The Owensboro Metropolitan Planning Commission

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

MEMBERS PRESENT:  Drew Kirkland, Chairman
                    Judy Dixon, Vice Chairman
                    David Appleby, Secretary
                    Gary Noffsinger, Director
                    Madison Silvert, Attorney
                    Tim Miller
                    Ward Pedley
                    Martin Hayden
                    Rita Moorman

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

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

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

(NO RESPONSE)

CHAIRMAN:  If not the chair is ready for a motion.
MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MS. MOORMAN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPOND AYE.)

CHAIRMAN: Motion carries.

Next item, Mr. Noffsinger.

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PUBLIC HEARING

ITEM 2

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

MR. SILVERT: State your name, please.

MS. STONE: Becky Stone.

(BECKY STONE SWORN BY ATTORNEY.)

FINDINGS OF FACT

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

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

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

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

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

4. Proposed Article 21 promotes preservation of existing historic properties in the boundary area, recognized as special and unique to downtown Owensboro's character and heritage;
5. According to Gateway Planning Group, Inc., who prepared the "Downtown Owensboro Placemaking Initiative Master Plan," development and design standards proposed in Article 21 will stimulate and encourage the development of commercial activities, housing, civic activities and other economic opportunities that will bring people to the downtown area;

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

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

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

MS. STONE: We would like to enter the Staff
We do have a couple of recommended revisions that we would like for you to consider.

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

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

We think that clarification of the text as proposed should be considered. That would be "When
the building setback lines designed on a plat of record conflict with the requirements of this Zoning Ordinance, principal buildings shall conform to the more-restrictive setback requirements, or to the more restrictive build to lines in the case of properties regulated by Article 21. When the building setback lines designated in private restrictions conflict with the requirements within the Downtown Overlay District, private restrictions are encouraged to be released so that the principal building may comply with the requirements contained within Article 21 of this ordinance, or a variance must be sought."

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

MR. SILVERT: State your name, please.

MS. NARAYANA: Jay Narayana.

(JAY NARAYANA SWORN BY ATTORNEY.)

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

Just want to briefly go over some of the recommendations in the 2009, March 2009 Master Plan
Some of the recommendations there were to retain the existing B-2 zoning. Would create Overlay Districts for each of the character districts that was identified in the Master Plan. The other recommendation was to strengthen the historic preservation standards, since a lot of the historic buildings in downtown have been lost over the last 30 years.

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

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

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

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

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

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

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

We do have a table for sign standards. A very
simple table that establishes which signs are approved
where and the dimensions of those.
I won't go through this in a lot of detail. The current approval process is essentially where you still have to go through a board review process. The review is mandatory, but the compliance to the review is not mandatory. So you basically make applicants go through a process. There is no value added if the applicant doesn't choose to meet those standards. So they're not helping development standards.

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

So essentially the approval process is a design administrator who is appointed by the city manager to review applications for compliance. Then you have a design Downtown Development Coordination Committee. This is so that all the different entities
that are involved in reviewing development get
together at the front end of a project so that any
major issues are brought up in the beginning. So this
committee is going to be a coordinated review of all
the big downtown projects.

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

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

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

CHAIRMAN: Thank you for your presentation.
Are there any questions from the audience?

(NO RESPONSE)

CHAIRMAN: Are there any questions from the commission?

MS. DIXON: I have a question.

CHAIRMAN: Yes, ma'am.

MS. DIXON: I am in a rather unique position considering I'm on this board and I also live downtown in the residential section to the west of this. I guess my dad always said don't ask a question in a meeting if you don't know the answer. So I hope I know this.

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

MS. NARAYANA: Basically what this regulating plan does is that it establishes the boundaries of the different character districts. So even living downtown you have different neighborhoods that we've created. There are residential areas that are transitioning here. So we've kind of drawn a line where certain development, certain commercial development will really not encroach beyond that
point. There is some flexibility within the
neighborhoods itself to have some limited commercial,
but it is to preserve the existing residential
neighborhoods that are fairly stable that we establish
this credation of transitions. So it's not, you don't
have transitions through buffers. It's through the
character of the development. So some of the
standards, for example, in the transition area so you
allow residential, you allow small scale commercial.
Some like industrial so that some uses that group
transition over time. You get higher and better uses.
So essentially this will protect a line as to where
the transitions buffer.

