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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

FEBRUARY 2, 2012

The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, February 2, 2012, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: C.A. Pantle, Chairman
- Ruth Ann Mason, Secretary
- Gary Noffsinger, Director
- Madison Silvert, Attorney
- Rev. Larry Hostetter
- Marty Warren
- Sean Dysinger
- Shannon Reins

* * * * *

CHAIRMAN: Let me call the Owensboro Metropolitan Board of Adjustment meeting to order. Welcome you to the meeting this evening. We start our meeting each month with a prayer and the pledge of allegiance. We invite you all to join with us. Gary will have our prayer today.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Again, I want to welcome you this evening to the meeting. If you have any comments on either one of the Conditional Permits, come before the podium, one or the other, and state your name so we'll have record of it.

1 With that we'll go on with the first item
2 which is consideration of the minutes of the January
3 5th meeting. They're in the office. I don't think
4 there's any changes that need to be in them.

5 MR. NOFFSINGER: No, sir.

6 CHAIRMAN: Entertain a motion to dispose of
7 the item.

8 MR. DYSINGER: Move to approve.

9 MS. MASON: Second.

10 CHAIRMAN: A motion has been made and a
11 second. All in favor raise your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries.

14 Next item, please.

15 -----

16 CONDITIONAL USE PERMITS

17 ITEM 2

18 2914, 2916 Old Hartford Road, zoned A-U
19 Consider a request for a Conditional Use Permit in
20 order to construct and operate a free standing hospice
inpatient facility.

21 Reference: Zoning Ordinance, Article 8, Section 8.2C1

22 Applicant: Hospice and Palliative Care of the Ohio
23 Valley, Inc., d/b/a Hospice of Western Kentucky,
24 Equity Trade and Relocation Company

25 MR. SILVERT: State your name, please.

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

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1 MS. EVANS: First of all, I would like to
2 remind the applicants that approval of your item here
3 tonight does not permit construction or occupancy of
4 any buildings on the property. It is still your
5 responsibility to contact the building and electrical
6 division at the OMPC to receive all of your necessary
7 permit inspections before occupancy is allowed.

8 ZONING HISTORY

9 The subject property is currently zoned A-U
10 Urban Agriculture. OMPC records indicate there have
11 been no Zoning Map Amendments for the subject
12 property.

13 This application is to construct and to
14 operate a 12 bed free standing hospice inpatient
15 facility.

16 LAND USES IN SURROUNDING AREA

17 The properties to the north are zoned R-1B
18 Single Family Residential. The properties to the
19 south are zoned R-1C Single Family Residential. The
20 properties to the west are zoned B-4 General Business.
21 The properties to the east are zoned R-1C Single
22 Family Residential and P-1 Professional Service.

23 ZONING ORDINANCE REQUIREMENTS

24 1. Parking - 1 for every 4 beds plus 1 for
25 each employee on the maximum shift.

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1 I believe the site plan shows 70 parking
2 spaces that they're going to provide.

3 2. Landscaping - none required.

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

6 CHAIRMAN: Thank you.

7 Have we gotten any comments or questions in
8 the office?

9 MR. NOFFSINGER: Yes, sir, we have. I
10 received a call from Laura Wimsatt. She lives at 1412
11 Gilbert Lane. She indicated that she welcomes hospice
12 with open arms into the community and into the
13 neighborhood and felt that it would be a great
14 addition to the neighborhood. She ask that I make
15 that statement for her into the record.

16 CHAIRMAN: Thank you.

17 Is the applicant present and do you have
18 anything you want to add at this time?

19 MR. SILVERT: State your name, please.

20 MR. WELLS: My name is David Wells.

21 (DAVID WELLS SWORN BY ATTORNEY.)

22 MR. WELLS: First of all, let my introduce
23 some of the hospice management team.

24 With me tonight is Rod McFain, CEO, Janie
25 Mahoney, CFO, and Francis Masure, the compliance

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1 officer.

