

Henderson City-County
Planning Commission
March 6, 2018

The Henderson City-County Planning Commission held their regular meeting March 6, 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, Gray Hodge, Gary Gibson, Doug Bell, and Attorney Tommy Joe Fridy.

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

(The following minutes were transcribed from an audio recording of the meeting on March 6, 2018. The audio recording is on file at the Planning Commission office and will be retained)

MEETING BEGAN AT 6:00PM

Chairman McKee: Let's call this March 6 meeting of the Henderson City-County Planning Commission to order, Madame Clerk will you please call the roll?

We have a quorum. 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: We are in public hearing.

Next on the agenda are the minutes of the February 6, 2018 meeting. If you have had the chance to review them; are there any additions or corrections?

MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY GARY GIBSON TO APPROVE THE FEBRUARY 6, 2018 PLANNING COMMISSION MINUTES AS DISTRIBUTED.

Chairman McKee: We have a motion and a second, any discussion? All those in favor signify by saying aye.

ALL IN FAVOR: AYE

Chairman McKee: Are there any opposed?

OPPOSED: NONE

Chairman McKee: Minutes are approved.

Commissioner Williams, will you please chair the meeting while I go out and answer questions?

Vice-Chairman Williams: Our next order is **Rezoning #1083**, submitted by Getaway Farms, LLC by Herbert L. McKee, Sr. and Katherine S. McKee (owners) for the property located in Henderson County at 9288 Martin and Martin Road, (Parcel ID# 22A-5) containing approximately 53.0411 acres. They're requesting a zoning classification from Residential-Planned Unit Development (R-PUD) to Agricultural (AG) for two (2) tracts.

Brian, do you have that one?

Brian Bishop: Yes sir. As Commissioner Williams stated, the applicant has submitted a rezoning request for 53.04 acres from R-PUD which stands for Residential-Planned Unit Development to Agricultural.

A little background; some of you guys may remember this. The property was rezoned from R-1 to R-PUD in 2006. At the time, the applicant had the plan of a subdivision with seventeen (17), one family lots. The market has not developed for that in the fashion that they thought it would. The Future Land Use map shows this as being low density, residential.

There are actually two (2) tracts there, which you'll notice on the screen, that total 53 acres. So, the rezoning will actually look like the yellow line.

The property around the site is R-1 to the north and to the west. To the south and east is Ag, and then Ag to the north.

I'll do my best to answer any questions you may have.

(Someone spoke from the audience- INAUDIBLE)

Vice-Chairman Williams: Do you want to come up to the mic? Well, do you want to do this right now or?

Brian Bishop: I'm fine.

Vice-Chairman Williams: I'm sorry, I didn't hear the question.

Brian Bishop: I'll answer any questions that the Planning Commission may have, if not comments from the public are acceptable.

Vice-Chairman Williams: Does anyone have any questions for Brian or the rest of the staff?

Ok, then we'll hear from anyone who is for or against this.

Would you like to come up? State your name and address please.

Darren Ricketts: My name is Darren Ricketts, and I just have a question. Are you rezoning everything?

Vice-Chairman Williams: Do you promise to tell the truth...

Darren Ricketts: Yeah. Right, left, whatever?

Heather Lauderdale: Right. (referring to which hand to raise).

Vice-Chairman Williams: Do you promise? Ok.

Heather Lauderdale: Address.

Vice-Chairman Williams: What is your address?

Darren Ricketts: 9318 Martin and Martin Road.

Vice-Chairman Williams: Ok, I'm new to this.

Darren Ricketts: Not as new as I am.

(Laughter)

Darren Ricketts: You've got it marked on the site, you've got two (2) different lots there and I just have a question. You're submitting this, right?

Herb McKee: Yes.

Darren Ricketts: There are two (2) different lots, is it all going to be farmed?

Herb McKee: It's all going to be Agriculture, yes.