MS. DIXON: Thank you.

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

MS. DIXON: Move to approve.

CHAIRMAN: Motion for approval by Ms. Dixon.

MS. MOORMAN: Second.

CHAIRMAN: Second by Ms. Moorman.

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

Does that include the revisions?

MS. DIXON: Yes. As revised.

CHAIRMAN: Why don't you just restate that,
Judy.

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

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

MS. MOORMAN: Second.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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

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

MR. MILLER: Move to postpone.

CHAIRMAN: Motion for postponement by Mr. Miller.

MR. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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ZONING CHANGES

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ITEM 4

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

MR. SILVERT: State your name, please.

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

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

PLANNING STAFF RECOMMENDATIONS

Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan. While the Comprehensive Plan supports rezoning the subject property to P-1 Professional/Service, the use of the subject property as a critical health facility for the community is questionable. The proximity to the bulk of the population in the community, proximity to the railroad tracks and switching yard, and proximity to hazardous chemical storage in the area all present issues from a
planning perspective in regards to the best site location. The hospital will require a conditional use permit at which time the Board of Adjustments will review the compatibility of the use with the surrounding neighborhood to ensure proper integration into the area. Relocation of the centrally located hospital will alter the neighborhood of the proposed location and will alter the neighborhood of the existing hospital while promoting sprawl of a critical facility within the community. The recommendation for approval is made subject to the conditions and findings of fact that follow:

CONDITIONS:

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

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

3. Widen Daniels Lane between US 60 and Access #3, using the City's urban template standard of a 40-foot roadway width consisting of three 12-foot lanes and a two-foot wide curb and gutter section on
either side. Sidewalks are to be provided for pedestrian access. Include a 50-foot northbound left turn storage lane before beginning a 35 to 1 taper south of Access #3. Install an upgraded and widened railroad crossing to CSX standards with the addition of automatic gates;

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

5. Provide a northbound right-turn lane or a 300-foot radius curve for a one-lane entry road at the intersection with the site connector road (Access #4);
6. Implement a way-finding signage program on US 60 East, US 60 Bypass and the expressway connector prior to the opening of the hospital;

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

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

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

FINDINGS OF FACT:

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

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

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

4. At 147 acres approximately, the site exceeds the minimum one acre requirement for a new
location of professional/service zoning.

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

CHAIRMAN: Is anybody here representing the applicant?

MR. KAMUF: Yes.

MR. SILVERT: State your name, please.

MR. KAMUF: Charles Kamuf.

MR. SILVERT: Thank you, Mr. Kamuf.

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

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

MR. HOWARD: Yes.

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

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

I have a rendering that I would like to review
with you.

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

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

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

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

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

The first two parts of the extension include the bypass extension from Highway 144 all the way up
to Hawes Truck Stop. The other part of phase 1 includes this connector road. This connector road that you see in blue allows for unobstructed access to the hospital at all times.

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

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

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

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

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

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

Bryant Engineering has done extensive work concerning the site design and also the drainage. They're here to answer any questions concerning that.
We have also contacted the firm of Barge Waggoner Sumner & Cannon to prepare a detailed Traffic Impact Study as requested by the Staff and also as requested by the city engineer. We have Bill Hays from that firm. He is here to answer any questions that you have concerning traffic.

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

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

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

CHAIRMAN: A brief statement will be accepted.

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

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

(DR. JEFF BARBER SWORN BY ATTORNEY.)

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

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

MR. BARBER: Thank you.

CHAIRMAN: Are there questions from the
audience?

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

MR. SILVERT: State your name, please.

MS. ZOGLEMAN: Shirley Zogleman.

(SHIRLEY ZOGLEMAN SWORN BY ATTORNEY.)

