

1 OWENSBORO METROPOLITAN PLANNING COMMISSION

2 SEPTEMBER 10, 2009

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 September 10, 2009, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Drew Kirkland, Chairman
9 Judy Dixon, Vice Chairman
10 David Appleby, Secretary
11 Gary Noffsinger, Director
12 Madison Silvert, Attorney
13 Tim Miller
14 Ward Pedley
15 Martin Hayden
16 Rita Moorman

17 * * * * *

18 CHAIRMAN: Want to welcome everyone to the
19 September 10, 2009, Owensboro Metropolitan Planning
20 Commission. Please rise and I'll give the invocation
21 and pledge.

22 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

23 CHAIRMAN: Now, our first order of business is
24 to consider the minutes from the August 13th Planning
25 & Zoning meeting. Are there any corrections,
additions?

(NO RESPONSE)

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

1 MS. DIXON: Move to approve.

2 CHAIRMAN: Motion for approval by Ms. Dixon.

3 MS. MOORMAN: Second.

4 CHAIRMAN: Second by Ms. Moorman. All in
5 favor raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPOND AYE.)

7 CHAIRMAN: Motion carries.

8 Next item, Mr. Noffsinger.

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10 PUBLIC HEARING

11 ITEM 2

12 Consider amendments to the text of the Owensboro
13 Metropolitan Zoning Ordinance regarding revocation of
14 existing Article 21 Central Business Overlay District,
15 adoption of Article 21 Downtown Overlay District and
16 revisions to Article 3, 4, 8, 9, 13 and 17.

15 MR. SILVERT: State your name, please.

16 MS. STONE: Becky Stone.

17 (BECKY STONE SWORN BY ATTORNEY.)

18 FINDINGS OF FACT

19 The Staff recommends approval of the
20 revocation of existing Article 21, adoption of
21 proposed Article 21 and revisions to Article 3,
22 Article 4, Article 8, Article 9, Article 13, and
23 Article 17 because the approval is in compliance with
24 the community's Comprehensive Plan, which includes
25 specific studies for the revitalization of Downtown

1 Owensboro, including the "Owensboro Riverfront Master
2 Plan" prepared in 2001 and the "Downtown Owensboro
3 Placemaking Initiative Master Plan" commissioned by
4 the Greater Owensboro Economic Development Corporation
5 and prepared by Gateway Planning Group, Inc., and
6 adopted as an amendment to the community's
7 Comprehensive Plan in March 2009. The findings
8 supporting this recommendation follow:

9 1. The overlay district boundary includes
10 properties within and adjacent to the B-2 Central
11 Business District that are identified by the "Downtown
12 Owensboro Placemaking Initiative Master Plan" as
13 important for development opportunities to revitalize
14 and create a sustainable downtown;

15 2. Proposed Article 21 is an important land
16 use tool that will aid in the implementation of the
17 adopted "Downtown Owensboro Placemaking Initiative
18 Master Plan";

19 3. Proposed Article 21 promotes development
20 and design standards in an effort to revitalize the
21 older commercial downtown area;

22 4. Proposed Article 21 promotes preservation
23 of existing historic properties in the boundary area,
24 recognized as special and unique to downtown
25 Owensboro's character and heritage;

1 5. According to Gateway Planning Group, Inc.,
2 who prepared the "Downtown Owensboro Placemaking
3 Initiative Master Plan," development and design
4 standards proposed in Article 21 will stimulate and
5 encourage the development of commercial activities,
6 housing, civic activities and other economic
7 opportunities that will bring people to the downtown
8 area;

9 6. According to Gateway Planning Group, Inc.,
10 development and design standards proposed in Article
11 21 will promote pedestrian friendly urban development,
12 recognizing character districts as unique sections of
13 downtown Owensboro;

14 7. According to Gateway Planning Group, Inc.,
15 the development and design standards proposed in
16 Article 21 will ensure adjacent predictability thereby
17 stimulating private development interest in downtown
18 Owensboro; and,

19 8. According to Gateway Planning Group, Inc.,
20 development and design standards proposed in Article
21 21 will facilitate private development to occur in
22 conjunction with the major public commitment that has
23 been recently made to the revitalization of downtown
24 Owensboro.

25 MS. STONE: We would like to enter the Staff

1 Report as Exhibit A.

2 We do have a couple of recommended revisions
3 that we would like for you to consider.

4 One them in Article 21 on Page 21-53, Section
5 21.133 is a typographical error. The sixth line
6 should read "Table 21.13" instead of Table 12.13.

7 The other revision concerns Article 3, Page
8 3-3, Section 3-5(c) Building Setback Lines. As
9 proposed the article reads, "When the building setback
10 lines designated on a plat of record conflict with the
11 requirements of this Zoning Ordinance, principal
12 buildings shall conform to more-restrictive setback
13 requirements. When the building setback lines
14 designated on a plat of record conflict with the
15 requirements within the Downtown Overlay District,
16 principal buildings shall comply with the requirements
17 contained in Article 21 of this ordinance. When the
18 building setback lines designated in private
19 restrictions conflict with the requirements within the
20 Downtown Overlay District, private restrictions are
21 encouraged to be released so that the principal
22 building may comply with the requirements contained in
23 Article 21 of this ordinance."

24 We think that clarification of the text as
25 proposed should be considered. That would be "When

1 the building setback lines designed on a plat of
2 record conflict with the requirements of this Zoning
3 Ordinance, principal buildings shall conform to the
4 more-restrictive setback requirements, or to the more
5 restrictive build to lines in the case of properties
6 regulated by Article 21. When the building setback
7 lines designated in private restrictions conflict with
8 the requirements within the Downtown Overlay District,
9 private restrictions are encouraged to be released so
10 that the principal building may comply with the
11 requirements contained within Article 21 of this
12 ordinance, or a variance must be sought."

13 So with those revisions and the Staff Report
14 we have Jay Narayana here from Gateway to give you a
15 brief presentation concerning the articles.

16 MR. SILVERT: State your name, please.

17 MS. NARAYANA: Jay Narayana.

18 (JAY NARAYANA SWORN BY ATTORNEY.)

19 MS. NARAYANA: Good evening, Planning
20 Commissioners. I would like to thank you for giving
21 me the opportunity to briefly talk about the Downtown
22 Overlay District. We worked pretty closely with the
23 Planning Commission Staff to come to this point.

24 Just want to briefly go over some of the
25 recommendations in the 2009, March 2009 Master Plan

1 report that the commission approved.

2 Some of the recommendations there were to
3 retain the existing B-2 zoning. Would create Overlay
4 Districts for each of the character districts that was
5 identified in the Master Plan. The other
6 recommendation was to strengthen the historic
7 preservation standards, since a lot of the historic
8 buildings in downtown have been lost over the last 30
9 years.

10 The other recommendation was to establish
11 clear standards for approval and appeals and also to
12 revise a sign standard so they're more in line with
13 what you would see in a downtown environment.

14 The existing zoning, as you can see in this
15 map, is mostly B-2, which is the peach color.

16 So the proposed Overlay District standards
17 include, and I'm not going to go into it in a lot of
18 detail, is the text and the graphics part of the
19 ordinance that includes standards for each of the
20 character districts. The regulating plan, which
21 establishes the boundaries of these different
22 character districts, and there are some other
23 standards associated with that that schedule uses for
24 the B-2 zone property. That's historic preservation
25 standards. There are design standards from new

1 development. There are sign standards and there is
2 approval process for projects.

