

Henderson City-County
Planning Commission
January 2, 2018

The Henderson City-County Planning Commission held their regular meeting January 2, 2018 at 6:00 p.m., at the Henderson Municipal Center, 222 First Street, 3rd floor assembly room. Members present: Chairman Herb McKee, David Williams, Mac Arnold, Dickie Johnson, Bobbie Jarrett, Kevin Richard, Rodney Thomas, David Dixon, Kevin Herron, and Attorney Tommy Joe Fridy. Gray Hodge, Gary Gibson, and Doug Bell were absent.

Staff present: Director Brian Bishop, Assistant Director Claudia Wayne, Theresa Curtis, Heather Lauderdale and Chris Raymer.

(The following minutes were transcribed from an audio tape recording of the meeting on January 2, 2018. The audio tape recording is on file at the Planning Commission office and will be retained for 30 days after the minutes are approved)

MEETING BEGAN AT 6:00PM

Chairman McKee: Let's call this January 2, 2018 meeting of the Henderson City-County Planning Commission to order. Madame Clerk will you please call the roll?

We have a quorum?

Heather Lauderdale: Yes.

Chairman McKee: The Chair will entertain a motion to go into **Public Hearing.**

MOTION WAS MADE BY MAC ARNOLD, SECONDED BY RODNEY THOMAS TO GO INTO PUBLIC HEARING.

Chairman McKee: We have a motion and a second; all in favor signify by saying aye. Are there any opposed?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be.

First thing on the agenda in the public hearing are the minutes of December 5, 2017, are there any additions or corrections?

MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY RODNEY THOMAS TO APPROVE THE DECEMBER 5, 2017 PLANNING COMMISSION MINUTES AS DISTRIBUTED.

Chairman McKee: We have a motion and a second. All in favor signify by saying aye. Are there any opposed?

MOTION WAS MADE BY MAC ARNOLD, SECONDED BY RODNEY THOMAS TO GO INTO PUBLIC HEARING.

Chairman McKee: The minutes are approved.

Heather Lauderdale: Who was the second please?

Rodney Thomas: Me.

Chairman McKee: Rodney.

Next on the agenda is **Rezoning #1080 with Development Plan.** Mr. Bishop, are you going to lead that discussion?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: This is submitted by Jamison B. Heistand (owner), D/B/A American Metal Innovative Solutions, LLC; Heistand's Towing and Auto Service, LLC; and Chris Hopgood (Attorney), for the property located in the City of Henderson at 120 Clark Street (PIDN#2-17-2-7), containing 2.104 acres. Applicants are requesting a zoning classification from Gateway District Zone (GDZ) to Light Industrial District (M-1).

The current zoning is Gateway District Zone, and the proposed zoning is Light Industrial. The applicant has submitted a narrative and graphic development plan limiting the property to three (3) uses. Those uses are; vehicle towing and recovery, vehicle storage, and vehicle repair and maintenance.

You may remember this property being rezoned as part of a large rezoning call the Gateway Zone. That zone basically consists of Second and Ingram to Second and the CSX Railroad, which is right here on the map, and it is one (1) lot deep off Second Street.

This site has been vacant for some time. It has historically been used as BellSouth Telecommunications construction and maintenance yard. The applicant has submitted letters of support that I would like to read into the record at this point.

The first one is from Mr. Nicholas Risley, from the Zion Volunteer Fire Department:

To Whom It May Concern;

This letter is in regard to Jamie Heistand and his company Heistand's Towing. I am the Chief of the Zion Volunteer Fire Department and I have been in the fire service for 17+ years. I have

worked with Jamie and Heistand's Towing for many years and I have the upmost respect for him and his company. He has always been dedicated and very dependable to us and Henderson County. In Zion, no matter the time of day, when we have an incident requiring a tow, Jamie is always there within 10 minutes of being dispatched. That's awesome considering some of the other wrecker services. Another important thing about Jamie is the pride he shows when he is on scenes or just out in public. He is very proud of his company and never negative in any way with a helping hand extended 24/7.

Jamie recently decided to pursue the project of expanding the business to multiple trucks and to try to centrally locate his business to a property at 120 Clark Street under the 2nd Street overpass. This will tremendously help response times to accidents scenes. Responding to incidents in a timely manner is crucial to the everyday flow of our roadways in Henderson County. The quicker crews are able to clear roadways, the lesser chance of more accidents and/or injuries. The longer a roadway is shut down or congested, the bigger chance for more problems or incidents.

Heistand's Towing is a huge benefit to Henderson County in so many ways. To have a business such as this wanting to expand AND STAY IN HENDERSON COUNTY is such an awesome thing. Never stand in the way of progress. With his plans of expansion into towing and adding automotive repair, this is a benefit to all locals and gives more options for these types of services. Heistand's has always been committed and dedicated to providing its service in a professional, efficient, caring and courteous manner to drivers and passengers whose vehicles have become inoperable. With that kind of work ethic, Henderson can't lose!

Thanks so much for your time,

Nicholas D. Risley

Chief, Zion VFD

270-860-7133

The second one is from Sheriff Ed Brady;

To Whom It May Concern:

Please accept this letter as a Letter of Recommendation for Jamie Heistand and his vehicle recovery business. I have been Sheriff of Henderson County for eleven (11) years, but a police officer in Henderson County for forty (40) years. In that period of time I have witnessed many instances that called for the services of a wrecker.

Heistand's wrecker has shown over the 10 (ten) years I have known Jamie that his expertise and ability to respond to accident scenes, especially those scenes that require quick and deliberate action, area as good as I have seen. He is dependable, works hard but smart, and takes pride in his ability to provide professional service to law enforcement as well as the owner of the vehicle.

His opportunity to expand his business in a larger and more centrally located area of town will pay great benefits to those needing his service. The central location is of the utmost importance to all concerned.

The quality I admire most about Jamie is the way he conducts his personal life. He is a great husband, father and friend. His personal qualities are reflected in the way he conducts his business. I highly recommend Jamie and Heistand's Towing.

Sincerely,

Ed Brady, Sheriff

The final letter of recommendation is from a gentleman named Joseph M. Whitlege, and it says;

To Whom It May Concern,

My name is Joseph Whitlege. I live and work in the City of Henderson. I have known Jamie Heistand, owner of Heistand's Towing for many years both personally and professionally. Based on my interactions with Mr. Heistand, he is one of the hardest working, most dependable, and dedicated people I know. Mr. Heistand works extremely hard to maintain a very professional and dependable business with a very solid reputation. Heistand's Towing is always available when called upon, and works very expediently and efficiently.

Mr. Heistand is seeking to relocate his business to the property at 120 Clark Street under the 2nd Street overpass. This location would be a huge benefit not only to Mr. Heistand, but also to the community. This location would provide Heistand's Towing the opportunity to grow, adding more trucks. The property is also centrally located in the city. These factors would lead to faster response time, allowing Heistand's to perform even more efficiently to make the roads safe for motorists. This location would also allow Heistand's to add automotive repair. This would benefit the community by adding a place where individuals would be able to get their vehicle repairs by a reputable and dependable company.

The property has been sitting vacant for a year and half. Allowing Mr. Heistand to move his business to this location would put a vacant property to good use by a reputable company, and it would allow a local business to expand and flourish. I feel very confident that Mr. Heistand

would be a good neighbor for all the nearby residents and businesses. He would keep the property looking respectable, and he will continue to go over and above to serve his community and customers. I hope you will consider allowing Mr. Heistand the opportunity to move Heistand's Towing into the location at 120 Clark Street. Mr. Heistand and Heistand's Towing would be a great addition to this location.

Thank you for your time and consideration,

Joseph M. Whitley

(270)860-7081

At this time, we'll give you a brief overview of the Development Plan. As we discussed, this is the Second Street overpass, this is Clark Street, and this is First Street. The property has an entrance on Clark Street located here, and it has a second entrance located here on First Street.

This would be the building that he would use for his office; disabled and damaged vehicles would be stored here; other vehicles could be stored here; disabled vehicles. The way we distinguish that in our minds, is these vehicles are operable and would only need small repairs. This would be used as a mechanic shop so that he can repair other vehicles. This would be overflow parking here, which is under a canopy.

I will do my best to answer any questions you may have, and that's all I have for now.

Chairman McKee: Questions for staff?

Kevin Richard: So, Brian from the looks of that then, looking at the aerial; all the buildings in this development plan are existing in the photo here that I have?

Brian Bishop: Commissioner Richard that is correct. This is probably a good time to show an aerial video that we have. Theresa, would you mind going to that please?

This video was provided by Mr. Branson and his...

Tommy Joe Fridy: Before you play that, how are you going to put that into the records you send to the City Commission?

Brian Bishop: Good question.

Dickie Johnson: Somebody is going to speak to the aerial...

Tommy Joe Fridy: You can see a still aerial, but if you play a video; I don't know, can you put...I don't know how to do it but you have to be able to do it in order to present it at this Public Hearing. Can you put it on a CD, can you...?

Dickie Johnson: Well, somebody has supplied it to the Planning Commission.

Tommy Joe Fridy: Well, it could have been done electronically...

Dickie Johnson: They can burn a CD, and provide it; I guess that's a question we need to...

Tommy Joe Fridy: Do you know that?

Dickie Johnson: No, that's a question we need to ask.

Tommy Joe Fridy: That's the question I have as well.

Brian Bishop: I would probably direct that question to Mr. Branson.

Chairman McKee: If you're going to offer testimony, will you please state your name and address for the record?

Chris Hopgood: Chris Hopgood, 318 Second Street, Henderson.

Chairman McKee: Do you swear the statements you are about to make are the truths to the best of your knowledge?

Chris Hopgood: I do.

Chairman McKee: Thank you sir, please proceed.

Chris Hopgood: This is a digital file, which is no different than any other photograph or any other document entered into evidence. If Mr. Branson can authenticate it, which we'll let him do that, to me it's no different than any other item of evidence. It has a lot of pixels, it has a lot of data but it's no different than a photograph or any other video that you might show at a trial or any other hearing. So, I think if he authenticates it, you've got the digital file in your record, then that's your record that goes up.

Tommy Joe Fridy: But we don't have the same capability that Circuit Court does. Can you put this on thumb drive or something that's portable?

Chris Hopgood: Sure.

Brian Bishop: Yes, that's how Mr. Branson...

Tommy Joe Fridy: I believe it but before we introduce it into evidence...

Claudia Wayne: Tommy Joe, we have a thumb drive that Denny supplied to the Planning Commission.

Tommy Joe Fridy: Proceed.

Claudia Wayne: Ok.

Chairman McKee: Thank you Mr. Hopgood.

Brian Bishop: Theresa, will you show the video please?

Chairman McKee: So, the record when forwarded to the City Commission will have that thumb drive with it, correct?

Brian Bishop: Correct.

Chairman McKee: Alright.