2 I'm the project architect for the project with
3 Hafer Associates in Owensboro.

4 In late December when we were retained to do
5 this work, I contacted Jim Mischel to check on what
6 would need to be done to get this facility on the
7 site. He responded with four action items that I want
8 to respond to or address very briefly this evening.

9 The first was a Conditional Use Permit.
10 Exactly why we're here this evening.

11 The second was he summarized his understanding
12 of the project. I just want to review that for the
13 commission.

14 It's a one-story building. He assumed about
15 16,000 square feet. Our site plan I believes shows
16 16,600. As we begin to develop the project, it's
17 probably closer to 15,000. Twelve room hospice
18 facility.

19 Basically providing two services for the
20 community. First, general inpatient care, basically
21 pain management, and care of patients who can no
22 longer be cared for in their residence.

23 Then secondly, respite care, which is a stay
24 where patients up to five days can give their
25 caregivers, many of whom are elderly spouses, a break

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1 from the riggers of taking care of these sick people.

2 These facilities are typically designed to be
3 very residential in scale, material, appearance and
4 mass. The plan is that this one will like-wise meet
5 those requirements. It is a good fit for this
6 neighborhood.

7 He also noted that the property would have one
8 access point for ingress and egress. One for both
9 functions. Adjacent or aligned with Kelly Lane,
10 which, again, our site plans shows.

11 Then he noted that the development would have
12 to comply with all of the local requirements. He
13 sited three that I want to address.

14 First of all, paving. All of our roadways
15 will be hard surface. Either asphalt or concrete.

16 Landscaping. A goal for this facility is that
17 it would be in a park-like setting. Again, the site
18 is idea. I don't know if you're familiar with the
19 site, but it's in town but it has a feel of being out
20 in the country. We will retain as many of the
21 existing trees as possible and other landscape
22 elements. We're pulling the roadways off of the
23 property line, the existing access is right on the
24 property line. We'll pull back and screen them.

25 Then parking and service areas will be placed

1 behind the building closer to the more commercial
2 properties on New Hartford Road.

3 He also mentioned had drainage issues. You
4 need to understand we're at the every early stages of
5 design. In fact, we don't yet have a civil engineer
6 on board. In part, because if we're denied this
7 evening, we'll have to look for another site.

8 The property in its current unimproved state
9 is higher than adjacent properties on three sides. So
10 drainage will need to be carefully considered. We
11 believe the residential areas, again, looking at the
12 survey information we have, have been lowered in the
13 past as the subdivisions were developed. We're not
14 currently aware of drainage issues.

15 Again, we're fairly new to the project, but we
16 certainly understand that the success of this facility
17 will be dependant on good drainage design. We
18 understand that we cannot contribute more storm water
19 than what is currently being offloaded from the site
20 in this undeveloped condition.

21 As I mentioned, we don't have a civil engineer
22 on our design team at this time, but we do have a
23 completed survey now from a local surveyor, our civil
24 engineer, and we've touched based with him on his
25 thoughts for the site. He does tell us that if

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1 nothing else and if there are issues, the placement of
2 the retention basin we show should help to mitigate
3 some of those issues with property design.

4 Certainly we'll be very careful about this
5 issue. Again, it's important for the success of the
6 facility for hospice as well as being a good neighbor.

7 To summarize, the facility will benefit the
8 community. It's a great service. It's a service
9 available in many other Kentucky counties, but not
10 currently in Owensboro. We think our project is a
11 good fit for this site. It's a very low density
12 development on a very large site. We know the site is
13 a wonderful place for this function.

14 Hospice of Kentucky is dedicated to being good
15 neighbors and to that they sponsor a very well
16 attended informational session in October for
17 neighbors to introduce the project, to introduce their
18 company. It was very well received. Thank you.

19 I can answer any questions you might have.

20 CHAIRMAN: Any board members have any
21 questions at this time?

22 (NO RESPONSE)

23 CHAIRMAN: Staff have anything else?

24 MR. NOFFSINGER: No, sir.

25 CHAIRMAN: Anyone in the audience have any

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1 other comments or question for or against?