3 This is the most recent final draft of the
4 Downtown Overlay District regulating plan. It shows
5 all the different, the nine different character
6 districts. The most recently added one was the one
7 right at the waterfront, riverfront, which is in a
8 brown color there.

9 This is just a sample page. These are two or
10 three pages which will have all the standards for each
11 of the character districts. Where the building is on
12 the lot. How tall the building is. Where parking is
13 located on the lot, etcetera.

14 Historic preservation standards that were
15 originally in the form of design guidelines that have
16 been adopted by the city in the '90s have now been
17 formalized into the historic preservation standards.

18 There are design standards for new
19 development. So you have fundamental organize
20 standards for where windows are, how the building
21 addresses the street and how pedestrian oriented it
22 is.

23 We do have a table for sign standards. A very
24 simple table that establishes which signs are approved
25 where and the dimensions of those.

1 I won't go through this in a lot of detail.
2 The current approval process is essentially where you
3 still have to go through a board review process. The
4 review is mandatory, but the compliance to the review
5 is not mandatory. So you basically make applicants go
6 through a process. There is no value added if the
7 applicant doesn't choose to meet those standards. So
8 they're not helping development standards.

9 The proposed approval process will essentially
10 streamline it. It will be administrative approval by
11 the Zoning Administrator if it meets the standards of
12 the ordinance. We do have recommendation of a
13 downtown design administrator to help with the review
14 process. That person will be in charge of making
15 final recommendation on whether an application meets
16 the standards or not. So once that's done it is then
17 administratively approved. If there are any appeals
18 of variances, then it will go through the historic
19 preservation board or the Board of Adjustment as the
20 case may be.

21 So essentially the approval process is a
22 design administrator who is appointed by the city
23 manager to review applications for compliance. Then
24 you have a design Downtown Development Coordination
25 Committee. This is so that all the different entities

1 that are involved in reviewing development get
2 together at the front end of a project so that any
3 major issues are brought up in the beginning. So this
4 committee is going to be a coordinated review of all
5 the big downtown projects.

6 Then once that process is met and you meet the
7 standards, then you approve administratively. The
8 Historic Preservation Board is more of an appeals
9 board. They will only hear appeals and the Board of
10 Adjustment will make a final decision on variances.

11 So essentially the goals are to implement the
12 Downtown Master Plan so that eventually what is built
13 on the ground meets the revision. That's high quality
14 pedestrian, oriented mixed use development. It's to
15 improve the predictability of outcome. So as a
16 property owner I'm investing on one piece of property
17 and know that my neighbor is going to be held to the
18 same standards. It is to protect public and private
19 investment in downtown, even the existing investment
20 in downtown and future, and to ensure that the
21 leverage be met and the public investment in downtown
22 which is over \$100 million at this time.

23 So with that I'll be happy to answer any
24 questions.

25 CHAIRMAN: Thank you for your presentation.

1 Are there any questions from the audience?

2 (NO RESPONSE)

3 CHAIRMAN: Are there any questions from the
4 commission?

5 MS. DIXON: I have a question.

6 CHAIRMAN: Yes, ma'am.

7 MS. DIXON: I am in a rather unique position
8 considering I'm on this board and I also live downtown
9 in the residential section to the west of this.

10 I guess my dad always said don't ask a
11 question in a meeting if you don't know the answer.
12 So I hope I know this.

13 I'm wondering, how is this advantageous to
14 people who have residences? We own three pieces of
15 property in that area and live in one of them. So how
16 will this protect, and we've been struggling a long
17 time so we're real glad to see this?

18 MS. NARAYANA: Basically what this regulating
19 plan does is that it establishes the boundaries of the
20 different character districts. So even living
21 downtown you have different neighborhoods that we've
22 created. There are residential areas that are
23 transitioning here. So we've kind of drawn a line
24 where certain development, certain commercial
25 development will really not encroach beyond that

1 point. There is some flexibility within the
2 neighborhoods itself to have some limited commercial,
3 but it is to preserve the existing residential
4 neighborhoods that are fairly stable that we establish
5 this creation of transitions. So it's not, you don't
6 have transitions through buffers. It's through the
7 character of the development. So some of the
8 standards, for example, in the transition area so you
9 allow residential, you allow small scale commercial.
10 Some like industrial so that some uses that group
11 transition over time. You get higher and better uses.
12 So essentially this will protect a line as to where
13 the transitions buffer.

14 MS. DIXON: Thank you.

15 CHAIRMAN: If there are no further questions,
16 the chair will be ready for a motion.

17 MS. DIXON: Move to approve.

18 CHAIRMAN: Motion for approval by Ms. Dixon.

19 MS. MOORMAN: Second.

20 CHAIRMAN: Second by Ms. Moorman.

21 MR. SILVERT: Excuse me, Mr. Chairman. I
22 would like to clarify the motion.

23 Does that include the revisions?

24 MS. DIXON: Yes. As revised.

25 CHAIRMAN: Why don't you just restate that,

1 Judy.

2 MS. DIXON: Move to approve with the revised
3 amendments, the revisions to the provisions.

4 CHAIRMAN: Ms. Moorman, do you have a second?

5 MS. MOORMAN: Second.

6 CHAIRMAN: All in favor raise your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 Next item, please.

10 MR. NOFFSINGER: Mr. Chairman, there's a
11 request to postpone Item 3 on the agenda by the
12 applicant. You'll need to take a vote on that.

13 CHAIRMAN: The chair would be ready for a
14 motion on that.

15 MR. MILLER: Move to postpone.

16 CHAIRMAN: Motion for postponement by
17 Mr. Miller.

18 MR. HAYDEN: Second.

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Next item, please.

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25 ZONING CHANGES

1 ITEM 4

2 1300 Daniels Lane, 1041 Pleasant Valley Road, 147.446
3 acres (Postponed August 13, 2009 meeting)
4 Consider zoning change: From I-2 Heavy Industrial and
5 I-1 Light Industrial to P-1 Professional/Service
6 Applicant: Owensboro Medical Health System, Inc.

7 MR. SILVERT: State your name, please.

8 MR. HOWARD: Brian Howard.

9 (BRIAN HOWARD SWORN BY ATTORNEY.)

10 MR. HOWARD: I will note that all rezonings
11 heard tonight will become final 21 days after the
12 meeting, unless an appeal is filed. Those are
13 available in our office, on the back table and on our
14 website. If an appeal is filed, then we will forward
15 it to the appropriate legislative body for their
16 consideration.