MS. ZOGLEMAN: I have two questions. I would
like to know what kind of proposition they have for
the drainage on this property and the properties, how
it's going to affect the properties surrounding it, and how the traffic is going to affect where I live?

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

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

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

MR. KAMUF: Bryant.

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

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

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

MR. KAMUF: For drainage?

CHAIRMAN: Yes.

MR. SILVERT: State your name, please.

MR. BAKER: Jason Baker.

(JASON BAKER SWORN BY ATTORNEY.)

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

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

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

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

The design that we have put together includes reconstruction of an existing structure over Daniels Lane. That will be a three span bridge. Significantly more capacity than the existing structure that's there. We will be digging a retention basin in-between Pleasant Valley Road and Daniels Lane adjacent to Yellow Creek, which is a total of about 60 acre feet.

This accomplishes around 35 percent of that
total volume required due to some of that dirt will be placed within the floodplain to elevate the site above.

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

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

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

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

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

CHAIRMAN: Go ahead, Mr. Kamuf.

MR. BAKER: The basin that we're talking about that will be a dry basin is in this area right in here, which is located just south of Yellow Creek. Yellow Creek running here and turning south. The basin will be located right in here.
CHAIRMAN: I see this plan has been reviewed by the county engineer?

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

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

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

CHAIRMAN: Thank you.

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

MS. ZOGLEMAN: Yes.

CHAIRMAN: This would not be your area?

MR. BAKER: No.

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

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

The Traffic Impact Study was prepared by Bill Hays, as I've told you earlier. It includes
approximately four volumes and 500 pages.

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

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

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

(BILL HAYS SWORN BY ATTORNEY.)

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

CHAIRMAN: Ms. Zogleman.

MS. ZOGLEMAN: South of Yellow Creek.

MR. HAYS: Okay. Thank you.

If you'll look at the exhibit you have there on your screen, if look at the main entrance in terms of traffic, is the entrance that is on your left that
comes out to Pleasant Valley that is just above Yellow Creek. The traffic flow will come in and out of there from the south from the new connector road that will connect directly to the current bypass. That road will remain until the northeast expressway is built. At that time it will still be there, but there will be a break in the connection with the existing expressway. That road will simply be a means with overpass to get to US 60 East.

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

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

CHAIRMAN: Ms. Zogleman.

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

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

MS. ZOGLEMAN: Right in front of my house.

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

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

CHAIRMAN: Let me go to the drainage situation.

We've had many drainage issues that have been before this commission. These engineers that are presenting plans, which their plans are yet to be
approved. They're going before the state and they'll be approved by the county engineer.

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

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

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

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

We'll bring our engineer back.

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

One of our requirements, and normally we don't get into drainage with a traffic study, but I do have
a drainage background and used to administer storm
water drainage in Warren County, Kentucky.

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

CHAIRMAN: Thank you.

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

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

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

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

MR. HAYS: The one that's in blue is already in the state contract. That's going to be built...
regardless of any action taken here tonight. The section in yellow that goes from the blue area to the main entrance here is the area where we are recommending that the three lane be extended up to the hospital site so that there would be sufficient capacity and appropriate and good level of service through there. Not just in terms of enough roadway to carry the traffic, but also a center turn lane to provide some safety for people turning in and out of their driveways at the same time.

CHAIRMAN: Let's bring the engineer back because I want to make sure that I didn't misspeak on anything that I said. You heard my statements about the retention basin being a dry basin and the steps that you must go through.

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

MR. APPLEBY: If I understood you correctly the first time though, you're improving the situation by, first of all, replacing an undersized structure
MR. APPLEBY: Should improve, get that water out faster to begin with and you're adding capacity, some 35 percent of what's required in the Drainage Master Plan that doesn't exist there today. So theoretically you're going to improve the situation over what it is today?

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

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

MR. BAKER: That's correct.

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

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

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

CHAIRMAN: Thank you.

Ms. Zogleman, did they adequately answer your questions?

MS. ZOGLEMAN: Somewhat. Thank you.

