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

MEMBERS PRESENT:  C.A. Pantle, Chairman
                   Ward Pedley, Vice Chairman
                   Ruth Ann Mason, Secretary
                   Gary Noffsinger, Director
                   Madison Silvert, Attorney
                   Marty Warren
                   Sean Dysinger
                   Clay Taylor

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

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

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

With that the first item is consider the minutes of the April meeting. Are there any corrections, additions?
MR. NOFFSINGER: No, sir.

CHAIRMAN: Entertain a motion to dispose of the item.

MR. PEDLEY: Motion to approve.

MS. MASON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPOND AYE.)

CHAIRMAN: Motion carries.

Next item, please.

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CONDITIONAL USE PERMIT

ITEM 2

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

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

CHAIRMAN: Entertain a motion to postpone.

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

MR. DYSINGER: Second.

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

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item, please.

ITEM 3

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

Reference: Zoning Ordinance, Article 8, Section 8.2C1

Applicant: Owensboro Medical Health System, Inc.

MR. SILVERT: State your name, please.

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

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

CHAIRMAN: So noted on the record.

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

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

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

LAND USES IN SURROUNDING AREA

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

ZONING ORDINANCE REQUIREMENTS

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

SPECIAL CONDITIONS

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

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

CHAIRMAN: Thank you.

Is there any comments filed with the office?

MR. NOFFSINGER: No, sir.

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

(NO RESPONSE)

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

MR. KAMUF: We agree with the conditions.

They're marked on the site plan and have been previously introduced.

CHAIRMAN: You got anything else you need to add?
MR. KAMUF: Give me about two minutes and I'll show you something.

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

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

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

CHAIRMAN: Yes.

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

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

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

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

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

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

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

Some of the hospital staff and Bryant

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Engineering are here.

CHAIRMAN: Board members have any questions of the applicant?

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

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

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

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

MR. KAMUF: Yes.

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

MR. KAMUF: It will be just some of those amenities that I talked about. Like a bus stop. Let's say a security guard area. There are four or five that I marked on here. Nearly all of them are within the envelope area with the exception of the gas, pressure regulator, future maintenance facility.
building. We've asked for a separate envelope on that. The electrical substation. Those are the only two that I see on here that are not within the envelope.

CHAIRMAN: Any other questions from the board?
(NO RESPONSE)
CHAIRMAN: Staff have any other comments?
MR. NOFFSINGER: No, sir.
MR. KAMUF: It will show on the development plan. Be sure you understand.
We have filed a development plan. All of those, the two that I have said will not be within the envelope, but they'll show on the development plan. One of the things that I asked in my original application, that the final development plan be used for the documentation of all of the site amenities and features.

MR. NOFFSINGER: Mr. Chairman, if I may.
These uses, these site amenities that Mr. Kamuf are speaking to are not conditionally permitted uses. These are accessory to conditionally permitted use which is the hospital which has already been approved. They would not be before you tonight for many of those features if it were not for having to come back and asking for the building envelope to
allow for an expansion of the main facility which was conditionally permitted.

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

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

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

CHAIRMAN: Any other comments from the Staff?

MR. NOFFSINGER: No.

CHAIRMAN: Board have any other comments?

(NO RESPONSE)

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

MR. TAYLOR: Mr. Chairman, move to approve the Ohio Valley Reporting (270) 683-7383
Conditional Use Permit. The main concerns of the
Conditional Use Permit were approved previously by us
and I don't feel that creating this envelope will
affect the overall integrity of that original
Conditional Use Permit. We do still require that all
nine of the special conditions be met which was agreed
upon as well as an approval of a minor subdivision
plat consolidating 1041 Pleasant Valley Road with 1201
Pleasant Valley Road, and as well as a final
development plan recorded that would show these
altered amenities that were discussed.

MR. DYSINGER: Second.
CHAIRMAN: A motion has been made and a
second. Any other comments from the board or the
Staff?

MR. NOFFSINGER: No, sir.
CHAIRMAN: The applicant understands
everything completely?

MR. KAMUF: Yes, sir.
CHAIRMAN: Good. All in favor raise your
right hand.

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

CHAIRMAN: Motion carries.

We're ready for one final motion.

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MS. MASON: Move to adjourn.

MR. PEDLEY: Second.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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STATE OF KENTUCKY )
)SS: REPORTER'S CERTIFICATE

COUNTY OF DAVIESS )

I, LYNNETTE KOLLER FUCHS, Notary Public in and
for the State of Kentucky at Large, do hereby certify
that the foregoing Owensboro Metropolitan Board of
Adjustment meeting was held at the time and place as
stated in the caption to the foregoing proceedings;
that each person commenting on issues under discussion
were duly sworn before testifying; that the Board
members present were as stated in the caption; that
said proceedings were taken by me in stenotype and
electronically recorded and was thereafter, by me,
accurately and correctly transcribed into the
foregoing 12 typewritten pages; and that no signature
was requested to the foregoing transcript.

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

LYNNETTE 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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