17 PLANNING STAFF RECOMMENDATIONS

18 Staff recommends approval because the proposal
19 is in compliance with the community's adopted
20 Comprehensive Plan. While the Comprehensive Plan
21 supports rezoning the subject property to P-1
22 Professional/Service, the use of the subject property
23 as a critical health facility for the community is
24 questionable. The proximity to the bulk of the
25 population in the community, proximity to the railroad
26 tracks and switching yard, and proximity to hazardous
27 chemical storage in the area all present issues from a

1 planning perspective in regards to the best site
2 location. The hospital will require a conditional use
3 permit at which time the Board of Adjustments will
4 review the compatibility of the use with the
5 surrounding neighborhood to ensure proper integration
6 into the area. Relocation of the centrally located
7 hospital will alter the neighborhood of the proposed
8 location and will alter the neighborhood of the
9 existing hospital while promoting sprawl of a critical
10 facility within the community. The recommendation for
11 approval is made subject to the conditions and
12 findings of fact that follow:

13 CONDITIONS:

14 1. At the intersection of US 60 East and
15 Daniels Lane, install a third northbound approach lane
16 for right turns and designate the middle approach lane
17 for left and through movements;

18 2. At the intersection of Daniels Lane and
19 Access #3, south of the railroad crossing, provide a
20 right turn lane or a 300-foot radius curve for a
21 one-way lane for southbound traffic entering the site;

22 3. Widen Daniels Lane between US 60 and
23 Access #3, using the City's urban template standard of
24 a 40-foot roadway width consisting of three 12-foot
25 lanes and a two-foot wide curb and gutter section on

1 either side. Sidewalks are to be provided for
2 pedestrian access. Include a 50-foot northbound left
3 turn storage lane before beginning a 35 to 1 taper
4 south of Access #3. Install an upgraded and widened
5 railroad crossing to CSX standards with the addition
6 of automatic gates;

7 4. Widen Pleasant Valley Road between the new
8 expressway connector road intersection and the
9 intersection with the site connector road (Access #4)
10 north of Yellow Creek using the City's urban template
11 standard of a 40-foot roadway width consisting of
12 three 12-foot lanes and a two-foot wide curb and
13 gutter section on either side or other design meeting
14 city engineering specifications. Sidewalks are to be
15 provided for pedestrian access. Provide north of
16 Access #4 a 35 to 1 taper to transition back to the
17 existing roadway. Maintain the reconstructed roadway
18 above the 100 year floodplain, replacing the existing
19 box culvert in the floodway of Yellow Creek, and
20 provide a vertical transition back to the existing
21 roadway elevation at the northern termination of the
22 horizontal taper;

23 5. Provide a northbound right-turn lane or a
24 300-foot radius curve for a one-lane entry road at the
25 intersection with the site connector road (Access #4);

1 6. Implement a way-finding signage program on
2 US 60 East, US 60 Bypass and the expressway connector
3 prior to the opening of the hospital;

4 7. Install Intelligent Transportation System
5 advanced warning signs on US 60 to notify motorists of
6 a train on the tracks and to use an alternative route
7 such as the bypass provided that the KYTC will permit
8 the signs;

9 8. Work with the local transit authority to
10 extend bus service to the site; and,

11 9. All improvements, including a connection
12 to the existing bypass or the Northeast Expressway
13 shall be completed prior to the issuance of an
14 occupancy permit.

15 FINDINGS OF FACT:

16 1. The subject property is located in an
17 Industrial Plan Area, where professional/service uses
18 are appropriate in limited locations;

19 2. The use of the property for hospital and
20 related uses will be nonresidential in nature;

21 3. With frontage on both Daniels Lane and
22 Pleasant Valley Road the subject property is major
23 street oriented; and,

24 4. At 147 acres approximately, the site
25 exceeds the minimum one acre requirement for a new

1 location of professional/service zoning.

2 MR. HOWARD: We would like to enter the Staff
3 Report into the record as Exhibit B.

4 CHAIRMAN: Is anybody here representing the
5 applicant?

6 MR. KAMUF: Yes.

7 MR. SILVERT: State your name, please.

8 MR. KAMUF: Charles Kamuf.

9 MR. SILVERT: Thank you, Mr. Kamuf.

10 MR. KAMUF: As stated I'm Charles Kamuf. I
11 represent the hospital concerning this rezoning.

12 I think there were eight in the original Staff
13 Report. There is now nine conditions; is that right?

14 MR. HOWARD: Yes.

15 MR. KAMUF: The hospital agrees to all of the
16 conditions as stated and read and also on the original
17 report.

18 As stated, the Staff recommends the approval
19 of the rezoning and the Staff Report states that the
20 site does meet all the requirements of the
21 Comprehensive Plan. This application was submitted
22 two months ago. It's undergone extensive review by
23 the OMPC Staff, by the city and county engineer, and
24 also by the Department of Highways.

25 I have a rendering that I would like to review

1 with you.

2 This is a fairly complex rendering. First of
3 all, I will show you that as you see on this exhibit
4 the part that you have in green on your plat, that is
5 a vacant piece of property. It consist of
6 approximately 147 acres. Two acres of that has an old
7 petroleum supply house on it, but basically it's a
8 vacant tract of ground.

9 This property is on the east side is Daniels
10 Lane. On the north side, this is the Ohio River up on
11 the north. On the north side by the railroad tract.
12 On the west side by Pleasant Valley Road. On the
13 south side by Yellow Creek.

14 The other important thing on it is the
15 connector road. As you see in blue, and this is
16 important because this road really is built for the
17 purpose because the hospital is there.

18 This connector road, there is the first phase
19 of the bypass extension and the connector road has
20 gone out for bid. It's been awarded and Yager got the
21 material bid and also the construction bid, I think.

22 The governor was in town yesterday. I think
23 they broke ground.

24 The first two parts of the extension include
25 the bypass extension from Highway 144 all the way up

1 to Hawes Truck Stop. The other part of phase 1
2 includes this connector road. This connector road
3 that you see in blue allows for unobstructed access to
4 the hospital at all times.

5 As you see the outer part that is in orange,
6 that is the expressway extension, phase number 2. As
7 you can see, one of the reasons and one of the main
8 reasons the hospital was built on this site is because
9 of this expressway extension, phase number 2. You can
10 see the interchange of the property and this will be
11 an off and on interchange. The traffic will come --
12 you can have unobstructed traffic coming from the
13 bypass from Highway 60. It will come down. It will
14 then hit the connector road. As you see, these
15 improvements to the front entrance of the hospital
16 will be right in this particular area.

17 Now, the other thing that's important to this
18 exhibit is the ring road. As you see, this is a ring
19 road that you have on the inside. The main entrance
20 to the hospital will be on Pleasant Valley Road. The
21 secondary entrance to the hospital will be on Daniels
22 Lane. There will be a private road that will come
23 from the secondary entrance all around from Daniels
24 Lane over to the main entrance of the hospital on
25 Pleasant Valley Road. Then there will be a second

1 ring road that comes around the outside.

2 If you see the other entrance here, it's just
3 an entrance. Has nothing to do with any public road.
4 It's just an entrance to the hospital for utility
5 work.

6 The issue tonight is whether the 147 acre
7 tract or the 147 acre site meets the requirements of
8 the Comprehensive Plan. The Staff says it does. We
9 say it does. The hospital has been through extensive
10 process to evaluate the various sites for the
11 hospital. They believe that they've decided and
12 selected the best site.

13 We have here tonight Dr. Jeff Barber who is
14 the CEO and the president of OMHS. We have Bob Harper
15 who was the chairman of the Properties & Facilities
16 Committee for the hospital. Mr. Harper has been on
17 the project since the start. They will tell you what
18 has happened, as far as what has developed and the
19 plans of the hospital.

20 We have HGA Architects. HGA is present to
21 answer any questions concerning the project itself,
22 Mr. Bart Bolin.

23 Bryant Engineering has done extensive work
24 concerning the site design and also the drainage.
25 They're here to answer any questions concerning that.

1 We have also contacted the firm of Barge
2 Waggoner Sumner & Cannon to prepare a detailed Traffic
3 Impact Study as requested by the Staff and also as
4 requested by the city engineer. We have Bill Hays
5 from that firm. He is here to answer any questions
6 that you have concerning traffic.

7 I think the first one I would like to call, if
8 we can, this won't take too long, Mr. Chairman.

9 CHAIRMAN: Mr. Kamuf, seems like we have a lot
10 of people in the audience. Why don't rather than you
11 present a presentation, why don't we get right into
12 the questions and then we can identify areas concerned
13 by the citizens and that way you can answer those
14 specific questions.