Darren Ricketts: Ok, my only concern is for the lake, ok? I live on the other side of the lake; I live at 22A-6, I think, right there. My only concern is for the lake because it has pristine water, and the one (1) thing that keeps it from being not pristine is that there are no chemicals from farming in it. It's very clear. I think anyone has a right to do with their property what they want to a certain extent but nobody else takes care of the lake except me. Alright? I keep all the predators out and it's been a little bit of a struggle and I just don't want damage to the lake. Somebody can do what they want with their property to me but, you know, I'm the only one who takes care of it. I'm the only one that lives on it so, that's my only concern. So, the farm chemicals getting in the lake are going to affect the wildlife around that area. So, that water has

been tested by The Department of Fish and Wildlife, and it's pristine. I mean it's so clear you can see twelve-feet (12') deep.

That's my only concern, you know. Mr. McKee I'm not trying to go against you or whatever but that's my concern.

Vice-Chairman Williams: Thank you. Before you sit down, does anyone have any questions for the witness?

Ok, thank you. Mr. McKee would you like to make any statements or answer his concerns?

Mr. McKee, what is your name and address?

Herb McKee: My name is Herb McKee, I live at 1020 Craig Drive here in Henderson.

Vice-Chairman Williams: Do you promise to tell the truth in your statements?

Herb McKee: I do, thank you sir.

In response to the question that was asked, there will be plenty of filter between where crops are growing and the lake that will take care of any chemicals that might possibly be involved. But we don't anticipate corn and soybeans being grown on that agriculture; other type of crops but not those who require weed and pest control that I think you're imagining.

(Mr. Ricketts speaking to Mr. McKee from the audience-INAUDIBLE)

Vice-Chairman Williams: I'm sorry. Alright Herb you know the rules, you've to address the bench, and then he has to come back and...

Darren Ricketts: I'm sorry, I didn't know.

Herb McKee: Whatever you need to say, please say it in the mic.

Darren Ricketts: If you're going to food plot it out for deer or something and grow something light, it doesn't bother me; I only care about the fertilizer. A lot of the fertilizer is what turns the lake green

and dark; that's my concern. Is that we get into a bunch of farming; pesticides, herbicides, fertilizers that all runs right into the lake. And you know on that side of the lake it's pretty steep, if anything goes there it's going down. So, I'll stand here in case I have to talk again.

Herb McKee: The lake is very meaningful to me as well and I don't want to see anything happen to it either. We like to fish and we're very much aware of your concern and we'll take care of it.

Darren Ricketts: What kind of filter system are you talking about here, how are you going to...

Herb McKee: Grass.

Darren Ricketts: You're just going to use grass?

Herb McKee: Just grass, near the water.

Darren Ricketts: Yeah. Ok, it is what it is.

Gary Gibson: One question, it looks like all timber.

Herb McKee: There's a lot of timber, there's a good bit of timber. We had it logged two (2) years ago.

Gary Gibson: Ok, it doesn't look like this right here now?

Herb McKee: I would say that the pictures on there are prior to us having it logged.

Gary Gibson: Ok.

Brian Bishop: Commissioner Gibson, the picture is from December 2012 so it's got some age on it.

Gary Gibson: Ok, I didn't see any ground that you could put the crop on right there.

Vice-Chairman Williams: Herb, can you indicate where you would actually grow crops? What kind of crops are you planning on growing?

Herb McKee: We're not certain yet. We haven't finalized our plans. We really didn't want to start that type of planning until we found out if you would let us.

Vice-Chairman Williams: Ok, alright. Did you anticipate growing crops over most of the area or twenty percent (20%) of the area, or do you have any idea?

Herb McKee: I think there is approximately ten (10) acres that can actually be cultivated at this point.

Vice-Chairman Williams: Ten (10) acres out of thirty (30)?

Herb McKee: Fifty-three (53).

Kevin Richard: So, Mr. McKee, on that map can you show us where those ten (10) acres are in relation to the lake?

