 particular area. We're also asking for an envelope
12 that you see in the main part.

13 Can you recognize the big plat by the little
14 plat that I've showed you?

15 CHAIRMAN: Yes.

16 MR. KAMUF: In addition to the envelope, by
17 this application we're also requesting that the
18 amended Conditional Use Permit be allowed to include
19 certain amenities and features to be constructed at
20 various locations within the hospital complex.

21 They will be a shop and maintenance facility.
22 That's the one that I showed you on the plat that's
23 near the railroad track. A medical office building,
24 an OMU electrical substation, a natural gas step-down
25 station, and miscellaneous certain amenities and

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1 features such as a canopies, a gazebo, security guard
2 station/enclosures, site lighting, outdoor exercise
3 stations, landscape structures, bus-stop structures,
4 screen wall, pedestrian bridges and walkways, a
5 helicopter pad, and other structures required for the
6 operation of a regional medical center.

7 Now, the original application that we filed on
8 November of 2009 had certain conditions. We agree to
9 those conditions, Mr. Chairman. Those are the nine
10 conditions that are on the site plan. They've been
11 before the Planning & Zoning Board and also before the
12 Board of Adjustment. There are certain private
13 drives, parking lots, walks, landscaping features,
14 utilities, future facilities, bus-stop structures
15 within the limits of the project and are subject to
16 modification during the design built process.

17 So we hereby request that the project's final
18 development plan be used for documentation on all
19 future changes to these site amenities and features.

20 We understand that we'll have to come back
21 before the Board of Adjustment if we add any beds or
22 if we construct a free-standing surgical center.

23 I'm here to answer any other questions if you
24 have any.

25 Some of the hospital staff and Bryant

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1 Engineering are here.

2 CHAIRMAN: Board members have any questions of
3 the applicant?

4 MR. DYSINGER: Mr. Chairman, just for clarity
5 sake.

6 The proposed amenities and additions and so
7 forth that you list would affect only within the
8 envelope that you're requesting created at this time
9 or not?

10 MR. KAMUF: No. The only ones within the
11 envelope, some are out and some are in. On the
12 amenities and features, a couple of these are outside.
13 This would be the -- at the top on the envelope where
14 we have it at the top the railroad track.

15 MR. DYSINGER: That would be in an envelope or
16 not?

17 MR. KAMUF: Yes.

18 MR. DYSINGER: What structures would not be in
19 the envelope?

20 MR. KAMUF: It will be just some of those
21 amenities that I talked about. Like a bus stop.
22 Let's say a security guard area. There are four or
23 five that I marked on here. Nearly all of them are
24 within the envelope area with the exception of the
25 gas, pressure regulator, future maintenance facility

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1 building. We've asked for a separate envelope on
2 that. The electrical substation. Those are the only
3 two that I see on here that are not within the
4 envelope.

5 CHAIRMAN: Any other questions from the board?

6 (NO RESPONSE)

7 CHAIRMAN: Staff have any other comments?

8 MR. NOFFSINGER: No, sir.

9 MR. KAMUF: It will show on the development
10 plan. Be sure you understand.

11 We have filed a development plan. All of
12 those, the two that I have said will not be within the
13 envelope, but they'll show on the development plan.
14 One of the things that I asked in my original
15 application, that the final development plan be used
16 for the documentation of all of the site amenities and
17 features.

18 MR. NOFFSINGER: Mr. Chairman, if I may.

19 These uses, these site amenities that
20 Mr. Kamuf are speaking to are not conditionally
21 permitted uses. These are accessory to conditionally
22 permitted use which is the hospital which has already
23 been approved. They would not be before you tonight
24 for many of those features if it were not for having
25 to come back and asking for the building envelope to

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1 allow for an expansion of the main facility which was
2 conditionally permitted.

3 Now, one thing you might want to do is add a
4 condition that a final development plan be required
5 and that it be amended as changes occur. That way it
6 is very clear that there's going to be a final
7 development plan. That final development plan is
8 going to show what features there are and those will
9 be properly reviewed by all agencies and bodies.

10 MR. KAMUF: They will enclose the amenities
11 and features of those small items.

12 MR. NOFFSINGER: And the applicant has already
13 agreed to that. That's nothing new. It's something
14 that is a requirement anyway. Then you make it clear
15 that that's how we're going to handle changes to these
16 amenities and these facilities. It's through the
17 approved, the recognized development plan review
18 approval process.

19 CHAIRMAN: Any other comments from the Staff?

20 MR. NOFFSINGER: No.

21 CHAIRMAN: Board have any other comments?

22 (NO RESPONSE)

23 CHAIRMAN: Hearing none entertain a motion to
24 dispose of the item.

25 MR. TAYLOR: Mr. Chairman, move to approve the

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1 Conditional Use Permit. The main concerns of the
2 Conditional Use Permit were approved previously by us
3 and I don't feel that creating this envelope will
4 affect the overall integrity of that original
5 Conditional Use Permit. We do still require that all
6 nine of the special conditions be met which was agreed
7 upon as well as an approval of a minor subdivision
8 plat consolidating 1041 Pleasant Valley Road with 1201
9 Pleasant Valley Road, and as well as a final
10 development plan recorded that would show these
11 altered amenities that were discussed.

12 MR. DYSINGER: Second.

13 CHAIRMAN: A motion has been made and a
14 second. Any other comments from the board or the
15 Staff?

16 MR. NOFFSINGER: No, sir.

17 CHAIRMAN: The applicant understands
18 everything completely?

19 MR. KAMUF: Yes, sir.

20 CHAIRMAN: Good. All in favor raise your
21 right hand.

22 (ALL BOARD MEMBERS PRESENT - WITH THE
23 DISQUALIFICATION OF MARTY WARREN - RESPONDED AYE.)

24 CHAIRMAN: Motion carries.

25 We're ready for one final motion.

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1 MS. MASON: Move to adjourn.
2 MR. PEDLEY: Second.
3 CHAIRMAN: All in favor raise your right hand.
4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
5 CHAIRMAN: We are adjourned.

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1 STATE OF KENTUCKY)

)SS: REPORTER'S CERTIFICATE

2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and
4 for the State of Kentucky at Large, do hereby certify
5 that the foregoing Owensboro Metropolitan Board of
6 Adjustment meeting was held at the time and place as
7 stated in the caption to the foregoing proceedings;
8 that each person commenting on issues under discussion
9 were duly sworn before testifying; that the Board
10 members present were as stated in the caption; that
11 said 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 12 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 25th day of May, 2010.

18
19

LYNNETTE KOLLER FUCHS
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COMMISSION EXPIRES: DECEMBER 19, 2010

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COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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