15 MR. KAMUF: If you would just give us one
16 second and let Dr. Barber just make a brief statement,
17 a brief statement, Mr. Chairman, concerning what has
18 happened, and then we're ready to go forward on those.

19 CHAIRMAN: A brief statement will be accepted.

20 MR. BARBER: Thank you, Mr. Chairman. I'm
21 Jeff Barber. I'm president and CEO of Owensboro
22 Medical Health System.

23 MR. SILVERT: Let me swear you in, Dr. Barber.

24 (DR. JEFF BARBER SWORN BY ATTORNEY.)

25 DR. BARBER: My brief statement is that we

1 selected this site out 16. We had with us working at
2 that time Hamas Group out of Nashville, Tennessee.
3 They're a national hospital location firm. Helped us
4 select the site. Out of the 16 available sites that
5 we identified in the community, helped us identify for
6 relocation of the hospital. We believe this site is
7 the perfect site for us. It remedies a lot of
8 circulation problems that we currently have on campus
9 and around our campus. Allows us a lot of room to
10 grow in the future, provide for this community and the
11 surrounding 11 counties, the Regional Medical Center
12 we so deserve. I'll leave it at that and answer
13 questions. Is that brief enough?

14 CHAIRMAN: Very brief. Thank you. You may be
15 seated, please.

16 MR. BARBER: Thank you.

17 CHAIRMAN: Are there questions from the
18 audience?

19 Yes, ma'am. Step to the podium, please.

20 MR. SILVERT: State your name, please.

21 MS. ZOGLEMAN: Shirley Zogleman.

22 (SHIRLEY ZOGLEMAN SWORN BY ATTORNEY.)

23 MS. ZOGLEMAN: I have two questions. I would
24 like to know what kind of proposition they have for
25 the drainage on this property and the properties, how

1 it's going to affect the properties surrounding it,
2 and how the traffic is going to affect where I live?

3 CHAIRMAN: Ms. Zogleman, would you specify
4 exactly where you live, please, for the record?

5 MS. ZOGLEMAN: I live at 1611 Pleasant Valley
6 Road. About 100 yards from where this hospital is
7 going to be built.

8 CHAIRMAN: Based on her question I think Jim
9 Riney with the drainage would probably be first up.

10 MR. KAMUF: Bryant.

11 CHAIRMAN: I'm sorry. I thought you said Jim
12 Riney was doing it.

13 MR. KAMUF: No. Which one would you like to
14 answer?

15 CHAIRMAN: I think we'll bring up your
16 engineer.

17 MR. KAMUF: For drainage?

18 CHAIRMAN: Yes.

19 MR. SILVERT: State your name, please.

20 MR. BAKER: Jason Baker.

21 (JASON BAKER SWORN BY ATTORNEY.)

22 MR. BAKER: As far as the drainage question,
23 we have done an extensive study including a hydraulic
24 model in accordance with the standards set forth by
25 the Kentucky Division of Water, US Army Corp of

1 Engineers.

2 What will occur is we will be building an
3 approved structure over Pleasant Valley Road. That
4 structure is currently unsized as indicated by the
5 Storm Water Master Plan that the City of Owensboro put
6 together back in the early '90s. That study also
7 included construction of the retention basins. Had
8 two different options laid out in that plan.

9 One option was to put roughly a 40 acre foot
10 basin situated on Yellow Creek between Pleasant Valley
11 Road and Daniels Lane.

12 The second basin was then to be up closer to
13 or further to the west on Yellow Creek closer to the
14 bypass. The second option laid out in that was to put
15 roughly a 60 acre feet retention basin in-between
16 Pleasant Valley Road and Daniels Lane.

17 The design that we have put together includes
18 reconstruction of an existing structure over Daniels
19 Lane. That will be a three span bridge.

20 Significantly more capacity than the existing
21 structure that's there. We will be digging a
22 retention basin in-between Pleasant Valley Road and
23 Daniels Lane adjacent to Yellow Creek, which is a
24 total of about 60 acre feet.

25 This accomplishes around 35 percent of that

1 total volume required due to some of that dirt will be
2 placed within the floodplain to elevate the site
3 above.

4 By doing this plan we accomplish around 35
5 percent of the volume required that's set forth in the
6 Storm Water Master Plan.

7 CHAIRMAN: Is this going to be a dry basin or
8 a wet basin?

9 MR. BAKER: That basin will be a dry basin.
10 It will tie into the side of Yellow Creek. It will
11 drain freely in and out of that. That basin is
12 situated just south of Yellow Creek. I believe
13 adjacent -- if you could put the other exhibit up, I
14 could point to it.

15 MR. KAMUF: Mr. Chairman, I haven't introduced
16 this as an exhibit. Let me introduce it and give
17 everybody a copy of that so we'll have it in the
18 record.

19 MR. BAKER: You've got them on your screen.

20 CHAIRMAN: Go ahead, Mr. Kamuf.

21 MR. BAKER: The basin that we're talking about
22 that will be a dry basin is in this area right in
23 here, which is located just south of Yellow Creek.
24 Yellow Creek running here and turning south. The
25 basin will be located right in here.

1 CHAIRMAN: I see this plan has been reviewed
2 by the county engineer?

3 MR. BAKER: Currently the drainage has been
4 submitted to the state, Division of Water. It's been
5 submitted to the US Army Corp of Engineers. It's
6 currently under review.

7 The detailed review of the drainage will be
8 done at the point when the site design is done.

9 We are working toward having the mass
10 excavation plan ready to start work early next year.
11 Therefore, we had to get, we're actually submitting
12 these drainage plans to these agencies early in the
13 process.

14 CHAIRMAN: Thank you.

15 Ms. Zogleman, I think the second part of your
16 question had to do with the traffic.

17 MS. ZOGLEMAN: Yes.

18 CHAIRMAN: This would not be your area?

19 MR. BAKER: No.

20 CHAIRMAN: Mr. Kamuf, you want to introduce
21 your traffic situation guy.

22 MR. KAMUF: Let me just make a statement as to
23 who you will hear.

24 The Traffic Impact Study was prepared by Bill
25 Hays, as I've told you earlier. It includes

1 approximately four volumes and 500 pages.

2 Mr. Hays is a well recognized authority in the
3 traffic engineering field. He has a Master's Degree
4 in Traffic Engineering and is a registered engineer in
5 Kentucky, Tennessee and Georgia. He holds the highest
6 certification in Traffic Engineering, professional
7 traffic operation engineer. Has prepared over 100 of
8 these Traffic Impact Studies in several states
9 including studies for Vanderbilt Children's Hospital
10 and Vanderbilt Medical Research buildings.

11 MR. SILVERT: Will you state your name,
12 please?

13 MR. HAYS: Bill Hays with Barge Waggoner
14 Sumner & Cannon out of Nashville.

15 (BILL HAYS SWORN BY ATTORNEY.)

16 MR. HAYS: Let me just request a little
17 clarification. The address we're talking about, 1600
18 Pleasant Valley Road, is that north of the railroad
19 track or south of Yellow Creek or in-between?