2 AUDIENCE MEMBER: Does he by chance have a
3 copy of the site plan? I never saw a picture of it.

4 CHAIRMAN: She'll give you one.

5 Any other comments or questions?

6 (NO RESPONSE)

7 CHAIRMAN: Do you have any comments, sir?

8 AUDIENCE MEMBER: No.

9 CHAIRMAN: Thank you.

10 Any other comment from the board?

11 (NO RESPONSE)

12 CHAIRMAN: Entertain a motion to dispose of
13 the item.

14 MS. MASON: Mr. Chairman, I move for approval
15 with the finding of fact that it's compatible with the
16 land use in the area and it will not adversely affect
17 the future development and there's no opposition this
18 evening.

19 MR. DYSINGER: Second.

20 CHAIRMAN: A motion has been made and a
21 second. Is there any other comments or questions from
22 the board or the Staff?

23 (NO RESPONSE)

24 CHAIRMAN: Hearing none all in favor raise
25 your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries.

3 Next item, please.

4 ITEM 3

5 12122 Vetrees Road, zoned A-R

6 Consider a request for a Conditional Use Permit in
7 order to operate an existing church and construct an
8 accessory building

9 Reference: Zoning Ordinance, Article 8 Section 8.2B4

10 Applicant: Greenbriar Baptist Church

11

12 ZONING HISTORY

13 The subject property is currently zoned A-R
14 Rural Agriculture. OMPC records indicate there have
15 been no Zoning Map Amendments for the subject
16 property.

17 The applicant is bringing the property into
18 compliance by seeking this Conditional Use Permit to
19 operate the church in an A-R zone. In addition, they
20 are requesting to build a small 30 foot by 40 foot
21 picnic shelter.

22 LAND USES IN SURROUNDING AREA

23 All surrounding properties are zoned A-R Rural
24 Agriculture and are used for residential and
25 agricultural purposes.

ZONING ORDINANCE REQUIREMENTS

1. Parking - Existing parking is provided on
the property to meet the ordinance requirements.

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1 MS. EVANS: We would like to enter the Staff
2 Report into the record as Exhibit B.

3 CHAIRMAN: Have we have any comments or
4 questions in the office?

5 MR. NOFFSINGER: No, sir.

6 CHAIRMAN: Does the applicant have anything
7 you would like to add at this time?

8 APPLICANT REP: No.

9 CHAIRMAN: Board members have any questions of
10 the applicant?

11 (NO RESPONSE)

12 CHAIRMAN: Staff have any other comments?

13 MR. NOFFSINGER: No, sir.

14 CHAIRMAN: Entertain a motion to dispose of
15 the item.

16 MR. WARREN: Move to grant the Conditional Use
17 Permit. The findings that this will actually bring
18 the property into compliance and that there have been
19 no opposition placed in the office.

20 MS. REIN: Second.

21 CHAIRMAN: A motion has been made and a
22 second. Staff or board member have any other
23 questions?

24 (NO RESPONSE)

25 CHAIRMAN: A motion been made and a second.

1 All in favor raise your right hand.
2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
3 CHAIRMAN: Motion carries.
4 One more motion.
5 MR. DYSINGER: Move to adjourn.
6 MS. MASON: Second.
7 CHAIRMAN: All in favor raise your right hand.
8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
9 CHAIRMAN: We are adjourned.
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STATE OF KENTUCKY)

)SS: REPORTER'S CERTIFICATE

COUNTY OF DAVIESS)

I, LYNNETTE KOLLER FUCHS, Notary Public in and for the State of Kentucky at Large, do hereby certify that the foregoing Owensboro Metropolitan Board of Adjustment 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 12 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 10th day of February, 2012.

LYNNETTE KOLLER FUCHS
NOTARY ID 433397
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES: DECEMBER 16, 2014
COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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