Claudia Wayne: Use the pointer Herb, please.

Kevin Richard: Again, to Mr. Gibson's point it looks all wooded so it's hard to visualize agriculture on that plot.

Herb McKee: That is not wooded right there. This is not wooded right here. (Referring to the GIS Map projected on the screen) The sum of that wouldn't be over ten (10) acres. Do you see that?

Vice-Chairman Williams: Brian, would you measure...

Mac Arnold: So, will there be any timber between the cultivation and the lake?

Herb McKee: There will, yes sir.

Mac Arnold: Ok.

Vice-Chairman Williams: Brian, would you measure the distance between those tracts and the lake?

Brian Bishop: Yes.

Vice-Chairman Williams: The closest point I think would be...

Brian Bishop: From there to there roughly? (Referring to the GIS map projected on the screen)

Vice-Chairman Williams: Yes, I think there was one place that was actually closer to the lake, right down there on the that south end...actually I'm not sure what our orientation is there but.... yeah, there. Yes, right in there. Do you see that green that comes down towards the lake there, I think that's the closest point?

Brian Bishop: It appears to be one-hundred fifty-six feet (156'), roughly.

Vice-Chairman Williams: One-hundred fifty-six feet (156'), ok. Too bad we don't have an agronomist here, we could find out. Ok, any other statements, any other questions?

Darren Ricketts: Yes, I still want to point out something. So, there are still a lot of trees and if these trees stay here I'm ok. Because from here on, from the driveway on over this way will not affect the lake, it's a different slope; it's going to...and I'm good with that. But, this little tract here is a little bothersome because that does go all the way down to the lake, there are no trees in there. You know there are no trees right there, you know a lot of that has been cleared out; there's a lot cleared out right here now but it's all slope and it all slopes to the lake. (Referring to the GIS map projected on screen)

But, this right here, I'm totally good with it. That all runs the other direction, so. Even if he wants to take the trees out it wouldn't bother me at all, it doesn't mess with the lake, so.

Vice-Chairman Williams: Does anyone else have any questions for Herb or any witness? Ok, there being none, I call for a motion.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY GARY GIBSON MOVE THAT THE PLANNING COMMISSION RECOMMEND THE ASSIGNMENT OF AN AGRICULTURAL

***DISTRICT (AG) ZONING CLASSIFICATION TO 53.04 ACRES,
PARCEL (PID #22A-5), 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 EXISTING RESIDENTIAL-PLANNED UNIT
DEVELOPMENT (R-PUD) ZONING CLASSIFICATION IS
INAPPROPRIATE AND THE PROPOSED (AG) AGRICULTURAL
DISTRICT ZONING CLASSIFICATION IS APPROPRIATE,
BECAUSE:***

- ***THE PROPERTY IS LOCATED IN A RURAL PORTION OF
HENDERSON COUNTY.***
- ***THE PARCEL IS LARGELY WOODED AND HAS ACCESS
TO A LARGE LAKE WITH UNEVEN TERRAIN.***
- ***THE PROPERTY IS ADJACENT TO OTHER PARCELS
CURRENTLY ZONED AGRICULTURAL WITH SINGLE
FAMILY RESIDENCES.***

Vice-Chairman Williams: Any discussion? Madame Secretary, will you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

Vice-Chairman Williams: Motion has passed, thank you.

Herb McKee: Thank you so very much.

Chairman McKee: Thank you Commissioner Williams. The Chair will entertain a motion to go **out of Public Hearing**.

MOTION WAS MADE BY RODNEY THOMAS, SECONDED BY DAVID WILLIAMS TO GO OUT PUBLIC HEARING.

Chairman McKee: A motion and a second. All those in favor signify by saying aye.

ALL IN FAVOR: AYE

Chairman McKee: Are there any opposed?

OPPOSED: NONE

Chairman McKee: We are out of Public Hearing.