20 CHAIRMAN: Ms. Zogleman.

21 MS. ZOGLEMAN: South of Yellow Creek.

22 MR. HAYS: Okay. Thank you.

23 If you'll look at the exhibit you have there
24 on your screen, if look at the main entrance in terms
25 of traffic, is the entrance that is on your left that

1 comes out to Pleasant Valley that is just above Yellow
2 Creek. The traffic flow will come in and out of there
3 from the south from the new connector road that will
4 connect directly to the current bypass. That road
5 will remain until the northeast expressway is built.
6 At that time it will still be there, but there will be
7 a break in the connection with the existing
8 expressway. That road will simply be a means with
9 overpass to get to US 60 East.

10 So we would anticipate that once northeast
11 expressway is built most of the traffic on Pleasant
12 Valley will redirect to that connector road.

13 In terms of the impact of the hospital site,
14 depending on what stage of development, somewhere
15 between 60, 65 percent of the site traffic will be
16 going along that portion of Pleasant Valley Road from
17 the connector road up to the site. That's one of the
18 reasons in our recommendation we had mitigation
19 measure Pleasant Valley Road, which right now is a
20 vary narrow 18 foot wide county road, be widen to
21 three lanes. That would include a center turning
22 lane. If you're trying to turn left from that road
23 into your driveway, you'll have some protection there.
24 It would be to whatever standards the city engineer
25 and Staff required there. That would be a means of

1 mitigation. That one section South of Yellow Creek
2 would be the section that bears the majority of the
3 site traffic and that is by design.

4 CHAIRMAN: Ms. Zogleman.

5 MS. ZOGLEMAN: What I have seen of some of
6 these maps, the connector road comes right on to
7 Pleasant Valley.

8 MR. HAYS: Yes, ma'am. That's what I'm
9 saying. There will be --

10 MS. ZOGLEMAN: Right in front of my house.

11 CHAIRMAN: Ms. Zogleman, let's go this way so
12 we don't get in a conflicting situation. You
13 technically ask me the questions so we don't get in a
14 cross confliction.

15 MS. ZOGLEMAN: All right. The road is coming
16 out right in front of my house onto Pleasant Valley
17 Road, this connector road. All the studies they've
18 done on drainage and all like that, I've lived on that
19 road for 66 years and I know what just a few inches of
20 rain will do. I've seen it flooded many times.

21 CHAIRMAN: Let me go to the drainage
22 situation.

23 We've had many drainage issues that have been
24 before this commission. These engineers that are
25 presenting plans, which their plans are yet to be

1 approved. They're going before the state and they'll
2 be approved by the county engineer.

3 The drainage situations, we've had many
4 questions, but the follow up has been very good
5 because of the engineering techniques they use.
6 They're using, the question I asked him, are they
7 using a wet or a dry basin?

8 Well, the wet basin will be basically just a
9 big open area to receive the flash floods, which we
10 get around here. So they'll fill up. They will have
11 enough retention to hold the water and then the water
12 will drain off.

13 So the retention basin, you're having two
14 engineers look at it and then an engineer prepare it.
15 We have not had any problems with any of our clients
16 having follow-up problems with retention basins.
17 Those questions are asked many times.

18 I hope our engineer, I hope I've not
19 overstepped my bounds, but I'm just going on past
20 history that we've had. I know the situation that you
21 must, hurdles you must go through. Was I correct?

22 We'll bring our engineer back.

23 MR. HAYS: If I could just add with that.

24 One of our requirements, and normally we don't
25 get into drainage with a traffic study, but I do have

1 a drainage background and used to administer storm
2 water drainage in Warren County, Kentucky.

3 We did have requirement on this project that
4 this entry road be above the 100 year floodplain.
5 Just to avoid technical terms, that means that's the
6 threshold level that we plan for. In other words,
7 once in 100 year type of flood event, then the road
8 will be above that because our intent is this facility
9 be accessible under all conditions. Certainly a major
10 flood event would be the time you'd want your
11 emergency services and your emergency medical
12 facilities to be up and running. That's part of that
13 process.

14 CHAIRMAN: Thank you.

15 MR. APPLEBY: I think the issue with the
16 traffic though is the fact that she's right. That the
17 connector road is going to dump right out there on
18 Pleasant Valley Road.

19 As I understand it, the way they're going to
20 mitigate that traffic problem is they're going to
21 three lane that all the way down through there in
22 front of your house.

23 MS. ZOGLEMAN: That's the first I've heard of
24 the three lane.

25 MR. APPLEBY: Am I right on that?

1 MR. HAYS: Yes.

2 MR. APPLEBY: So there will be a center turn
3 lane in front of your house. There's definitely going
4 to be a lot more traffic in front of your house, but
5 that's their attempt to mitigate that, is to widen
6 that to three lanes, add a center turn lane which will
7 enable you to get in and out. You're definitely going
8 to have more traffic in front of your house.

9 MS. ZOGLEMAN: When the bypass was first
10 proposed, the off ramp onto Pleasant Valley was up
11 north of my house. I mean south of my house. Now
12 they've brought it up almost right to my house.

13 MR. APPLEBY: Part of that, that bypass, and
14 the engineers can answer this, that thing has moved
15 from the initial preliminary design due to a lot of
16 factors such as floodplain concerns. I'm sure he can
17 address that.

18 MR. HAYDEN: Her point here on traffic I see
19 what she's talking about. That connector lane, where
20 you tie the blue and the yellow is right in front of
21 her house, in that driveway. That's where her
22 driveway is. I see her concern about that traffic
23 through there.

24 MR. HAYS: The one that's in blue is already
25 in the state contract. That's going to be built

1 regardless of any action taken here tonight. The
2 section in yellow that goes from the blue area to the
3 main entrance here is the area where we are
4 recommending that the three lane be extended up to the
5 hospital site so that there would be sufficient
6 capacity and appropriate and good level of service
7 through there. Not just in terms of enough roadway to
8 carry the traffic, but also a center turn lane to
9 provide some safety for people turning in and out of
10 their driveways at the same time.

11 CHAIRMAN: Let's bring the engineer back
12 because I want to make sure that I didn't misspeak on
13 anything that I said.

14 You heard my statements about the retention
15 basin being a dry basin and the steps that you must go
16 through.

17 MR. BAKER: That is correct. And the
18 hydraulic model is a means of approving that out.
19 It's a means of testing your assumptions. It's a tool
20 used by the US Army Corp of Engineers for a design
21 they do. That's the industry. That's the standard
22 for doing that analysis.

23 MR. APPLEBY: If I understood you correctly
24 the first time though, you're improving the situation
25 by, first of all, replacing an undersized structure

1 that exist today?

2 MR. BAKER: Correct.

3 MR. APPLEBY: Should improve, get that water
4 out faster to begin with and you're adding capacity,
5 some 35 percent of what's required in the Drainage
6 Master Plan that doesn't exist there today. So
7 theoretically you're going to improve the situation
8 over what it is today?

9 MR. BAKER: Correct. We are actually adding
10 60 acre feet within the basin. Roughly 35 percent of
11 that credits toward the Storm Water Master Plan
12 requirements.

13 MR. HAYDEN: That water you're talking about,
14 Yellow Creek, it don't flow where you think it would
15 on this print. It flows from Pleasant Valley Road to
16 Daniels Lane.

17 MR. BAKER: That's correct.

18 MR. HAYDEN: And then it cross back over
19 around the backside which was built years ago by a
20 team of horses to divert the water out of there so it
21 wouldn't flood all this land. Will there be any
22 improvement on that piece of ground?

23 MR. BAKER: Yes. There are existing issues
24 downstream as well. The Storm Water Master Plan is a
25 comprehensive look at that whole water shed. There

1 are existing issues downstream of this site.

2 This plan mitigates the impact of what we're
3 doing. It mitigates the impact of having elevated the
4 road at Pleasant Valley. It's currently under
5 review.