CHAIRMAN: Thank you.

Do we have any other questions?

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

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

MS. KNAPP: Linda Knapp.

(LINDA KNAPP SWORN BY ATTORNEY.)

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

Several years ago I used to deliver her mail. She said the first approval the exit ramp was south of her driveway, but now it was changed. I think that was what she was addressing. How the traffic is going to impact on her. That's my observation. I don't think that was answered. Possibly there might be
another study. You know, three lanes, a lot of traffic.

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

MR. KAMUF: Whichever one that wants to.

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

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

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

One of the reasons that we want it to have the
improvement put in is not just for this site, but to anticipate whatever the future might be in the Pleasant Valley corridor.

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

CHAIRMAN: Thank you.

MS. KNAPP: Thank you.

CHAIRMAN: Yes, ma'am.

Are there any other questions from the audience?

(NO RESPONSE)

CHAIRMAN: Are there any questions from the commission?

(NO RESPONSE)

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

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

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

MR. MILLER: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

Related Item:

ITEM 4A

1300 Daniels Lane, 1041 Pleasant Valley Road, 147.446 acres (Postponed August 13, 2009 Meeting)
Consider approval of a preliminary development plan.
Applicant: Owensboro Medical Health System, Inc.

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

CHAIRMAN: Do we have anybody here representing the applicant?

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

CHAIRMAN: Thank you.

Are there any questions from anybody in the audience?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have
a question?

(NO RESPONSE)

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

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. PEDLEY: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 5

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

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS:

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

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

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

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

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

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

7. All lighting on the subject property shall be directed away from the adjoining single-family residential property;
8. Provide a pedestrian connection to the Greenbelt to the south; and,

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

FINDINGS OF FACT

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

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

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

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

5. The subject property is major street oriented with two access points to Fairview Drive;

and,

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

MR. HOWARD: We would like to enter the Staff
Chairman: Do we have somebody representing the applicant?

Mr. Hutchinson: Randy Hutchinson.

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

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

Chairman: Thank you.

Do we have any questions from the audience? Yes, sir.

Mr. Silvert: Would you state your name, please?

Mr. Smith: Bob Smith.

Chairman: Mr. Smith, have you been sworn by an attorney?

Mr. Smith: I've just basically got two questions.

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

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

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

CHAIRMAN: Is that all, Mr. Smith?

MR. SMITH: Yes.

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

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

CHAIRMAN: Is he going to address all three?

MR. HUTCHINSON: Yes.

CHAIRMAN: Thank you, Mr. Hutchinson.

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

MR. BAKER: Jason Baker.

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

MR. BAKER: Thank you.
First question was with regard to the tree line. The developer wants to maintain that tree line. There is no proposed tearing out of those trees along the Brooks, along the back line adjacent to the Greenbelt.

CHAIRMAN: Next question was about the floodplain.

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

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

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

MR. BAKER: Setback per the ordinance is 20 feet.
CHAIRMAN: All right, sir. Thank you very much.

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

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

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

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

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

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

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

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

CHAIRMAN: It's something that will be known,
but at this point in time they do not know that

because, as he stated, they're not as far along in the

process as the hospital has been. So they've not, but

yes, it will be.

MR. BAKER: At this point we're seeking

rezoning.

CHAIRMAN: They're not to the site plan.

They're not that far along yet.

MR. SMITH: Thank you.

CHAIRMAN: Are there any other questions from

anybody in the audience?

Yes.

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

MR. FOX: Ron Fox.

(RON FOX SWORN BY ATTORNEY.)

MR. FOX: I only have one question. I think

you answered it at the beginning of it and maybe I

didn't hear it.

Traffic study. Has a traffic study report

been done on that site yet?

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Yes. I'll let Mr. Howard

address that. He's put a lot of hours in on this and

there has been a traffic study that has been prepared.
If there are any questions, he or the applicant's traffic engineer would have to address those.

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

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

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

CHAIRMAN: Very good.

Mr. Hays, would you step back to the mike.
MR. HAYS: Thank you.