Brian Bishop: Let's do the video, and then we'll do the pictures if they decide they would like to see it. Right click it. Go to video, Theresa, up top.

(VIDEO WAS UNABLE TO BE SHOWN DUE TO DIFFICULTY IN THE PRESENTATION)

Let's just show the stills. Can you go to full screen?

Tommy Joe Fridy: Why don't you let them introduce it as part of their case?

Brian Bishop: Ok.

View as a slideshow.

David Dixon: Can somebody tell us what we're looking at here; angles, direction?

Tommy Joe Fridy: I recommend that we allow the applicant to introduce these photographs, and explain them as part of their presentation, and not Staff.

Staff did not take these photographs.

Chairman McKee: Are you agreeable to that Mr. Branson?

Dennis Branson: Yes.

Chairman McKee: Could you please come to the podium, and state your name and address for the record?

Dennis Branson: My name is Dennis Branson, and I live at 916 Kelly Court.

Chairman McKee: Do you swear the statements you are about to make are the truths to the best of your knowledge?

Dennis Branson: I certainly do.

Chairman McKee: Thank you sir, please proceed.

Dennis Branson: I think I reduced the number of stills down to manageable sizes.

Brian Bishop: Do you want to use this?

Dennis Branson: Go ahead, you can start it; I'll explain what they are. This is looking from the underpass towards Jamie's building; what will be the NAPA Auto Care Center building.

The next photograph; this is standing on Clark Street looking up along the overpass, and what you would see in the video if we could have shown it, would be the difference in elevation; how much difference that is. A large part of this property is actually hidden, you can't even see it from the overpass. I'll show you how that relates to where the different types of vehicle storage are going to be.

But this photograph here and here, are along the property line that borders the Second Street overpass. You can get kind of an idea in the difference in elevation there, quite a bit difference.

This will be the front of the NAPA Auto Care building, and they are going to be in the NAPA colors; blue with the NAPA sign up there.

This is looking from the Clark Street entrance through the middle of the property. To the right is going to be employee and customer parking. To the left of the picture is going to be the NAPA Center.

David Dixon: Excuse me, excuse me...the white building we see in the background here...

Dennis Branson: The white building is West Kentucky Trucking. They own a huge tract that borders the railroad track, and they have for many years; and runs past First Street on up to Center Street. It's a very large; you wouldn't know it was there unless you're accustomed to it, it's a very large industrial operation.

This is standing on Clark Street or closest to Clark Street; the facility to the left will be the NAPA Auto Center, that's West Kentucky Trucking in the background. There is an old, what we believe but we don't know, was a material loading dock...kind of the dark hole you see there, that will ultimately be filled in there.

This would be the NAPA Auto Center there, and parking underneath that awning.

This is just more of the vehicle storage and customer parking.

This is standing up more close to the maintenance building area, it's a little bit higher in elevation; probably eight (8) to ten (10) feet looking back towards the overpass. These are going to be maintenance and repair buildings here.

This awning will be used; there will be vehicular storage under there. There may be some large vehicle storage, I don't know, semi's and maybe boats or some kind of storage but that will be storing vehicles underneath that in a protected environment.

This will be an office building here with the NAPA colorings on it.

Again, this is storage. To the right is First Street. This is standing on First Street, the butt end of First Street looking up towards the large awning storage and the office building.

This is from the other side of the overpass looking at the Industrial Zone across Second Street.

This is down First Street, closer to the railroad track looking back towards town, and again, that's the awning storage you're seeing there.

The entire thing is surrounded by a six foot (6') chain-link fence, security fence. This is just under the overpass again.

Is that it?

Theresa Curtis: Uh huh.

Dennis Branson: Can you go back to the Development Plan? I'll show you relative to the photographs where Brian said that he was going to have damaged or inoperable vehicles; these would be for wrecks.

Brian Bishop: Denny, would you mind using the laser pointer?

Dennis Branson: Yes, yes.

This area right here, Jamie chose that area right there purposefully because there's a pole right here, and you can see in the photographs; if you drive over the overpass, you can relate to where you are on the property because a lot of it's out of site because of the elevation difference. But there's a pole right there that Jamie used kind of as a guideline to limit where he was going to have vehicles that are not fixable but awaiting insurance issues or police issues, lawsuit issues that he has to keep there until those things are resolved. This will be an area you cannot see from the overpass.

So, people coming or going into Henderson won't see those damaged vehicles. All they'll be able to see are the parked vehicles that are parked in the repair process.

Chairman McKee: Any questions for Mr. Branson? Thank you, sir.

Mac Arnold: Brian, I have just a question right here. West Kentucky Trucking, that is in the Gateway District, right?

Brian Bishop: I believe so. Theresa, would you mind going to the Zoning Map please?

Mac Arnold: Was it like a grandfathered in situation?

Brian Bishop: No, I think when the property along Second Street was rezoned, the railroad was used as a natural buffer just because on the map it looked like a good place to stop.

Mac Arnold: Ok, alright. I just was curious about that because I see not much different than West Kentucky Trucking as far as what to do with his property. I also look at the idea that this is below the overpass. If it was further down where it's actually accessible right off of Second Street, it would be one thing but I think here it's actually not really accessible at all from Second Street, it's just visible from there, right?

Brian Bishop: I believe so, it sounds like accurate. It's visible from Second Street but not accessible.

Mac Arnold: Not accessible, right.

Tommy Joe Fridy: West Kentucky Trucking is grandfathered.

Mac Arnold: Grandfathered, ok.

David Dixon: Could you discuss the other zones that we see here?

Tommy Joe Fridy: A non-conforming use.

Brian Bishop: I'm sorry Commissioner Dixon?

David Dixon: Could you discuss what other zones we see here in proximity?

Brian Bishop: Yes sir. The blue with the shaded red dots in it; it's hard to distinguish with the projector. This property, this is the site we're discussing. This property, and these along Second Street are all zoned Gateway. This was all done in January of 2014 when the Planning Commission, City Commission both voted to zone these to Gateway Zone.

This is side of the railroad tracks, you have Light Industrial. So, this row of properties; Light Industrial. These across the street, being Second Street, are Industrial; then you have the railroad tracks here. You have two (2) properties that are zoned Light Industrial that are actually used for Residential.

Then, the brown is all zoned R-3.

These are pictures that staff has taken of the site when we put up our rezoning signs.

Chairman McKee: Any other questions for staff?

Hearing none, is there anyone that would like to speak for against this rezoning application with a development plan?

Mr. Hopgood, you're already sworn in, please proceed.

Chris Hopgood: Submitted with this rezoning request is a Narrative Development Plan, and I don't know if you have that but I will read it into the record just so that we've got it covered:

RE: Rezoning #1080; 2.104 acres more or less, for the property at 120 Clark Street.

The undersigned, which is Mr. Heistand and his LLC; both individually and as a member of the LLC, certify that American Metal Innovate Solutions, LLC, is the owner of the subject property and by the execution hereof des hereby restrict the Application to Rezone the subject property with this Narrative Development Plan, and does hereby restrict the use of the subject property, if such Application to Rezone #1080 is approved, *to only vehicle towing and recovery, vehicle storage, and vehicle maintenance and repair*, within the City of Henderson Light Industrial Zone; and therefore waives the other uses otherwise permitted in the City of Henderson Light Industrial Zone. The undersigned does further limit the use of the subject property as follows: *1) No recovered or disabled vehicle will be stored at a location on the subject property where such vehicles can be seen from inside a vehicle traveling on Second Street or form inside a vehicle traveling over the Second Street overpass; 2) No partially disassembled vehicle shall be stored in the open at the subject property (a partially disassembled vehicle could be stored inside a building); 3) No vehicle can be disassembled at the subject property; 4) No used or salvage parts may be stored or sold at the subject property; and 5) Nothing in the Graphic Development Plan which was submitted as part of this Application shall be construed to change or expand the restrictions set out in this Narrative Development Plan. The restricted uses herein set out may only be changed by making an application to rezone the property with the Henderson City-County Planning Commission.*

The undersigned President/Manager personally swears, subject to the penalty of perjury, that the foregoing has been duly approved by

the members and governing body of the undersigned Limited Liability Company and that the undersigned individual was duly authorized to sign and bind the owner.

So, he will submit this with the plan and you've got those restrictions there which essentially restricts this property to only what's in this paragraph here, this plan.

If you've got any questions about that, I'll be glad to answer them.

Chairman McKee: Questions for Mr. Hopgood?

Chris Hopgood: If not, I'll turn it over to Mr. Heistand; he can tell you more about his plans for the property.

Chairman McKee: Thank you, sir.

Tommy Joe Fridy: Will you submit the signed copy into the record?

Chris Hopgood: Sure. I need to get him to sign it.

Brian Bishop: While we have a second, I just wanted to make sure you guys realize you have an updated recommendation for or against in your findings of facts. So, if you have any questions about that we'll do our best to answer that as well.

Mac Arnold: Brian, this could not have been done as a Conditional Use could it?

Brian Bishop: No sir.

Mac Arnold: Ok.

Chairman McKee: So, ignore what's in your packet, these are supplemental submissions, correct?

Brian Bishop: Yes.

Chairman McKee: Mr. Heistand, did you wish to speak? Will you please state your name and address for the record?

Jamison Heistand: Jamison Heistand, 8036 Larue Road, Henderson.

Chairman McKee: Do you swear the statements you are about to make are the truths to the best of your knowledge?

Jamison Heistand: Yes sir.

Chairman McKee: Please proceed sir.

Jamison Heistand: I guess as far as...are you wanting to know the use of the property? What are you wanting to hear from me?

Chairman McKee: Whatever you want to tell us.

Jamison Heistand: Ok, alright. This is going to be a pretty unique business and property. Of course, we've got several mechanic shops in town, we have tow yards in town but this is fairly unique in several different ways.

Number one (#1), we're going to be a NAPA Auto Care Center. We're going with their Pro Image Package, which they kick in monies to re-do paint and things on the building up to \$5,000; along with signage. So, it will not only be Heistand's Towing and Auto Service but it will also be NAPA Auto Care Center which offers a thirty-six thousand (36,000) mile, thirty-six (36) month nationwide, parts and labor warranty. Which I'm really excited about, that's one of the strongest warranties in the business, and it will help us with growing our business.

Something else that's really neat that a lot of the NAPA guys are real excited about it is the inside décor, along with the outside décor; we're doing a 1950's nostalgia inside. We've got several different restored

pieces from a 1956 Coke machine to a 1952 General Electric refrigerator with the pull handle, customized, two-toned turquoise and white. We've got 1920's theatre seats from an old theatre that are real ornate with scroll work that have been re-upholstered, painted with automotive paint. The floors are the porcelain, wood-look tile; cherry wood, all throughout the office. The Coca Cola room, which is going to have the refrigerator and the Coke machine are going to have the black and white polished porcelain tiles, it's going to be the...the red barstools out of an old 1950's diner; it's going to be really neat. We're going to have historic pictures on the wall of Henderson so, it's not only going to be a mechanics shop but it's going to be an experience; something that's different than anything from anything that we have here in Henderson. So, I'm extremely excited about that part of it. It's always been a dream of mine to have something like that, and to be able to share it with everybody else is going to be really cool, so.