6 CHAIRMAN: Thank you.

7 Ms. Zogleman, did they adequately answer your
8 questions?

9 MS. ZOGLEMAN: Somewhat. Thank you.

10 CHAIRMAN: Thank you.

11 Do we have any other questions?

12 Yes, ma'am. You have to step to the podium,
13 please.

14 MR. SILVERT: Would you state your name,
15 please?

16 MS. KNAPP: Linda Knapp.

17 (LINDA KNAPP SWORN BY ATTORNEY.)

18 MS. KNAPP: It's an observation to her
19 question.

20 Several years ago I used to deliver her mail.
21 She said the first approval the exit ramp was south of
22 her driveway, but now it was changed. I think that
23 was what she was addressing. How the traffic is going
24 to impact on her. That's my observation. I don't
25 think that was answered. Possibly there might be

1 another study. You know, three lanes, a lot of
2 traffic.

3 CHAIRMAN: Technically she's not asking a
4 question. She's making an observation, a follow up to
5 Ms. Zogleman's question. So I think -- Mr. Kamuf, who
6 do you want to address that?

7 MR. KAMUF: Whichever one that wants to.

8 MR. APPLEBY: She's asking about why that
9 access has been moved closer to her property. That
10 has to do with the bypass design, doesn't it?

11 MR. HAYS: Neither my firm or really anyone in
12 this planning effort has any control over that
13 connector road. That is the Kentucky Transportation
14 Cabinet. Any selection of ramp locations, anything is
15 in their purview. All we can do is detach the end of
16 that road and carry forth and keep the improvement
17 going north of there. I appreciate the concern. It's
18 just that we don't have any way to influence that.
19 It's actually under contract at this point.

20 Pleasant Valley Road itself is a minor
21 arterial, under your classification of this community,
22 which means it's projected to be a road that carries
23 in the future, if not now, a significant volume of
24 traffic.

25 One of the reasons that we want it to have the

1 improvement put in is not just for this site, but to
2 anticipate whatever the future might be in the
3 Pleasant Valley corridor.

4 In terms of locations of ramps and that type
5 of thing with that connector road, that's way beyond
6 anything that we can address.

7 CHAIRMAN: Thank you.

8 MS. KNAPP: Thank you.

9 CHAIRMAN: Yes, ma'am.

10 Are there any other questions from the
11 audience?

12 (NO RESPONSE)

13 CHAIRMAN: Are there any questions from the
14 commission?

15 (NO RESPONSE)

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

18 MR. APPLEBY: Mr. Chairman, I make a motion
19 for approval based on the Staff's recommendations with
20 Conditions 1 through 9 with Findings of Fact 1 through
21 4.

22 CHAIRMAN: We have a motion for approval by
23 Mr. Appleby.

24 MR. MILLER: Second.

25 CHAIRMAN: Second by Mr. Miller. All in favor

1 raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item, please.

5 Related Item:

6 ITEM 4A

7 1300 Daniels Lane, 1041 Pleasant Valley Road, 147.446
8 acres (Postponed August 13, 2009 Meeting)

9 Consider approval of a preliminary development plan.
10 Applicant: Owensboro Medical Health System, Inc.

11 MR. NOFFSINGER: Mr. Chairman, the Planning
12 Staff has reviewed this application. It's found to be
13 in order. Building permits cannot be issued off a
14 preliminary development plan so there will have to be
15 a final development plan submitted prior to any
16 building construction activity. With that it's ready
17 for consideration.

18 CHAIRMAN: Do we have anybody here
19 representing the applicant?

20 MR. KAMUF: We're here to answer any questions
21 concerning the preliminary development plan.

22 CHAIRMAN: Thank you.

23 Are there any questions from anybody in the
24 audience?

25 (NO RESPONSE)

CHAIRMAN: Does anybody on the commission have

1 a question?

2 (NO RESPONSE)

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

5 MR. APPLEBY: Motion for approval.

6 CHAIRMAN: Motion for approval by Mr. Appleby.

7 MR. PEDLEY: Second.

8 CHAIRMAN: Second by Mr. Pedley. All in favor
9 raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, please.

13 ITEM 5

14 3118, 3138 Fairview Drive, 27.62 acres
15 Consider zoning change: From R-1A Single-Family
16 Residential and A-U Urban Agriculture to B-4 General
17 Business and R-3MF Multi-Family Residential
18 Applicant: FMU, LLC; Woodlands Plaza II, LLC;
19 Fairview Properties, LLC

20 PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS:

1. Provide a public alley connection to Villa

1 Point to the north with a public right-of-way granted
2 through the Woodlands Plaza development to Villa Point
3 constructed per city engineering requirements;

4 2. Install a left-turn lane at Access #2 as
5 shown on the preliminary development plan;

6 3. Any use within the B-4 zoning that is not
7 a permitted use in a P-1 zone, will require the
8 installation of a left-turn lane on Fairview Drive at
9 Access 1 as identified on the preliminary development
10 plan;

11 4. Dedicate a minimum 45' half right-of-way
12 from Villa Point to the southern portion of the
13 property as shown on the preliminary development plan
14 to allow for future upgrade on Fairview Drive to a
15 five lane cross section;

16 5. Provide screening meeting the minimum
17 requirements of the zoning ordinance where the
18 proposed residentially zoned property adjoins
19 industrially zoned property to the west and
20 commercially zoned property to the north;

21 6. Provide a street stub to the property to
22 the east as shown on the preliminary development plan;

23 7. All lighting on the subject property shall
24 be directed away from the adjoining single-family
25 residential property;

1 8. Provide a pedestrian connection to the
2 Greenbelt to the south; and,

3 9. Conduct a traffic signal warrant analysis
4 at the KY 54 and Commonwealth Court intersection.

5 FINDINGS OF FACT

6 1. The subject property is located in a
7 Business Plan Area, where business and urban
8 mid-density residential uses are appropriate in
9 limited locations;

10 2. The B-4 portion will be nonresidential in
11 nature and is a logical expansion of existing B-4
12 zoning located immediately north of the subject
13 property;

14 3. The R-3MF portion will be nonresidential
15 in nature;

16 4. Sanitary sewer service is currently
17 available to the site;

18 5. The subject property is major street
19 oriented with two access points to Fairview Drive;
20 and,

21 6. The R-3MF zoning is located on the fringes
22 of the business plan area and could serve as a buffer
23 between the commercial property to the north and the
24 single-family residential property to the south.

25 MR. HOWARD: We would like to enter the Staff

1 Report into the record as Exhibit C.

2 CHAIRMAN: Do we have somebody representing
3 the applicant?

4 MR. HUTCHINSON: Randy Hutchinson.

5 CHAIRMAN: Thank you, Mr. Hutchinson. Do you
6 have a statement you'd like to make or would you like
7 to receive questions?

8 MR. HUTCHINSON: We're here to receive
9 questions, Mr. Chairman. We do agree with the
10 commission's Staff Report and I think we're willing to
11 agree to the conditions that has been imposed. We
12 have people here to answer any questions.

13 CHAIRMAN: Thank you.

14 Do we have any questions from the audience?

15 Yes, sir.

16 MR. SILVERT: Would you state your name,
17 please?

18 MR. SMITH: Bob Smith.

19 (BOB SMITH SWORN BY ATTORNEY.)