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

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

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

Probably the impact long-term, and we actually looked 15 years ahead to the year 2024, when I hope I'm going to be retired, is we look at that number. There is a significant increase on Fairview Drive. At the bypass this site makes a pretty small contribution.
to that. That increase is really going to depend on the area south, residential areas that haven't been built in a lot, haven't been developed yet. So you'll have some increase there. There is signage there at the Greenway. I'm certainly not in a position by not living here to know a lot about the history of the area there or anything like that in terms of the problems of being on the Greenway and getting across the road. This site will have a small impact south going toward the Greenway.

CHAIRMAN: Thank you.

Do we have any other questions?

(NO RESPONSE)

CHAIRMAN: Does anybody on the commission have a question?

(NO RESPONSE)

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

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

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

MR. APPLEBY: Second.
CHAIRMAN: Second by Mr. Appleby. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Related Item:

ITEM 5A

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

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

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

CHAIRMAN: Is there anybody here representing the applicant?

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

CHAIRMAN: Does anybody have any questions?
Yes, sir.

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

MR. FOX: Ron Fox.

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

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

Yes, sir.

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

MR. FOX: There will be. Okay.

CHAIRMAN: Thank you very much.

Are there any other questions?
CHAIRMAN: If not the chair is ready for a motion.

MR. APPLEBY: Motion for approval.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. HAYDEN: Second.

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

(APALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 6

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

PLANNING STAFF RECOMMENDATIONS

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

CONDITIONS:

Close the existing drive on the west side of the subject property and provide a shared access with
the property located at 4115 KY 54 that will serve as
the only access for the two properties.

FINDINGS OF FACT:

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

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

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

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

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

CHAIRMAN: Is anybody here representing the
   applicant?

APPLICANT REP: Yes.

CHAIRMAN: Does anybody have any questions of
   the applicant?

(NO RESPONSE)

CHAIRMAN: Does anybody from the commission
   have any questions?

(NO RESPONSE)
CHAIRMAN: If not the chair would be ready for a motion.

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

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

MS. DIXON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 7

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

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

Applicant: George W. & Cynthia G. Johnson

PLANNING STAFF RECOMMENDATIONS

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

CONDITION:

Install screening in compliance with Article
of the zoning ordinance where adjoining commercially zoned property to the north and west.

FINDINGS OF FACT:

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

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

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

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

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

CHAIRMAN: Do we have anybody representing the applicant?

(NO RESPONSE)

CHAIRMAN: Do we have any questions?

(NO RESPONSE)

CHAIRMAN: Questions from the commission?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.
MS. DIXON: Move to approve based upon Planning Staff Recommendations, the Condition and Findings of Fact 1 through 4.

CHAIRMAN: Motion for approval by Ms. Dixon.

MS. HAYDEN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

MINOR SUBDIVISION

ITEM 8

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

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

(NO RESPONSE)

CHAIRMAN: Are there any questions?

(NO RESPONSE)

CHAIRMAN: Any questions from the commission?

(NO RESPONSE)

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

MR. APPLEBY: Motion to approve.

CHAIRMAN: Motion for approval by Mr. Appleby.

MR. MILLER: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

I believe the chair is ready for one final motion.

MS. DIXON: Move to adjourn.

CHAIRMAN: Motion for adjournment by Ms. Dixon.

MR. HAYDEN: Second.

CHAIRMAN: Second by Mr. Hayden. All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

----------------------------------------------
STATE OF KENTUCKY )
)SS: REPORTER'S CERTIFICATE

COUNTY OF DAVIESS )

I, LYNETTE KOLLER FUCHS, Notary Public in and for the State of Kentucky at Large, do hereby certify that the foregoing Owensboro Metropolitan Planning Commission 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 59 typewritten pages; and that no signature was requested to the foregoing transcript.

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

LYNETTE KOLLER FUCHS
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY  42303

COMMISSION EXPIRES:  DECEMBER 19, 2010

COUNTY OF RESIDENCE:  DAVIESS COUNTY, KENTUCKY

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