Next on the agenda is the Finance Report for February 2018. Mrs. Curtis, are you going to share some information with us?

Theresa Curtis: Yes, I will. We have four (4) months left in the fiscal year and we're at sixty-four percent (64%) of budget. If you have any questions, I will be glad to answer them.

Dickie Johnson: I don't have any.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY MAC ARNOLD TO APPROVE THE FINANCE REPORT FOR FEBRUARY 2018 AS PRESENTED.

Chairman McKee: A motion and a second. All those in favor signify by saying aye.

ALL IN FAVOR: AYE

Chairman McKee: Are there any opposed?

OPPOSED: NONE

Chairman McKee: So mote it be.

Next on the agenda is Administrative Business. First under Administrative Business is the Continuing Education Approval for the I-69 Workshop that we attended at the Peabody Building. The Chair will entertain a motion to approve that training that we attended on February 22, 2018 for Continuing Education Credits for the I-69 Workshop presented by Mr. Gary Valentine and the Kentucky Transportation Cabinet.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY GARY GIBSON TO APPROVE THE I-69 WORKSHOP TRAINING PRESENTED BY GARY VALENTINE, KYTC ON FEBRUARY 22, 2018 FOR CONTINUING EDUCATION CREDITS FOR THE PLANNING COMMISSION MEMBERS, BOARDS OF ZONING ADJUSTMENT MEMBERS AND PLANNING COMMISSION STAFF.

Chairman McKee: A motion and a second, any discussion?

David Williams: I make a motion to approve the I-69 Workshop Training presented by Gary Valentine, KYTC on February 22, 2018 for continuing education credits for the Planning Commission Members, Boards of Zoning Adjustment members and Planning Commission staff.

Chairman McKee: Who made the motion earlier?

David Dixon: I think I did.

Chairman McKee: David, are you ok with David Williams motion?

David Dixon: Yes.

Chairman McKee: Ok, and who made the second?

Gary Gibson: Here. I'm ok with it.

Chairman McKee: Mr. Gary are you ok with that?

Gary Gibson: Yes.

Chairman McKee: Very good. All in favor signify by saying aye.

ALL IN FAVOR: AYE

Chairman McKee: Are there any opposed?

OPPOSED: NONE

Chairman McKee: Motion carries.

Next on the agenda, as you recall from our last meeting, staff prepared and sent out requests for proposal for legal and audit services. The legal RFP's went to Mr. Fridy, Mr. Chris Hopgood, Mr. Eric Shappell, Mr. Dorin Luck and Mr. Ken Kasacavage. The audit services request for proposal went out to Alexander, Thompson, Arnold, PLLC, Riney Hancock, CPA, and Kemper CPA. Within a few weeks, by March 26; am I correct Mr. Bishop?

Brian Bishop: That's correct.

Chairman McKee: March 26 we are expecting those RFP's back in and the Chair would like to appoint a committee to review those RFP's and make recommendations to the Planning Commission in addition to the Executive Committee.

Mr. Kevin Herron, Mr. Doug Bell, Mr. Gray Hodge, and Mr. David Dixon. I've spoke with everybody and they have a greed to serve and Mr. Bishop will poll the members to find a convenient time and date and place to meet for that business, and I thank you all for your willingness to serve.

Mr. Bishop, do you have anything to add?

Brian Bishop: No sir. I will do my best to answer any questions you may have about the process.

Chairman McKee: Hearing none, is there anything else to come before the Planning Commission tonight?

Dickie Johnson: Nope, make a motion to adjourn.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY BOBBIE JARRETT TO ADJOURN.

Chairman McKee: A motion and a second. All those in favor signify by saying aye.

ALL IN FAVOR: AYE

Chairman McKee: We are adjourned.

MEETING ADJOURNED AT 6:18 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, February 6, 2018, to the best of my ability.

Heather Lauderdale, HCCPC Clerk

X

Herb McKee, HCCPC Chairman