20 MR. SMITH: I've just basically got two
21 questions.

22 One, I live in the Brooks on the other side of
23 the Greenbelt. Curious on the tree lines that go
24 along the Greenbelt now. Are they going to stay and
25 act as a natural buffer between our subdivision and

1 the new proposed area?

2 The second question I have is I know that is a
3 flood zone. Are they going to be building up the land
4 to get above the floodplain? If they are, is that
5 going to create more water coming back into, I guess,
6 what's Harsh ditch or whatever the ditch is that's
7 back there.

8 Then I guess one other question is: What is
9 the setback from the Greenbelt? How far will they be
10 coming over to the Greenbelt?

11 CHAIRMAN: Is that all, Mr. Smith?

12 MR. SMITH: Yes.

13 CHAIRMAN: Mr. Hutchinson, do you want to
14 address? Did you understand the questions?

15 MR. HUTCHINSON: I did, Mr. Chairman. I'm
16 going to have Jason Baker respond.

17 CHAIRMAN: Is he going to address all three?

18 MR. HUTCHINSON: Yes.

19 CHAIRMAN: Thank you, Mr. Hutchinson.

20 MR. SILVERT: Could you state your name again
21 for the record, please.

22 MR. BAKER: Jason Baker.

23 MR. SILVERT: You're previously sworn, Mr.
24 Baker.

25 MR. BAKER: Thank you.

1 First question was with regard to the tree
2 line. The developer wants to maintain that tree line.
3 There is no proposed tearing out of those trees along
4 the Brooks, along the back line adjacent to the
5 Greenbelt.

6 CHAIRMAN: Next question was about the
7 floodplain.

8 MR. BAKER: Floodplain, unlike the previous
9 one, this one has not had any detailed design done on
10 it. What we are anticipating doing, there will be
11 some excavation done on site. We anticipate that
12 there will actually be a reduction in the area that
13 drains toward the Greenbelt or towards the south. We
14 anticipate that the peak of the hill will move a
15 little bit to the south; in other words, which will in
16 essence divert a little water the other way.

17 There will also be retention basins
18 constructed along that south boundary. The
19 preliminary development plan shows two basins along
20 that south boundary. Those will be used to mitigate
21 the impact of any impervious area that's added.

22 CHAIRMAN: And the setback. He drew that
23 question also.

24 MR. BAKER: Setback per the ordinance is 20
25 feet.

1 CHAIRMAN: All right, sir. Thank you very
2 much.

3 MR. SMITH: Is that 20 foot from the Greenbelt
4 itself or 20 foot from the ditch?

5 MR. BAKER: That would be 20 foot from the
6 boundary. In that area, I believe, the Greenbelt is
7 even offset closer to the Brooks. I don't know the
8 exact dimension, but it's more than 20 feet.

9 MR. NOFFSINGER: That would be 20 feet from
10 the property line.

11 MR. SMITH: I guess as far as the floodplain,
12 I guess actually my question was: Are you going to be
13 building that up to get above the floodplain?

14 MR. BAKER: Any areas that we're proposing to
15 build would have to be built up out of the floodplain.
16 In that case, those would have to be submitted to the
17 Division of Water and approved through the appropriate
18 agencies.

19 MR. SMITH: Do you know how high you're going
20 to have to be coming up? How much fill is going to
21 have to be put in there?

22 MR. BAKER: At this point that's not known.

23 MR. SMITH: Is that something that should be
24 known?

25 CHAIRMAN: It's something that will be known,

1 but at this point in time they do not know that
2 because, as he stated, they're not as far along in the
3 process as the hospital has been. So they've not, but
4 yes, it will be.

5 MR. BAKER: At this point we're seeking
6 rezoning.

7 CHAIRMAN: They're not to the site plan.
8 They're not that far along yet.

9 MR. SMITH: Thank you.

10 CHAIRMAN: Are there any other questions from
11 anybody in the audience?

12 Yes.

13 MR. SILVERT: Would you state your name,
14 please.

15 MR. FOX: Ron Fox.

16 (RON FOX SWORN BY ATTORNEY.)

17 MR. FOX: I only have one question. I think
18 you answered it at the beginning of it and maybe I
19 didn't hear it.

20 Traffic study. Has a traffic study report
21 been done on that site yet?

22 CHAIRMAN: Mr. Noffsinger.

23 MR. NOFFSINGER: Yes. I'll let Mr. Howard
24 address that. He's put a lot of hours in on this and
25 there has been a traffic study that has been prepared.

1 If there are any questions, he or the applicant's
2 traffic engineer would have to address those.

3 MR. FOX: My concern is I've heard something,
4 I think, like five years. How long is it going to
5 take to get anything done on Fairview Drive? I've
6 only lived in the Brooks for approximately three
7 years, since it was started building. Now since we've
8 got the Greenbelt in there, I use that Greenbelt every
9 day of the week. You go down to that Greenbelt and
10 you try to cross over Fairview Drive, you have some
11 people that will stop for you and you have some people
12 that will run you over if you're in that intersection.
13 I can't understand if we're going to build more how
14 we're going to accommodate to make sure -- if it's
15 going to take five years, are we going to widen
16 Fairview Drive or what are we going to do to solve
17 those problems?

18 CHAIRMAN: Let us address your original
19 question. The question about how long is it going to
20 take is something we cannot answer. Let me get
21 Mr. Hutchinson to see if he wants Mr. Howard or who?

22 MR. HUTCHINSON: Mr. Hays who has been
23 previously qualified. He also did the traffic study.

24 CHAIRMAN: Very good.

25 Mr. Hays, would you step back to the mike.

1 MR. HAYS: Thank you.

2 In answer to your question, we did prepare a
3 Traffic Impact Study for this site. We actually
4 prepared it under the brand new guidelines that the
5 Kentucky Transportation Cabinet has issued. Fairview
6 Drive in this section is a state road. It's Kentucky
7 3143 are going up to intersection with Kentucky 54.
8 So we looked at the issues of site visibility, the
9 impact of this traffic on there.

10 Just a couple of highlights I think might be
11 helpful on this.

12 When we looked at the distribution of traffic,
13 we looked at the existing numbers that happen at Villa
14 Point and Fairview in terms of who is going which way
15 into those retail areas there. What we found was
16 about 20 percent of the traffic was going to and from
17 the south toward the Greenway. We use that same
18 portion on this site. So in terms of the total site
19 impact, only about 20 percent of it is going to be
20 crossing the Greenway.

21 Probably the impact long-term, and we actually
22 looked 15 years ahead to the year 2024, when I hope
23 I'm going to be retired, is we look at that number.
24 There is a significant increase on Fairview Drive. At
25 the bypass this site makes a pretty small contribution

1 to that. That increase is really going to depend on
2 the area south, residential areas that haven't been
3 built in a lot, haven't been developed yet. So you'll
4 have some increase there. There is signage there at
5 the Greenway. I'm certainly not in a position by not
6 living here to know a lot about the history of the
7 area there or anything like that in terms of the
8 problems of being on the Greenway and getting across
9 the road. This site will have a small impact south
10 going toward the Greenway.

11 CHAIRMAN: Thank you.

12 Do we have any other questions?

13 (NO RESPONSE)

14 CHAIRMAN: Does anybody on the commission have
15 a question?

16 (NO RESPONSE)

17 CHAIRMAN: If not the chair will be ready for
18 a motion.

19 MR. PEDLEY: Mr. Chairman, I make a motion for
20 approval based on Staff Recommendations with
21 Conditions 1 through 9 and Findings of Fact 1 through
22 6.