As far as the use of the property, what we were saying the damaged vehicles; you won't be able to see from Second Street. Those will be back underneath, close to the pillars that we were looking at earlier in that fence line, all the way up to there's a third upright past a light pole that you cannot see; we'll keep any damaged or unsightly vehicles in that area, that way we keep everything looking good. Of course, the tow yard is one thing but with the mechanic shop we want everything clean, nice, and looking professional.

Chairman McKee: Any questions for Mr. Heistand?

David Williams: Mr. Heistand, how do you plan to bring vehicles to and from your shop?

Jamison Heistand: We have flat-bed towing. Some vehicles can be driven in for the mechanic shop, other vehicles will have to be towed. So, we will do flat-bed towing into the facility.

David Williams: What roads will you.... what route do you think you'll be using?

Jamison Heistand: Typically, and most often, depends on which way we're heading; if we're heading east or west. But we'll come in on Carlisle, whether on the north or south side of Second Street, depending on which way we're heading, and then we will go either underneath the Second Street overpass and come in on the Clark Street entrance or we will go from Carlisle to First Street, and then to the Clark Street entrance and come in that way. So, mostly we'll be using the Clark Street entrance more than we will the First Street entrance.

David Dixon: So, where are the entrances on this Site Plan?

Jamison Heistand: There are two (2) entrances on the First Street side.

David Dixon: These are the existing entrances?

Jamison Heistand: Correct. Those entrances are on either side of the...

Claudia Wayne: Jamie, there's the button right there, show them...

Jamison Heistand: Right here is our awning, and you have an entrance right here, and an entrance right here.

David Dixon: And the Clark Street entrance, that's existing as well?

Jamison Heistand: Correct, and that is right in this area here.

David Dixon: Thank you.

Jamison Heistand: Yes sir.

David Williams: So, the areas where you'll be actually handling vehicles; like if you come in at two-o'clock in the morning (2 a.m.), how far away from the residences will that be?

Jamison Heistand: I would say roughly, the area that we'll be coming into will be this area right in here. We'll be coming in this entrance, and then you have a home right here. But where we will be unloading is probably, roughly, one hundred (100) yards or better, I would say a little bit further than that. Basically, from this area to this area.

The great news is too, and we actually had letters of recommendation in my wife's purse, and we have no idea from the house to here how they got lost, but the lady in this property right here absolutely loves us. She's happy that we're going in because we're putting up surveillance cameras and things that make her feel more safe because it is kind of a rough area right now. Then the gentleman directly next door to her also wrote a recommendation letter, and is excited for us being there because he wants a good mechanic shop behind him, so.

David Dixon: What about the fencing? What kind of fence?

Jamison Heistand: The fence is completely surrounding the property, and is a chain-link fence right now with barbed-wire top. What we have proposed is to put a fence mesh around the property, a black fence mesh; that way it's a privacy fencing. The neighbors didn't actually mind, I asked them what they wanted, and they said just the way it is was fine but we decided to go ahead and put up the mesh to make the City happy.

David Dixon: So, is that specified on this Site Plan, what type of fence?

Jamison Heistand: Correct.

Brian Bishop: Commissioner Dixon, in the upper, left-hand corner here; it's specified here, it's hard to read. Would you like me to read it off a bigger version?

David Dixon: Yes, you better because I can't read it.

Brian Bishop: It's Item 6 (six) which is the very last item in that box. Black, fence mesh is to be installed on all perimeter chain-link fence except bordering West Kentucky Trucking, Clark Street, and Second Street.

David Dixon: Ok, thank you.

Chairman McKee: Any other questions for Mr. Heistand? Will you stay with us...? oh, Dickie?

Dickie Johnson: For the record...

Jamison Heistand: Yes sir?

Dickie Johnson: Entering and exiting this piece of property is not going to create any excess noise? And unloading wrecked vehicles at the place that you're suggesting is not going to create enough noise that would be a disturbance to the residents?

Jamison Heistand: Absolutely not. My neighbors at my current location; he actually was going to write a letter and I didn't get it but anyway he loves me too. We've always got along and he said that we've always been a good neighbor so, no, it doesn't create any type of disturbance or anything like that. I'm always keeping in mind people around me too, so I'm not going to be banging things around, and things of that nature. So, no it will be quiet.

Dickie Johnson: I just wanted to make sure there wasn't going to be any excess noise.

Jamison Heistand: And two (2), you've got to keep in mind that the railroad tracks are directly behind there, and they're louder than anything I've ever done. So, if they're used to the railroad going through, and then Western Kentucky Trucking with air brakes popping off and all of that, it's a lot quieter than any of my surroundings, so.

Dickie Johnson: Ok, thank you.

Jamison Heistand: Sure.

Chairman McKee: Any other questions for Mr. Heistand? Thank you Mr. Heistand, we appreciate you.

Jamison Heistand: Thank you.

Chairman McKee: Mr. Hopgood?

Chris Hopgood: I would like to submit this for the record; it's signed. (CHRIS HOPGOOD INTRODUCED EXHIBIT "A")

Chairman McKee: We thank you sir.

Heather Lauderdale: Thank you.

Chairman McKee: Is there anyone else who would like to speak for or against this application? Seeing none, are there any more questions for staff? Hearing none, the Chair will entertain a motion.

MOTION WAS MADE BY RODNEY THOMAS, SECONDED BY DICKIE JOHNSON TO I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE HENDERSON CITY BOARD OF COMMISSION ("CITY COMMISSION") APPROVE

REZONING # 1080 CHANGING THE ZONING CLASSIFICATION FROM THE GATEWAY ZONE DISTRICT TO A LIGHT INDUSTRIAL (M-1) ZONING CLASSIFICATION, WITH BOTH NARRATIVE DEVELOPMENT PLAN AND A GRAPHIC DEVELOPMENT PLAN WHICH ARE ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, FOR THE SUBJECT PROPERTY, AND I LEAVE THE MOTION OPEN FOR OTHER MEMBERS OF THE PLANNING COMMISSION TO ADD FINDINGS OF FACT IN SUPPORT OF THIS MOTION, BECAUSE: THE PROPOSED MAP AMENDMENT (REZONING) IS IN AGREEMENT WITH FUTURE LAND USE MAP OF THE ADOPTED COMPREHENSIVES PLAN, IN THAT:

- THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN SHOWS THIS PARCEL AS INDUSTRIAL. HOWEVER, THE PROPERTY WAS REZONED GATEWAY ZONE DISTRICT AFTER THE FUTURE LAND USE MAP WAS LAST ADOPTED.***

THE EXISTING ZONING CLASSIFICATION OF GATEWAY ZONE DISTRICT IS INAPPROPRIATE AND THE PROPOSED ZONING CLASSIFICATION OF LIGHT INDUSTRIAL WITH A DEVELOPMENT PLAN IS APPROPRIATE, BECAUSE:

- ***IN THE VICINITY OF THE SUBJECT PARCEL, SECOND STREET IS THE CORRIDOR FROM THE PROPOSED I-69 INTERCHANGE AND KENTUCKY HIGHWAY 351, ALSO KNOWN AS ZION ROAD AND SECOND STREET. HIGHWAY 351 TURNS INTO SECOND STREET.***

- **ARTICLE XXXIII ~ OF THE CITY OF HENDERSON ZONING ORDINANCE - GATEWAY ZONE DISTRICT #1, PROVIDES IN SUMMARY AS FOLLOWS:**

SECTION 33.01 GATEWAY ZONE DISTRICT PURPOSE:

THE GATEWAY ZONE DISTRICT IS INTENDED TO PROVIDE FOR THE DEVELOPMENT OF A PEDESTRIAN-FRIENDLY, MIXED-USE, AESTHETICALLY PLEASING ENTRY-CORRIDOR INTO DOWNTOWN HENDERSON FROM THE PROPOSED I-69 INTERCHANGE. THIS GATEWAY ZONE DISTRICT IS TO PROMOTE THE SENSE OF PLACE, AND ALSO PROVIDE OPPORTUNITIES TO DEVELOP PROJECTS AND PROPERTIES COMPATIBLE WITH A DENSE URBAN DEVELOPMENT PATTERN.

- ***THE SUBJECT PARCEL IS PARTIALLY BLOCKED FROM THE VIEW OF A VEHICLE DRIVING ON SECOND STREET AND THE SECOND STREET OVERPASS.***

- ***THE NARRATIVE DEVELOPMENT PLAN RESTRICTS THE***

USE OF THE SUBJECT PROPERTY.

- ***THE SUBJECT PARCEL IS LOCATED NEAR THE CSX RAILROAD, JUST SOUTH OF THE SECOND STREET CSX RAILROAD OVERPASS.***
- ***AN AERIAL PHOTOGRAPH SHOWING THE SUBJECT PARCEL AND THE GENERAL AREA IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.***
- ***THE SUBJECT PARCEL DOES NOT FRONT ON THE GATEWAY CORRIDOR/ SECOND STREET, AND CANNOT BE ACCESSED FROM SECOND STREET; ALTHOUGH THE SECOND STREET OVERPASS PASSES OVER A PORTION OF THE SUBJECT PROPERTY.***
- ***THERE ARE NO SIDEWALKS CONNECTING THE SUBJECT PARCEL WITH THE PEDESTRIAN TRAFFIC ON SECOND STREET.***
- ***IT IS UNLIKELY THE SUBJECT PROPERTY WOULD DEVELOP IN THE MANNER CONTEMPLATED BY THE GATEWAY ZONE.***
- ***THE HISTORICAL USE OF THE PARCEL HAS BEEN LIGHT INDUSTRIAL.***
- ***THE EXISTING STRUCTURES ARE CONDUCIVE TO THE PROPOSED RESTRICTED USE.***
- ***THE PROPOSED DEVELOPMENT PLAN PROVIDES***

ADEQUATE SCREENING FROM ADJOINING PARCELS.

- ***THE PROPERTY IS SERVED BY ADEQUATE UTILITIES.***
- ***THE VEHICLE TOWING AND RECOVERY, VEHICLE STORAGE AND VEHICLE MAINTENANCE AND REPAIR WITH THE FURTHER RESTRICTIONS SET OUT IN THE NARRATIVE DEVELOPMENT PLAN WILL NOT ADVERSELY AFFECT THE OTHER PROPERTIES IN THE AREA.***

THE PROPOSED MAP AMENDMENT (REZONING) IS IN AGREEMENT WITH THE GOALS AND OBJECTIVES OF THE COMPREHENSIVES PLAN, IN THAT:

- ***IDENTIFY AREAS OF OPPORTUNITY FOR INFILL, REDEVELOPMENT AND ADAPTIVE REUSE THAT RESPECT THE AREA'S CONTEXT AND DESIGN FEATURES (BALANCING LAND USE OBJECTIVE A).***
- ***GUIDE DEVELOPMENT TO EXISTING CENTRALIZED AREAS SERVED BY ADEQUATE INFRASTRUCTURE TO AVOID DECENTRALIZED AND SCATTERED DEVELOPMENT (BALANCING LAND USE OBJECTIVE B).***
- ***PLAN FOR AND ENABLE READILY AVAILABLE ECONOMIC AND INDUSTRIAL DEVELOPMENT LAND TO MEET THE NEEDS FOR JOBS; AND ENABLE INFILL AND***

REDEVELOPMENT THAT CREATES JOBS WHERE PEOPLE LIVE (GROWING THE ECONOMY OBJECTIVE F).

THE CITY OF HENDERSON HAS ADOPTED THE ALTERNATIVE REZONING PROCEDURES SET OUT IN KRS 100.2111. PURSUANT TO KRS 100.2111(4), THE RECOMMENDATION OF THE PLANNING COMMISSION SHALL BECOME FINAL AND BE AUTOMATICALLY IMPLEMENTED; UNLESS, WITHIN 21 DAYS, EITHER (A) AN AGGRIEVED PERSON FILES A WRITTEN REQUEST WITH THE PLANNING COMMISSION THAT THE CITY COMMISSION CONSIDER THE MATTER AND MAKE A FINAL DETERMINATION, OR (B) THE CITY COMMISSION FILES A NOTICE WITH THE PLANNING COMMISSION THAT IT (THE CITY COMMISSION) WILL CONSIDER AND FINALLY DETERMINE THE APPLICATION TO REZONE.

THE APPEAL PROCEDURES SET OUT IN KRS 100.347 ARE ALSO APPLICABLE.

Chairman McKee: We have a motion and a second; any discussion?

Tommy Joe Fridy: Are you going to introduce the rest of that into the record; the findings? Everyone has a copy...

Rodney Thomas: Do you want me to read it?

Tommy Joe Fridy: It can be done without reading it verbatim.

Rodney Thomas: Yes, I would like to introduce it.

Chairman McKee: Is that good?

Dickie Johnson: Yes, I'll agree with my second.

Chairman McKee: Agree with a second, any other discussion? Madame Clerk, will you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be. We will forward the same to the City Commission. What are the rules again Mr. Bishop?

Brian Bishop: The City of Henderson has adopted the alternative zoning practice. So, as long as there's no request from the aggrieved party within twenty-one (21) days or the City Commission itself does not decide to hear the rezoning, it will be automatically be rezoned at the end of twenty-one days.

Tommy Joe Fridy: That's not exactly...that's not incorrect but there's more to it. It... let me get the exact words.

It is automatically implemented, which means that's the same as if the City Commission had heard it and approved it. But then, there is an appeal time between that twenty (20) days or if the City Commission does choose to hear it whenever they make a final determination, then there's a statutory appeal time to appeal to Circuit Court. So, it's not final, and that's in the motion.

Chairman McKee: Very good. Next on the agenda is **Subdivision Regulations Variance**. Mr. Bishop, are you going to lead that conversation?

Brian Bishop: Yes sir.

Chairman McKee: Please do.

Brian Bishop: This is submitted by Robert and Lisa Parke, for the property located in Henderson County at 9514 Tillman Bethel Road (PID #74-21), are requesting a variance from Article V., Section 5.3,1 (A) of the Henderson City-County Subdivision Regulations: Frontage on Improved Roads. Section 5.3,1 (A) requires one hundred feet (100') of frontage on a publicly maintained road or street. The applicant is requesting a fifty-foot (50') variance to allow for fifty feet (50') of frontage on an improved road or street.

This is a general layout of how the property looks. The parcel lines in the GIS are not exact because we have not had a survey in that area. But this is how the property exists today.

In 1991 this original tract, which is hard to see on the projector, was subdivided so that ten (10) acres was cut out of the tract, leaving 27.7 acres in the remainder; which is this portion back here. Theresa would you mind showing on the monitor, so that way it will be easier to see; that projection white-washes, the projector white-washes the image. It's not horribly good but, essentially this is the twenty-seven (27) acres that is left from the original division.

At that time, there are two (2), fifty-foot (50') points of ingress/egress. One being here, and the second one being on the north side of the property. The applicant is requesting to subdivide one (1) more parcel.

Theresa, would you mind going back to the Power Point please?

This is an exhibit drawing showing the proposal. The applicant is proposing creating New Lot 2 from the remainder, and then using the fifty-foot (50') stretch that existed when the lot was created, originally created in 1991. The reason why this was done at that time, the

Subdivision Regulations formerly allowed fifty-foot (50') of road frontage, they now require one hundred feet (100') of road frontage which is why they are requesting the variance.

I will do my best to answer any questions but this is the project in a nutshell. Does that help make any sense, I know it's a bit difficult to...

Chairman McKee: Questions for staff?

David Dixon: Why doesn't this map look like the other one?

Brian Bishop: This one?

David Dixon: Yes.

Brian Bishop: That is because the GIS, at some parts of the county are not very accurate because we've not had a recent survey to update it.

David Dixon: So, which is the accurate one?

Brian Bishop: This is the current property as it exists. You have two (2) tracts. One is ten (10) acres, and one is 27.7.

David Dixon: Is there a third tract?

Brian Bishop: They are proposing a third tract, which would be New Lot 2, which would be this odd shaped parcel here that has the long, slender connection to Tillman Bethel Road.

The current Subdivision Regulations say this should be one hundred feet (100'), they are proposing New Lot 2 with fifty-feet (50') which is why they're requesting the variance.

David Williams: So, essentially this is a flag lot?

Brian Bishop: It is.

David Dixon: Is there a Lot 4 back in there too?

Brian Bishop: No sir.

David Dixon: To the southeast of Lot 2 and Lot 1?

Chairman McKee: Is this lot being carved being carved out of the twenty-something acre tract?

Brian Bishop: Commissioner, this is being carved out of the remainder of the 27.7 acres.

Theresa Curtis: Do you want me to pull the big one up?

Brian Bishop: We'll see if you can get a better view.

Tommy Joe Fridy: The Subdivision Regulations, when Subdivision Regulations; when you the Planning Commission adopted the Subdivision Regulations you built in the ability to grant a variance down to fifty feet (50').

So, the request for the variance is part of the Subdivision Regulations themselves.

Brian Bishop: Mr. Dixon, would it help if you heard the language out of the Subdivision Regulations?

David Dixon: No, it would help if the maps matched. I'm confused by what's going on down here in this L-shaped space in the bottom, right center of this map.

Brian Bishop: I believe that's a different parcel unrelated to this.

David Dixon: So, we're just dealing with what's outlined in red?

Brian Bishop: Yes, correct. The red, and this...the remainder, right back here.

David Dixon: Ok. So, this GIS map is way off.

Brian Bishop: It is. Assuming this is approved, it will be correct.

David Dixon: Thank you, sorry.

Brian Bishop: Oh, no worries.

David Williams: So, for the record I want to get this straight. This fifty-foot (50') egress, this was laid out when the subdivision was first laid out and fifty-foot (50') was sufficient for road frontage.

Brian Bishop: Correct but it is not an easement, it is actual road frontage of fifty-feet (50'); it is part of the parcel.

Chairman McKee: Do you wish to speak Mr. Hubiak.

Mac Arnold: Brian, I have a question. If I'm reading this; that was pulled out of the original parcel; does the original parcel now only have a fifty-foot (50') access right now for the remainder?

Brian Bishop: The remainder or the Lot 1 which is ten (10) acres currently?

Mac Arnold: Well the ten (10) acres, then they've proposed the lot over here, which is on the right-hand side. It appears, if I'm looking at this right, is there not an entrance to the remaining which is the part on back behind that?

Brian Bishop: You're talking about the south portion?

Mac Arnold: The south portion, yes.

Brian Bishop: Correct. The south portion, under this proposal, would go from fifty-feet (50') of road frontage to seventy-five feet (75') of road frontage to make it more conforming.

Mac Arnold: Ok.

Chairman McKee: Mr. Hubiak would you please state your name and address for the record?

William A. Hubiak: William A. Hubiak, Henderson County Engineer.

Chairman McKee: Do you swear the statements you are about to make are the truths to the best of your knowledge?

William A. Hubiak: I do.

Chairman McKee: Please, go ahead.

William A. Hubiak: Part of the confusion is you're looking at a plat that has numerous lots cut off of it that is not actually there. There is a Lot 1 and a Remainder. The rest of the lot lines were never filed, nor subdivided. So, it's one lot, and a remainder. Not to be confused with the actual drawing that you have up there that was presented. Is that correct Brian?

Brian Bishop: I'm going to try to piggy-back on what Bill's saying. On this drawing, this is an exhibit. This is just to show the Planning Commission what it would look like. As it currently exists, this does not exist. This lot would be re-configured, and then this remainder would be reduced to create New Lot 2. Is that what you're saying?

William A. Hubiak: Right, there is no Lot 2 right now. There is a Lot 1, and a remainder only. There would be a Lot 2 if this is permitted, ok?

Chairman McKee: Is the fifty-feet (50') flag inside Lot 1 or what?

William A. Hubiak: The fifty-feet (50') is irrelevant because there are not actually any lots except Lot 1.

Chairman McKee: Is it currently inside of Lot 1, or is it in the remainder?

William A. Hubiak: It's in the remainder.

Chairman McKee: Thank you. Mr. Branson could you please approach the podium?

Dennis Branson: I think I can help. Can you go back to the drawing I did in 1991? It's kind of lot but the GIS isn't all that far off...

Chairman McKee: Thank you Mr. Hubiak.

Dennis Branson: What Bill said is exactly right. We have a Lot 1 which is the heavy area currently, and then you have this big remainder that surrounds it and is to the southeast of it.

In 1991, when we cut Lot 1 out, the requirements were that we had fifty-foot (50') of road frontage for any new lot that we create. We left a fifty-foot (50') strip on the north side of Lot 1, and a fifty-foot (50') strip on the south side of what you see as Existing Lot 1 so that in the future the owner could divide that into two (2), large tracts.

In the interim, the Subdivision Regulations changed, and now it's one hundred feet (100'). They have a buyer for the remainder, and they wanted to go ahead and divide that remainder into the two (2) tracts except there weren't going to be two (2) large tracts; one of them being about four (4) or five (5) acres, and then the remainder. Keep the fifty-foot (50') strip that was allowed in 1991, and plat it as the remainder for that lot. Then take the fifty-foot (50') strip that was platted and approved for the remainder, increase it to seventy-five (75) by this proposed plat. So, as Brian was saying, actually improve that one, and then keep the other one and go ahead and consummate the division of the remainder tract into the two (2) tracts that you see here. Now the two (2) tracts that you see here, actually you see three (3); you see the existing lot which we are consolidating and adding to a little bit by this proposal; we're cutting out Lot 2, as Bill said, on the north side. And then the second lot with the, what we're proposing as a seventy-five foot (75') would be remainder.

We're not showing that in red because it's zoned Agricultural, and we're not required to survey and plat remainders that are over five (5) acres; so, were not showing that as another lot, it's simply an Ag remainder.

Dickie Johnson: Denny, let me ask a question because I'm sitting here trying to look at this. From the proposed lot line, the red line on the south at the end of the property, to the furthest red line to the north; how many feet is that?

Dennis Branson: Ok, from where?

Dickie Johnson: Right there to the second red line.

Dennis Branson: To there?

Dickie Johnson: Yes, how many feet is that?

Chairman McKee: Mr. Branson, could you please get to the microphone? Thank you, sir.

Dennis Branson: Thank you. It looks like about 275, total.

Dickie Johnson: I'll asked the question of why couldn't we make this Lot 2 one hundred foot (100') because you've got adequate road frontage there for both lots?

Dennis Branson: That's a good question Dickie. I got in on this a little bit late, the realtor and the buyer and seller, they're objective was to keep the fifty-foot (50') the same because to increase it would get into the existing, asphalt driveway. It would have cross easements, and maintenance issues that they just didn't want to deal with; is my understanding.

Physically they do have the space to do it but whether or not the buyer and seller would want to do that; they're here tonight and you can ask them that question. I couldn't answer whether they would be willing to

do that. I kind of like their proposal which I have to like it to even be here.

David Williams: Mr. Branson, did you say that there are easements going that would be impacted by widening this to one hundred feet (100')?

Dennis Branson: They would have to have an easement; they would have to address easement issues regarding the driveway.

David Williams: For utilities or...?

Dennis Branson: No, ingress/egress. Because the existing, asphalt driveway is all currently all on Lot 1, and is used for the sole use and benefit of Lot 1.

David Williams: So, this is...

Chairman McKee: Mr. Hubiak, could you please re-state that into the microphone?

William A. Hubiak: They're proposing a joint entrance?

Dennis Branson: But down here.

William A. Hubiak: Down here, not up here?

Dennis Branson: They would be proposing a joint entrance for this and this.

David Dixon: Can we point at that on the board please?

Dennis Branson: A joint entrance for the remainder, and you'll need to confirm this; Bob Parke, they owner, is here tonight so he can confirm this. But a joint entrance for this New Lot 2 and the remainder.

William A. Hubiak: So, you're telling me they're going to build an entrance all the way around the end here to come back in, and the fifty-foot (50') they're proposing isn't even going to be an entrance?

Dennis Branson: I'm going to let them answer that Bill.

William A. Hubiak: Ok.

David Williams: Bill, while you're up here...Bill?

Chairman McKee: Mr. Hubiak.

David Williams: As far as a fifty-foot (50') frontage there, is that sufficient from a safety issue?

William A. Hubiak: We have changed the Subdivision Regulations in...

Brian Bishop: I want to say 2013.

William A. Hubiak: 2013 to require one hundred feet (100') of road frontage to try to alleviate the flag lots that were being created which also caused a conglomeration of driveway entrances in a very short area which causes a safety factor in the road, and ingress and egress with that. To do that, and we also accompanied that not only with the one hundred-foot (100') road frontage but the minimum lot size also changed to one (1) acre.

Dickie Johnson: They have plenty of acreage there.

William A. Hubiak: Right.

Dickie Johnson: I know I travel Tillman Bethel quite often, and it is an extremely hazardous area where they're proposing this.

William A. Hubiak: That is correct.

Chairman McKee: Any other questions for Mr. Branson or Mr. Hubiak?

Mac Arnold: It would be to the southwest of the Revised Lot 1 there along Tillman Bethel, is there a lot there between that and where the easement...

William A. Hubiak: See, that's confusing. What you're looking at there has never been subdivision except for Lot 1 off of that.

Mac Arnold: Ok.

William A. Hubiak: The rest of it was a proposed plat done in 1991 but none of that was recorded or subdivided at that point.

Dennis Branson: No, those deeds do read like the plat shows in 1991.

William A. Hubiak: So, they show those are all separate lots?

Dennis Branson: They are.

William A. Hubiak: And not a remainder?

Dennis Branson: Every lot line that shows up on this drawing right here...

William A. Hubiak: No, no, no. I'm talking about the one we just had up there, not that one there, the previous one.

Dennis Branson: It's the same lines.

William A. Hubiak: They're all there?

Dennis Branson: Yes. It doesn't look like it Bill because...

William A. Hubiak: What is there?

Tommy Joe Fridy: Instead of saying it's all there, tell the Planning Commission how the ownership is.

Dennis Branson: This line right here is an existing line, you can't really see it on that copy. This is the fifty-foot (50') strip from there to there. This and the fifty-foot (50') comes down here, turns, goes up here, and

comes down here; to access the remainder here. This is an existing tract of record right here.

Tommy Joe Fridy: Does it have a different owner or the same owner?

Dennis Branson: A different owner.

Brian Bishop: It's un-related to this.

Dennis Branson: Un-related, yes. Currently that's owned by Kristopher and Julie Beickman.

Tommy Joe Fridy: It's un-related.

Dennis Branson: It actually goes further over here and fronts...

Tommy Joe Fridy: It doesn't matter, it doesn't have anything to do with that.

Dennis Branson: No it doesn't.

Tommy Joe Fridy: Is Bill correct that there is a Lot 1, and a remainder, and that's all?

Dennis Branson: Absolutely correct.

David Dixon: So, is Lot 2 coming out of Lot 1 or is it coming out of the remainder?

Dennis Branson: The remainder.

David Dixon: Ok.

Dennis Branson: There's a lot of lines on this thing, and it is confusing as all get out.

David Dixon: Even after we create Lot 2, there's still a remainder left?

Dennis Branson: Yes.

David Dixon: So, we're actually talking about three (3) lots?

Dennis Branson: Yes, well, yes, two (2) lots and a remainder.

David Dixon: I'm assuming somebody's going to probably want to do something with the remainder.

Dennis Branson: The remainder is probably going to be around fifteen (15) acres, I would guess.

David Dixon: And it would be accessed by the other entrance?

Dennis Branson: The frontage of this actually is like one hundred feet (100') or so; hundred-fifty feet (150') here, and then it narrows to what we're proposing is seventy-five; twenty-five (25) feet more than what is actually there in that strip right now. This, right now, is part of this lot. We're proposing to add that back to the remainder, and add this part of the remainder to Lot 1 keeping this fifty-foot (50') strip where it is, increasing the frontage here of the remainder, and increasing the strip width to seventy-five (75) from its current fifty (50) there; and making a joint entrance here to these two (2).

David Williams: So, you would have...

Dennis Branson: There would not be a new entrance here.

David Dixon: So, what is that fifty (50)? That's what we're being asked to consider here, right?

Dennis Branson: This fifty (50) here.

David Dixon: Yes but it's not going to be an entrance?

Dennis Branson: It's frontage, required frontage. It was planned to be the required frontage before the Subdivision Regulations changed, and it would have been a legal frontage.

Mac Arnold: But Denny, if you're saying there was not going to be a road on that fifty feet (50') over there, the drive is going to be down here on the other; to the south in the seventy-five-foot (75') section down here on the southwest section of the property?

Dennis Branson: Yes.

Mac Arnold: Ok, now isn't that what we were trying to avoid with the flag lots? With the idea that you have these flag lots but the driveways were somewhere totally different which made it real possible for the...

Dickie Johnson: 911 problems.

Mac Arnold: Yes, 911 problems.

Dennis Branson: Yes, in fact that was a major consideration when were talking about the flag lot issues, which is the emergency services confusion between...and I was explaining this to Mr. Parke outside earlier because I just found out about this today; that issue. That is an important issue that you guys have to consider, and that's why I asked Bill if we could put in a joint entrance down here that does not...I don't know how to handle that because I don't have any (inaudible) from an emergency services standpoint, addressing standpoint, and what problems that may create or how that might be resolved.

David Dixon: I guess you would have two (2) mailboxes.

William A. Hubiak: When I thought you were talking about the joint entrance, I thought you were talking up there by that end. Now, that

would confuse emergency services even more because now you're going to have a number ahead of one; in sequence to access it.

Dennis Branson: I didn't disagree. What I had understood is that you had looked at this and it wasn't safe for another entrance there.

William A. Hubiak: I thought that's where you were going to have the joint one.

Dennis Branson: Is it safe there?

William A. Hubiak: Right there where there already is one.

Dennis Branson: Here?

William A. Hubiak: Yes, up there. Where the already existing one is coming off of that.

Dennis Branson: Then I'm going to defer that question, and this has just all come up, to Mr. Parke.

Chairman McKee: Mr. Parke, if you're going to.... will you please state your name and address for the record?

Robert Parke: Robert Parke.

Chairman McKee: You're address?

Robert Parke: 9514 Tillman Bethel Road.

Chairman McKee: And you swear the statements you are about to make are the truths to the best of your knowledge?

Robert Parke: Yes.

Chairman McKee: Thank you sir, please proceed.

Robert Parke: Just to kind of help clarify a little bit too, whenever we bought the place in 1991 I think it was, we had the house and ten (10) acres surveyed off by itself, and we financed it; that's one of the main reasons why we surveyed it off. And then, we also had the remainder acres of twenty-seven (27) acres. The intent was to eventually, possibly build in the back so, we wanted to keep that separate in hopes that we would build back there.

So, whenever they first surveyed it they had two (2), fifty-foot (50') accesses to the back. We're in the process of selling everything now, the house and ten (10) acres, and the back lot. These guys here are interested in the back lot, and they're wanting to build two (2) houses back there is what it boils down to.

So, in doing that they would like two (2) separate lots for two (2) separate houses. If you want to explain a little bit about what your ideas are because this is the prospective buyer, and he's been working with Branson's on surveying stuff. So, he can tell you what his plans would be for the back acreage.

Chairman McKee: Sir, will you please state your name and address for the record?

David Raleigh: David Raleigh, 6643 Hwy 41 A.

Chairman McKee: Do you swear the statements you are about to make are the truths to the best of your knowledge?

David Raleigh: I do.

Chairman McKee: Thank you, please proceed.

David Raleigh: My wife and I live on Hwy 41 A, and we have a very nice home up there but our youngest child, Jamie, is recently married, and now

has our first grandchild. Our daughter and son-in-law are interested in building their own home.

We have an extremely large home that I built seven (7) years ago with the intent of selling it one day and downsizing. My wife and I are to that point in our life.

We've been looking for property that we can share with our children, and build two (2) homes in the same proximity. This property here was the ideal location; great size for that but there are some legal hurdles that everybody is aware of now.

I'll give you a little bit about my background. I was born and raised in Henderson County, and all of my family is. I don't work here, I've been working in construction and development of commercial properties all over the United States for thirty-five years. So, I understand some of what's going on but I thought, really, this property was going to need access for us to subdivision that twenty-seven (27) acres. The smaller area of approximately four (4) acres which is shown here as Lot 2, would be what I was going to allow my children to build on. My wife and I would build somewhere on the remainder of that twenty-seven (27) acres or approximately twenty-three (23) acres.

We can do this a multitude of ways. We're willing to grant a lifetime easement or whatever that is titled, I'm not familiar with that terminology, back to the Lot 2 to give us both access back to our properties. But, I know that my daughter and son-in-law cannot build with cash, they're going to have to finance this project, and I don't know what the bank is going to require as far as access or frontage beyond that. So, I thought we were going down the right path to do this.

If not, again, we can use the more south access point. There is approximately two-hundred feet (200') of road frontage shown there

between the property down here that, I'm not sure the name of it, anyway there's approximately two-hundred feet shown there, and we could do one (1) entrance back there. There's another thing that doesn't show up here that may have shown up on the aerial photo; there is a large ditch or creek that crosses or bisects this property that has to be taken into consideration, it has to be crossed with every driveway.

Also, as Mr. Johnson mentioned earlier, or someone mentioned they travel this property quite frequently, and there is a hill. The southern entrance is a much more safer entrance to the property than the northern entrance. Up there where the fifty feet (50') is shown between the two (2) red lines, that is just over the crest of the hill and it is a blind entrance. There is another entrance right next to it that belongs to the more northern property that again, is no part of this situation.

So, we again, are not wanting to subdivide this thing and build a subdivision. We're looking to build two (2) homes, like I said for my wife and I, and my daughter and her husband. Again, he's an outdoorsman, I was raised in the country, we love the outdoors, and this was just an ideal piece of property and we're just trying to make this work somehow.

Mac Arnold: I understand your offer is to purchase Revised Lot 1 plus the area that is considered the New Lot 2, and then there is the remainder of that twenty-seven (27)?

David Raleigh: No sir. I'm not interested in Lot 1. Lot 1 has an existing house on it, and I'm not interested in that.

Mac Arnold: Ok.

David Williams: Who owns Lot 1?

Dickie Johnson: Mr. Parke.

David Williams: You own Lot 1?

Robert Parke: Yes, I currently own everything. He's proposing to buy the remainder from the house and ten (10) acres.

David Williams: Ok, on the south side of Lot 1 where they're talking about putting this longer...where they're wanting to make the entryway into the development; what do you have along that south side there? Do you have improvements there or is it just a fence line or what?

Robert Parke: There's not even a fence line, it's grass. There's one ditch there that it would have to cross, and then it would just go across...

Brian Bishop: Would you like to use the laser...

Dennis Branson: Here you go, Bob.

Robert Parke: So, right now it would be proposed to put a driveway in here, and come along here just to the right of the lake here. There's a barn right here; this back property is going to include the barn and cut across here. So, he'd run a driveway from here, cross the ditch, straight up through here, then it would curve over this way and include all this back acreage; including the existing barn. So, then that would leave the house with the lake and ten (10) acres.

Kevin Richard: I guess just to clarify. So, if you go back....so, the long tail that comes off of New Lot 2 all the way out to Tillman Bethel, there's no intention for a driveway there, that's solely to get land contacts between Lot 2 and the road frontage is what I'm understanding.

Brian Bishop: Correct.

David Dixon: That is required?

Brian Bishop: One hundred foot (100') is required, they are proposing fifty (50).

INAUDIBLE, TOO MANY SPEAKING AT ONCE

Brian Bishop: Correct.

Dennis Branson: May I ask a question?

Chairman McKee: Mr. Branson, would you please...the microphone.

Dennis Branson: You're existing asphalt driveway, can Lot 2 be accessed easily from your existing asphalt driveway?

Robert Parke: You could Y it off right after the ditch to go along the fence line.

Dennis Branson: Can you show me? Mac's got a good point here, and that's going to come up.

Robert Parke: So, if you came in this driveway, and they Y'ed off here to access this lot.

Dennis Branson: Do you see what he's talking about? To have a joint entrance down here, Mac mentioning that one of the things the Planning Commission; this is what I was talking you outside about, emergency services could have some very difficult, and perhaps dangerous situations if the actual physical address of the property is different than the physical access because of their GIS.

Chairman McKee: Mr. Fridy?

Tommy Joe Fridy: May I ask a question?

Chairman McKee: Please do.

Tommy Joe Fridy: The current owner and the proposed purchaser; will a month cause you any difficulty to take this, have some detailed planning with Mr. Branson, work with the County Surveyor, the Planning

Commission, and try to come up with a plan that has a high probability of being approved?

Robert Parke: As you can appreciate, we're in the middle of a sale too. It's possible but I'm not sure how you would feel. It would be good to get it cleared up here just so we can get underway with the potential sale because...

Dennis Branson: May I say this? What will clear it up, and Brian and I talked about this a week or two (2) weeks ago and thank God, we have Bill with the brain between the three (3) of us...

Chairman McKee: Mr. Branson could you please get closer to the mic?

Dennis Branson: If we made that a hundred-foot (100') strip, and then left the easement issues up to the buyer and seller, that I think is an approvable plat by staff.

Dickie Johnson: Yes.

Dennis Branson: There's no.... and then they can work out their entrances, their addressing, everything like that.

Tommy Joe Fridy: That's what I'm suggesting.

Mac Arnold: Denny, just a question here. I'm trying to understand this, and look at this to try to see... between the red line and the far end there, you've got two-hundred feet (200') of right-of-way, at least in there you said, right?

Dennis Branson: Yes.

Mac Arnold: Now, the requirements are one hundred feet (100') of road frontage. It doesn't mean that it just has to say one hundred feet (100') all the way up, right? So, why can we come in here and split that and get two hundred feet (200') there... it's going to draw into, maybe...

Brian Bishop: Can I address that?

Mac Arnold: Sure.

Brian Bishop: The Subdivision Regulations are not very clear, it says one hundred feet (100') of road frontage. It does not definitively say continuous...

Mac Arnold: Right.

Brian Bishop: But what we've always interpreted; City and County Codes and Planning Commission, is that it has to be continuous the entire way.

Mac Arnold: Ok.

Chairman McKee: Minimum.

Brian Bishop: Minimum. For example, you couldn't have a hundred (100) cut down, and then snake back out.

Mac Arnold: Yes.

Tommy Joe Fridy: Or you have to get a variance.

Mac Arnold: But you could get your two (2) entrances then...what I'm saying is that "snaking" in a fanning back out... emergency services would pull up and there's two (2) drive right here side by side, this one has this address, this one has this address and the two (2) roads go down... maybe come in side by side...

Dennis Branson: Mac, I really do appreciate what you're saying there and I love the idea and we are actually talking about a concept along those lines that accomplishes what you guys were trying to accomplish in reducing rural densification, eliminating a lot of flag lots right together like Bill was talking about but not take out of production so much farmland with these long one hundred-foot (100') strips as we are

currently. What we tried to do with our Subdivision Regulations was really good but it's having the opposite effect of what we really intended...

Dickie Johnson: I mean when you're looking at that particular piece of property, you're not looking at Agricultural property.

Dennis Branson: No.

Dickie Johnson: Alright. Like I said earlier, I do travel that road quite often but it looks to me like... but the owners not in here so I need to wait until he gets here.

Mac Arnold: The existing owner, he lives right now on Revised Lot 1 outlined there in the red, he could even take part of that on that side there if we need to get that two (2), hundred-foot (100') strips.

Dennis Branson: I don't know how they feel about it but I think that a hundred-foot (100') strip, and maybe keeping the south fifty-feet (50') ...

Chairman McKee: May I ask you a question Mr. Parke?

Robert Parke: Yes.

Chairman McKee: Do you get the feeling that you need to go back to the drawing board, or do you want to proceed here.

Robert Parke: You've brought up an idea, if you would like to explain that.

William A. Hubiak: I just talked with Mr. Parke briefly after Mr. Arnold brought up about the road frontage on the south side. If there is an ample road frontage there, then it would make sense to move Lot 1 fifty feet (50') more to the north, and get rid of that little fifty foot (50') stretch, that would alleviate more area. Then on the south side of Lot 1, do two (2), one-hundred-foot (100') road frontages, and ask for a variance where they

constrict back along Lot 1 in that narrow area with the provision that it's a joint entrance; ingress/egress. That way the addresses will be consistent and in sequence back to both Lot 2 and the remainder.

Chairman McKee: That approach would have to come back here, right?

William A. Hubiak: That would have to come back also because in the past, it's always been whatever the width is road frontage, that's where they would ask for the variance and the restriction back that way, and since we're dealing with such a large acreage, that would be up to the Planning Commission. Mr. Bishop?

Brian Bishop: I think I agree. The things we would have to consider are the amount of road frontage. We also have to consider the three to one lot depth ratio (3:1) which is basically the flag lot rule. So, those two (2) things, if it does not meet those requirements, the Planning Commission has to approve it. It cannot be approved by staff, inhouse.

Dickie Johnson: I understand.

Chairman McKee: And you are talking about perhaps a twenty-five-foot (25') variance on part of the...

William A. Hubiak: Yes off of that south side with the contingency that it has to have the shared entrance, ingress and egress with one lot all the way back to where it widens out into those areas.

Chairman McKee: But you would have to put that together in a presentation for the Planning Commission, you can't verbally just throw it out there.

William A. Hubiak: That would be correct. I would suggest that we have a meeting at the Planning Commission, which we normally do on a lot of

Site Reviews to go through this to make sure all the things are addressed at that time before it's brought back in front of the Commission.

Chairman McKee: What is your view Mr. Parke?

Robert Parke: Yes, I think that's the best thing to do. The lake that's shown here as a block, it's actually larger than that. It comes down here so the bottleneck of everything is this point right here, this is the narrowest...

Mac Arnold: Is it because of the lake?

Robert Parke: Yes, because of the lake.

Mac Arnold: The property line could go...

Dickie Johnson: Right through the lake.

Mac Arnold: through the lake. It doesn't have to follow the edge of it, they could have part of the lake.

William A. Hubiak: That would be a good point for a variance because of the constriction of a natural boundary there, or something... an obstacle.

David Dixon: Regulations are controlling road frontage, correct?

Brian Bishop: Correct.

William A. Hubiak: They have plenty of road frontage.

David Dixon: Right, so how the driveway gets constricted when it's two-hundred (200) yards or two-hundred feet (200') or however far back that is, that's not part of the... that's not what we're talking about.

Brian Bishop: It has always been interpreted that it must be consistent. Like for example; a hundred feet (100') the entire flag pole portion, and

then it would fan out to the flag portion. I believe what you're saying is the flag pole would start at one-hundred feet (100'), and then possible bottleneck down to fifty (50) for a portion, and then open back up to the flag portion.

Dennis Branson: Which is the variance we would have to ask for.

Dickie Johnson: Yes.

Robert Parke: What we would probably bottleneck to in this case is seventy-five feet (75') because we've looked at that before and you can get seventy-five feet (75') through the lake without hitting the water.

Brian Bishop: Mr. Branson is it your opinion to withdraw this, and resubmit with a re-designed plan?

Dennis Branson: That will be Mr. Parke's...

Robert Parke: I'm good with it if you are.

Chairman McKee: The Chair declares it withdrawn, and we look forward to your progress, and hearing about it again Mr. Parke. Mr. Raleigh, thank you all very much.

David Raleigh: Thank everyone.

Chairman McKee: We appreciate you.

David Dixon: Thank you.

Dickie Johnson: That's the smartest move they can make.

Chairman McKee: Mr. Fridy, do we need to do anything else on that application? Ok. The Chair will entertain a motion to **Out of Public Hearing.**

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY DAVID WILLIAMS TO GO OUT OF PUBLIC HEARING.

Chairman McKee: We have a motion and a second; all in favor signify by saying aye. Are there any opposed?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: We are out of Public Hearing. Next on the agenda is the **Finance Report for December**, Mrs. Curtis would you like to comment on that?

Theresa Curtis: Yes. We're at fifty percent (50%) of budget, we have six (6) months left to go. If you have any questions, I will answer them for you.

Chairman McKee: Questions for Mrs. Curtis. The Chair will entertain a motion.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY MAC ARNOLD TO APPROVE THE DECEMBER 2017 FINANCE REPORT AS PRESENTED.

Chairman McKee: We have a motion and a second; any discussion? All in favor signify by saying aye. Are there any opposed?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Finance Report is approved. Next is the **Colonial Cottages Site Plan**, Mrs. Wayne are you going to lead that conversation?

Claudia Wayne: Yes sir, I am.

Chairman McKee: Please proceed.

Claudia Wayne: Colonial Cottages Site Plan submitted by Maikranz & Maikrantz, LLC, for the property located in the City of Henderson at 6521 Adams Lane (PID #67-65). Applicants are resting Site Plan approval.

The Site Plan is where the Colonial Assisted Living is on Adams Lane right now. The back, if you remember, this was all zoned PUD. The site is about 34.54 acres, and they're planning on putting in like sixty-two (62) duplex units; one hundred twenty-four (124) new dwellings total is what it will be, and they're going to do it in sections.

If you notice, Ronnie Road; do you have the Site Plan up Theresa? Ok. Ronnie Road, Abby Lane, and Lauren Lane are going to be public roads with a five-foot (5') sidewalk on both sides of the streets. Taylor Place, Paige Place, and Marie Place are going to be private roads with a four-foot (4') sidewalk on both sides of the road.

We have all the approvals from the utilities. The staff does recommend approval, and the Site Plan will be subject to a plat dedicating the easements and rights-of-way, and the bonding.

I can try to answer any questions you have of me at this time.

David Dixon: What did you say would be public roads?

Claudia Wayne: Pardon me?

David Dixon: What are the public roads?

Claudia Wayne: The public roads would be Ronnie Road and Abby Lane, and Lauren Lane will be public with five-foot (5') sidewalks. Then Taylor Place, Paige Place, and Marie Place would have four-foot (4') sidewalks but would be private.

Chairman McKee: Is the bonding already affixed?

Claudia Wayne: They're going to construct part of it before it starts; before they get their building permit. At that time, we'll get the bonding amounts to them at that time.

Chairman McKee: Will it come back here?

Claudia Wayne: No, there will be no need to as long as ya'll; it's subject to the bonding.

David Dixon: So, I could be going down Adams Lane, and turn onto Ronnie Road, and get back on Adams Lane and avoid that ninety-degree (90) turn?

Brian Bishop: Correct.

Claudia Wayne: Yes sir.

David Dixon: How is this different than the Preliminary that we've already looked at? We have looked at this before, right?

Brian Bishop: We have. This is a more detailed Site Plan. What you saw before during the rezoning was the Development Plan which is more conceptual in nature. The Site Plan and the related Construction Drawings are more detailed in that you're seeing slopes on pipes, you're seeing inverts on storm inlets, you're seeing slopes on roads. This is how it will be constructed. There could be some minor tweaking as things develop in the field but this is a more detailed construction drawing as opposed to the conceptual drawings.

Theresa Curtis: The bigger plats are on the ends there, and right in front of you David if you need to pull them out.

Claudia Wayne: Yeah, the construction drawings.

Theresa Curtis: You can see them better.

Chairman McKee: Questions for staff? Hearing none, any questions from the developer? Are you ready for the question? The Chair will entertain a motion.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY DAVID DIXON TO APPROVE THE COLONIAL COTTAGES SITE PLAN SUBMITTED MAIKRANZ & MAIKRANZ FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON AT 6521 ADAMS LANE (PID#67-65); SUBJECT TO DEDICATION EASEMENT, RIGHT OF WAY, AND BONDING.

Chairman McKee: We have a motion and a second; any discussion? Madame Clerk, will you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be. Thank you, gentlemen. It appears that next on the agenda is the nomination and election of officers.

The first office to be filled is that of the Chairman, and then the Chairman will take over for the balance of the election; so elected. The Chair will entertain nominations for Chairman.

Rodney Thomas: Mr. Chairman, I would like nominate yourself, Herb McKee.

Bobbie Jarrett: Second

Chairman McKee: We have a... we don't second nominations, do we?

Bobbie Jarrett: Ok.

Chairman McKee: Thank you for that vote of confidence.

Are there any other nominations? We need a motion to...

Dickie Johnson: You need to call it three (3) times.

Chairman McKee: Are there any other nominations? Are there any other nominations?

Tommy Joe Fridy: Make a motion that nominations cease.

Dickie Johnson: So moved.

Tommy Joe Fridy: Chairman be elected by acclamation.

Bobbie Jarrett: No, you have to vote.

Tommy Joe Fridy: No, you can't do that, you have to vote.

David Dixon: What are these things for?

Chairman McKee: You have to vote, you have to put your name on there.

Tommy Joe Fridy: But you do need a motion to close nominations.

David Dixon: Second.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY DAVID DIXON TO CLOSE NOMINATIONS FOR CHAIRMAN.

Chairman McKee: We have a motion and a second; any discussion? All in favor signify by saying aye. Are there any opposed?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: We need to get those to Heather right now. Do we have any more down that way?

Dickie Johnson: We're getting them.

David Dixon: How many times can I vote?

(Laughter)

Chairman McKee: While we're gathering up the votes, the Chair will entertain nominations for Vice-Chairman.

David Dixon: Mr. Chairman, I would like to nominate David Williams for Vice-Chairman.

Chairman McKee: Are there any other nominations? Will you please cast your vote?

Tommy Joe Fridy: Make a motion that nominations cease.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY KEVIN RICHARD TO CLOSE NOMINATIONS FOR VICE-CHAIRMAN.

Chairman McKee: We have a motion and a second; any discussion? All in favor signify by saying aye. Are there any opposed?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is the Secretary/Treasurer nominations. I didn't realize that was Secretary.

Dickie Johnson: Yes.

David Dixon: Mr. Chairman, I nominate Bobbie Jarrett for Secretary/Treasurer.

David Williams: Second.

Chairman McKee: Are there any other nominations? The Chair will entertain a motion that those nominations cease.

MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY DAVID WILLIAMS TO CLOSE NOMINATIONS FOR SECRETARY/TREASURER.

Chairman McKee: We have a motion and a second; any discussion? All in favor signify by saying aye. Are there any opposed?

ALL IN FAVOR: AYE

OPPOSED: NONE

Heather Lauderdale: Who had the first, please?

Kevin Richard: Kevin Richard.

Heather Lauderdale: Who had the second?

David Williams: I did.

Heather Lauderdale: Thank you.

Chairman McKee: Thank you very much for that vote of confidence. I wish I could speak better.

Rodney Thomas: I don't.

(LAUGHTER)

Chairman McKee: You don't? Enough is enough; shut up.
(LAUGHTER)

Next on the agenda is the **Annual Report**. Mr. Bishop, are you going to lead that conversation?

Brian Bishop: Yes sir, I will do my best.

Chairman McKee: Talk all you want.

(LAUGHTER)

Brian Bishop: I don't think that's the mood of the Commission though.

I'll be brief, and if you have any questions please feel free to interrupt.

I will start on Page Six (6), the Administrative Flow Chart which gives you a break-down of how the Planning Commission hierarchy works, and who we answer to.

Then from there, you have on Page 7 (seven) all the committees that we are involved with. You have the Bond and Finance, the Budget

Committee, the Executive Committee which we have just re-appointed, the Land Development Committee, and the GIS Advisory Committee.

One Page 8 (eight), you see how the distributions of how plats and construction drawings are distributed.

Page 9 (nine) is how Final Plats are distributed.

On Page 10 (ten), you'll see a brief breakdown of the number of Public Hearing's that the Planning Commission has had in the past year in comparison to the previous year. We were luck enough to have fourteen (14) last year and 14 (fourteen this year).

On Page 11 (eleven), there's a breakdown on the number of Preliminary Plats, Site Plans, and Agricultural Divisions that we've had in the past year.

Page 12 (twelve) is the Subdivision Recap. It's broken down by Minor and Major Subdivisions, and City and County.

On Page 13 (thirteen) is essentially Heather's page; this is the number of addresses she has changed and made changes to road names, and things like that.

On Page 14 (fourteen) is the amount of street and sidewalks that we have accepted for the past year.

Page 15 (fifteen) is Public Improvements such as storm sewer and sanitary sewer.

On Page 16 (sixteen) is probably something important we should discuss. The amount of Bond Receipts we currently have is \$696,540.

Page 17 (seventeen) is the receipts as of December 17. On December 31, New Years Eve, there was \$54,331.62 in the Planning Commission checking account.

Fees Collected; you have a breakdown as far as Subdivisions, Re-zonings, Street Inspections and Cell Towers for the past year. That was for the City, and then next page you have for the County.

Page 20 (twenty), you have updated project list that the Planning Commission has undertaken over the past year. The first thing we have is the City of Henderson Zoning Ordinance update, I will not bore you guys with this because there's a lot of things there. We have updated the County Zoning Ordinance. We have submitted RFP's for new aerial photography which we hope to have flown in March, as you may remember; as an update.

The next thing that we're going to discuss a little more in detail is the new look on the bottom of Page 22 (twenty-two); you'll see a new logo that we worked with Ty Rideout from ABBA Productions to obtain and to work with. We like it a lot, we think it a lot more professional looking and it contributes and works with the City of Henderson and the County of Henderson branding effort; you'll notice the feather on the right side.

The on-going projects we have; The City Zoning Ordinance. I know one (1) thing is always popular are Golf Courses. The Planning Commission in conjunction with City Representative should look into zoning requirements for future golf courses. This could be done by making golf courses a conditional use in Agricultural zones or create a new zone that is specifically designed for recreational uses.

The County Zoning Ordinance is long overdue for an update, this is something we're going to have to do in the near future. It has been tweaked here and there but it's essentially the same zoning ordinance from roughly 1991. So, it's something we're going to have to work with.

The City of Corydon has also gone a while without being updated.

Digital Submittals, this is something that's really important to me. It is my goal to get us to a point where we are more technologically advanced where we have digital submittals that are sent to the Planning Commission, and we use technology via email and software to spread these drawings out to the Technical Advisors so we can ultimately save paper and money.

The Development Process Analysis/Community Perception Study; we going to get back on track with this next month. We had been scheduled to discuss Site Plans and Subdivisions this month but in anticipation of a long meeting, I didn't think it was an appropriate time to discuss that because everyone's eyes are glazing over now, much less another portion to discuss.

Updated Flood Maps. We have new maps for the Canoe Creek widening area. There are seven (7) panels that reflect those changes. Some folks are really happy about that, and some folks are not happy about that. Overall, you'll see a reduction in base flood elevations which is the amount of water; the elevation of the water that it's projected to get to. Overall, this is better for the City and County because it makes the maps more up to date, and more relevant to the current conditions.

GIS Ongoing Projects, as I mentioned before aerial photography. We will have new aerial photography in the near future. Software updates which is Mr. Raymers department, he always keeps everyone up-graded with GIS Software. GIS and mobile technologies, this is something Chris is really, really proud of, and Chris has done a really good job of working with the City and the County with the 911 update and making sure it's integrated with GIS. The Right of Way and Easement Layers, we continually update those.

KYNDLE; we are always working with KYNDLE to give them information in GIS as far as zoning, flood plain, topographic data, and things of that nature.

Completed Projects. Mr. Raymer was very helpful with the City and their lighting project in the East End area. Basically, what he did was all the data that was collected by City employees, he incorporated it into GIS so that way we could actually create a heat map, for lack of a better word. So, you can visually see where the areas that were darker and un-safer were because we are incorporating all those readings.

The Volunteer Funding Project. Chris was very involved with basically, delineating the districts is a good way to put that.

The Codes Department Application. Chris has been working with them and their new software to make sure it intergrades well with GIS. Same as 911 projects; flood maps as I mentioned before.

On Page 27 (twenty-seven), you're going to see a lot of the conference's we went to and attended.

Page 28 (twenty-eight), Ongoing Activities and Staff Responsibilities. Would you guys like me to go over this or would you like to discuss it?

Mac Arnold: You're good.

Brian Bishop: Ok. 28 (twenty-eight) thru 29 (twenty-nine) onto 30 (thirty) details that.

31 (thirty-one) thru 32 (thirty-two); Page 31 (thirty-one) discusses GIS.

Page 32 (thirty-two) is where we should really dig in a little bit, especially number one (1). I-69 Planning and Construction; Staff will continue to work with the River City Advisory Committee for the I-69 crossing to ensure that the Planning Commission has the most up to date information regarding the project that will change the landscape of Henderson. I think this is on everybody's mind. We should have a preferred route, a recommended route sometime in 2018. So, that's something that we will be discussing. If I'm not mistaken, we have the representatives from the I-69 River City Advisory Committee coming to the February meeting to give us an update so that way we'll know where we stand there. We often contact Mr. Gary Hart with that group, he's been very helpful, and we hope to have him here next month to give you guys and update.

Budget Preparation, Zoning Ordinance Updates, things that we will normally.

Community Outreach is a big issue for me. I think it's imperative that we are constantly out in the community answering questions and being involved.

The most common things you'll see us do there is you'll see me at Rotary very often, you'll see Claudia at Lions Club.

Innovations and Streamline; we're always going to be looking for ways to streamline the development process and make it more efficient, as well as GIS.

And then you have your basic office functions.

Then, Page 35 (thirty-five), we go into the GIS Work Program where we basically discuss the things that we will be doing in an upcoming future. The big thing is Number 1 (one), and that's the Census 2020. That's going to be a big project for the Planning Commission. GIS was very helpful in the 2010 Census, so much that Renesa Abner made a comment that they don't know how they did it before we had GIS. So, GIS will continue to grow there. We're constantly going to need upgrades, and that's it in a nutshell.

If you guys have any questions, I'll do my best to answer them.

Chairman McKee: What do you need approval on?

Brian Bishop: Claudia, Theresa please jump in.

Claudia Wayne: The Work Program.

Chairman McKee: Not the Annual Report?

Claudia Wayne: No.

Chairman McKee: Not the logo? Not the forms?

Brian Bishop: Not the logo or the forms.

Chairman McKee: Just the work.

Brian Bishop: Just the Work Program.

Chairman McKee: Chair will entertain a motion to approve the Plan of Work for 2018.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY DAVID DIXON TO APPROVE THE 2018 WORK PLAN.

Chairman McKee: We have a motion and a second; any discussion? All in favor signify by saying aye. Are there any opposed?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Program of Work will be weighed accordingly.

Brian Bishop: Mr. Chairman, if you're ok with it, I would like to skip to Other Business and the new logo.

Chairman McKee: Let's do that.

Brian Bishop: This is a larger, blown up version of the logo. We, as a staff, really like it because we think it incorporates Henderson. The reason why we did this is one (1), we're going to update the forms to make them more unified in that they're going to be formatted the same, and they're going to have the same lettering, the same font, the same size; while doing that two (2) things struck me. One (1), that our current logo is fine, it just says HCCPC, and if no one knows what that means. If you see that logo, no one knows what HCCPC; you just wouldn't know unless you knew what the Planning Commission is. So, we think this is more descriptive. We incorporate functions of Henderson in that you have the river, you have a representation of the train bridge, and then downtown adjacent to it. The big thing that I really like is that we've incorporated the feather for the What is Your Nature? from the City of Henderson's branding effort. So, we really like that from a standpoint that we think it looks more professional, and it's just more colorful and it makes sense of who we are. We're not just HCCPC, people will actually know who they're dealing with they see it.

Chairman McKee: Does it cost more if the feather sticks up past the?

(LAUGHTER)

Brian Bishop: That's a good question. We haven't got a bill for that yet.

Mac Arnold: One question about that logo. Would it not be a good idea to possibly have somewhere on there just, Kentucky? I don't know how many times, I know that we've found through the Home Builders, people on the web searching Henderson; Henderson, Nevada constantly comes up. So, definitely you need that.

Brian Bishop: So, basically "comma, Ky." right here? Maybe make the text a little smaller?

Mac Arnold: Or maybe just under Henderson, put Ky. in there. I think something like that would help to define when someone looks at this on the web, they know where they're looking at.

Brian Bishop: Yes, that's definitely doable.

David Dixon: I think it's a great idea.

Brian Bishop: One thing I think we're going to expand on this; Theresa has already created new forms to show how it looks, and a more unified format that we have, that everything matches now. The text is the same, the format's all universal. I think this gives that form a better look. And one thing that we would like to expand this on, and eventually we will do, is we're going to create new business cards for staff. Theresa has done a really good job at creating free cards but we're not graphic designers. It's great that we've saved money but it's probably a time where we need to spend a little money to give staff a more professional looking card. So, when we're out, out of town, or people come in, we look better. We look the part.

Chairman McKee: Is that in the budget?

Brian Bishop: It is. It will be, how about that? Is there any questions or comments about the forms or the logo? Any suggestions other than Kentucky?

Chairman McKee: Does the Commission need to adopt the logo?

Brian Bishop: I don't think it necessary but we would probably like the vote of confidence.

Chairman McKee: With the addition of the Ky. at some... do you want to wait to see it with the Ky. on it? Do you want to adopt it now?

David Dixon: I move to adopt the logo with the understanding that we will add Ky. or the word Kentucky to it.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY BOBBIE JARRETT TO ADOPT THE NEW LOGO FOR THE HENDERSON CITY-COUNTY PLANNING COMMISSION WITH THE UNDERSTANDING THAT KY OR KENTUCKY WILL BE ADDED TO IT.

Chairman McKee: So, you're leaving Ky. or Kentucky option up to the staff?

Brian Bishop: Mr. Rideout has been very helpful with this so, I don't see that being a problem.

David Dixon: Just so we know what state you're in.

Chairman McKee: All in favor signify by saying aye. Any opposed?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: We have a new logo. Last on the agenda is the **Little Caesars Bond**, Mrs. Wayne would you like to address that please?

Claudia Wayne: Yes sir. I have received a letter from Path Amin, he is the one that was doing the Little Caesars on Green Street if ya'll remember, and we approved the Site Plan and he submitted his bonding.

Well, he sent a letter that the Little Caesars project has fallen through, and he would like us to release the letter of credit, and I thought I needed to bring that to the whole Planning Commission to get ya'lls approval in order to release this letter of credit.

Now, he would have to come back. His Site Plan will stay in place for a year, and he would have to come back to the Planning Commission if he changes anything on that.

Chairman McKee: The Chair will entertain a motion to release the bond.

Dickie Johnson: If we're going to require him to leave that Site Plan in place for twelve (12) months?

Claudia Wayne: Well, it automatically stays in place by the zoning.

Brian Bishop: By statute it's relevant for one (1) year.

Claudia Wayne: By statute.

Mac Arnold: But he could not go forward without...

Claudia Wayne: Yes, he can't get a building permit, he can't do anything unless he.... without the bonding, yes.

Tommy Joe Fridy: I suggest you write a letter that sets out that he can't do anything; in proper terms, of course.

Claudia Wayne: Ok.

Tommy Joe Fridy: When you release it.

Claudia Wayne: Ok.

Chairman McKee: Did we get a motion?

MOTION WAS MADE BY RODNEY THOMAS, SECONDED BY BOBBIE JARRETT TO RELEASE THE LETTER OF CREDIT FOR PATH AMIN REGARDING THE LITTLE CAESARS PROJECT.

Chairman McKee: We have motion, and a second; any discussion? With the understanding that Staff will write a letter outlining the procedures going forward.

All in favor signify by saying aye. Any opposed?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be. Any more business to come before the Planning Commission? The Chair will entertain a motion to **Adjourn.**

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY DAVID DIXON TO ADJOURN.

Chairman McKee: All in favor signify by saying aye. Any opposed?

ALL IN FAVOR: AYE

OPPOSED: NONE

MEETING ADJOURNED AT 7:36 P.M.

I, HEATHER LAUDERDALE, hereby certify that the foregoing is a true and accurate transcription of the Henderson City-County Planning Commission Meeting of, January 2, 2018, to the best of my ability.

Heather Lauderdale, HCCPC Clerk

X

Herb McKee, HCCPC Chairman