23 CHAIRMAN: We have a motion for approval by
24 Mr. Pedley.

25 MR. APPLEBY: Second.

1 CHAIRMAN: Second by Mr. Appleby. All in
2 favor raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Related Item:

6 ITEM 5A

7 3050, 3118, 3138 Fairview Drive, 27.62 acres
8 Consider approval of a preliminary development plan.
9 Applicant: FMU, LLC; Woodlands Plaza, LLC

9 MR. NOFFSINGER: Mr. Chairman, this item comes
10 before the Planning Commission as a concept plan that
11 was a requirement for the rezoning showing essentially
12 the plan on how the property would be developed. It
13 also added and provided guidance for the Traffic
14 Impact Study. However, it is a preliminary
15 development plan and building permits cannot be
16 obtained on a preliminary development plan.

17 Prior to the issuance of building permit or
18 any construction work on this site, there would have
19 to be a final development plan approved by the
20 Planning Commission.

21 CHAIRMAN: Is there anybody here representing
22 the applicant?

23 MR. HUTCHINSON: Yes, Mr. Chairman. Randy
24 Hutchinson.

25 CHAIRMAN: Does anybody have any questions?

1 Yes, sir.

2 MR. SILVERT: If you'd just state your name
3 again. You're previously sworn.

4 MR. FOX: Ron Fox.

5 This is a simple question. I believe I looked
6 at the plot and I think you're going to have four --
7 right behind the Greenbelt facing our residence. My
8 question is: Are they going to be, I don't know if
9 they know right now from what you said earlier. Are
10 they going to be facing east/west with their driveways
11 or north/south? The driveways facing north/south,
12 their driveways will be facing our direction and our
13 backyards. If they're facing east/west, they're not.
14 I'm looking at height issues.

15 CHAIRMAN: They're already moving to answer
16 your question. Thank you.

17 Yes, sir.

18 MR. BAKER: All along that side, Planning
19 Staff has required 3 foot continuous element, typical
20 screening for a parking lot to screen headlights.
21 That is also shown on the plan. So there is adequate
22 screening provided.

23 MR. FOX: There will be. Okay.

24 CHAIRMAN: Thank you very much.

25 Are there any other questions?

1 (NO RESPONSE)

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

4 MR. APPLEBY: Motion for approval.

5 CHAIRMAN: Motion for approval by Mr.
6 Appleby.

7 MR. HAYDEN: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, please.

13 ITEM 6

14 4033 Highway 54, 6.90 acres
15 Consider zoning change: From A-U Urban Agriculture to
16 P-1 Professional/Service
Applicant: Tony Huff; William E. Purdy

17 PLANNING STAFF RECOMMENDATIONS

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

23 CONDITIONS:

24 Close the existing drive on the west side of
25 the subject property and provide a shared access with

1 the property located at 4115 KY 54 that will serve as
2 the only access for the two properties.

3 FINDINGS OF FACT:

4 1. The subject property is located in a
5 Business Plan Area, where professional/service uses
6 are appropriate in limited locations;

7 2. The use of the property for offices will
8 be nonresidential in nature;

9 3. The subject property is
10 major-street-oriented with frontage on KY 54; and,

11 4. At 6.90 acres in size, the subject
12 property exceeds the one acre minimum established in
13 the Comprehensive Plan for new locations of
14 professional/service use.

15 MR. HOWARD: We would like to enter the Staff
16 Report into the record as Exhibit D.

17 CHAIRMAN: Is anybody here representing the
18 applicant?

19 APPLICANT REP: Yes.

20 CHAIRMAN: Does anybody have any questions of
21 the applicant?

22 (NO RESPONSE)

23 CHAIRMAN: Does anybody from the commission
24 have any questions?

25 (NO RESPONSE)

1 CHAIRMAN: If not the chair would be ready for
2 a motion.

3 MR. APPLEBY: Motion for approval based on
4 Staff Recommendations with the single condition and
5 Findings of Fact 1 through 4.

6 CHAIRMAN: We have a motion for approval by
7 Mr. Appleby.

8 MS. DIXON: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please.

14 ITEM 7

15 7452 US Highway 60 West, 0.36 +/- acres (Postponed at
16 August 13, 2009 Meeting)

17 Consider zoning change: From B-4 General Business to
18 R-1A Single-Family Residential

19 Applicant: George W. & Cynthia G. Johnson

20 PLANNING STAFF RECOMMENDATIONS

21 Staff recommends approval because the proposal

22 is in compliance with the community's adopted

23 Comprehensive Plan. This recommendation is made

24 subject to the condition and findings of fact that

25 follow:

 CONDITION:

 Install screening in compliance with Article

1 17 of the zoning ordinance where adjoining
2 commercially zoned property to the north and west.

3 FINDINGS OF FACT:

4 1. The subject property is located in a Rural
5 Community Plan Area, where rural small-lot residential
6 uses are appropriate in general locations;

7 2. The subject property is an existing tract
8 similar in size to other lots in the vicinity;

9 3. The subject property has existing road
10 frontage on US Highway 60 West, a state maintained
11 highway; and,

12 4. The subject property has received approval
13 from the health department for an on-site septic
14 system.

15 MR. HOWARD: We would like to enter the Staff
16 Report into the record as Exhibit E.

17 CHAIRMAN: Do we have anybody representing the
18 applicant?

19 (NO RESPONSE)

20 CHAIRMAN: Do we have any questions?

21 (NO RESPONSE)

22 CHAIRMAN: Questions from the commission?

23 (NO RESPONSE)

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

1 MS. DIXON: Move to approve based upon
2 Planning Staff Recommendations, the Condition and
3 Findings of Fact 1 through 4.

4 CHAIRMAN: Motion for approval by Ms. Dixon.

5 MS. HAYDEN: Second.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 Next item, please.

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12 MINOR SUBDIVISION

13 ITEM 8

14 7591 Iceland Road
15 Consider approval of a minor subdivision plat.
16 Applicant: DeBruce Grain; Kinder Morgan

17 MR. NOFFSINGER: Mr. Chairman, this plat comes
18 before you as an exception to the subdivision
19 regulations and zoning ordinance in that it does not
20 have frontage on public right-of-way. It is in an
21 industrial zone area and has a number of established
22 grain bins and storage facilities on the property. In
23 light of its use, it's industrial in nature in the
24 existing use of the property. Not being any way to
25 really tie road frontage to the property. We would
recommend that you consider it favorably.

1 CHAIRMAN: Is anybody here representing the
2 applicant?

3 (NO RESPONSE)

4 CHAIRMAN: Are there any questions?

5 (NO RESPONSE)

6 CHAIRMAN: Any questions from the commission?

7 (NO RESPONSE)

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

10 MR. APPLEBY: Motion to approve.

11 CHAIRMAN: Motion for approval by Mr.
12 Appleby.

13 MR. MILLER: Second.

14 CHAIRMAN: Second by Mr. Miller. All in favor
15 raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 I believe the chair is ready for one final
19 motion.

20 MS. DIXON: Move to adjourn.

21 CHAIRMAN: Motion for adjournment by Ms.
22 Dixon.

23 MR. HAYDEN: Second.

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

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
2 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 Planning
6 Commission 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 59 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 17st day of September, 2009.

18
19 _____
20 LYNNETTE KOLLER FUCHS
21 OHIO VALLEY REPORTING SERVICES
22 202 WEST THIRD STREET, SUITE 12
23 OWENSBORO, KENTUCKY 42303

24 COMMISSION EXPIRES: DECEMBER 19, 2010
25 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY