

Henderson City-County
Planning Commission
August 7, 2018

The Henderson City-County Planning Commission held their regular meeting August 7, 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, David Dixon, Gary Gibson, Bobbie Jarrett, Dickie Johnson, Kevin Richard, Kevin Herron, Doug Bell and Attorney Tommy Joe Fridy. Gray Hodge was absent.

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

(The following minutes were transcribed from an audio recording of the meeting on August 7, 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 August meeting of the Henderson City-County Planning Commission to order. Madame Clerk, will you please call the roll?

We have a quorum?

Theresa Curtis: Yes.

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

MOTION WAS MADE BY MAC ARNOLD, SECONDED BY KEVIN RICHARD TO GO INTO PUBLIC HEARING.

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

ALL IN FAVOR: AYE

Chairman McKee: Any opposed?

OPPOSED: NONE

Chairman McKee: We are in Public Hearing. First thing on the agenda is the **minutes from the July 3, 2018** meeting. If you've had an opportunity to review those, are there any additions or corrections?

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY BOBBIE JARRETT TO APPROVE JULY 3, 2018 MINUTES AS SUBMITTED.

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

ALL IN FAVOR: AYE

Chairman McKee: Any opposed?

OPPOSED: NONE

Chairman McKee: The minutes are approved as presented.

Next on the agenda are **Lots 2-5 Mary Elam Rudy Minor Subdivision and Tract 1A of the Mary Elam Rudy Agricultural Division**. Mrs. Wayne, are you going to lead that conversation?

Claudia Wayne: Yes.

Chairman McKee: Please proceed.

Claudia Wayne: This was submitted by Marie M. Huber as Trustee of Rudy Huber Trust under the will of Mary Elam Kimsey Rudy for the

property located in Henderson County at 10015 Larue Rd, PID # 66-3. Applicants are requesting approval of four (4) lots and 1A tract Agricultural Division, which are located in a Special Flood Hazard area.

Lots 2-5 and Tract 1A; Tract 1A is an Ag. Division and it consists of 28.101 acres and Lots 2-5, they're being divided into these fifteen-acre (15) tracts as a Minor Subdivision but it's all in the flood area. So, with the Ag. Division and the flood area, they're required to come, both of them to the Planning Commission for approval.

Staff recommends approval. If ya'll have any questions I'll try to answer them.

Chairman McKee: Questions for staff? Hearing none, would the Commission like to hear from anyone else?

The subdivision and being in a flood plain are all we're asked to approve?

Claudia Wayne: Yes.

Chairman McKee: Is there anyone who...

Claudia Wayne: Well, the Ag. Division.

Chairman McKee: The Ag. Division first?

Claudia Wayne: Yes. You can do the Ag. Division and the flood at the same time, the same motion.

Chairman McKee: Is there anyone here who would like to speak for or against this application? Seeing none, the Chair will entertain a motion.

David Dixon: Did I understand that the motion could include Items A & B on the agenda?

Claudia Wayne: Yes, A is by itself. They're both in the flood...this is in the flood area as well as an Ag. Division. A is.

David Dixon: Two (2) separate actions then, one on A and one on B?

Claudia Wayne: Yes. We haven't done B yet.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY DICKIE JOHNSON TO APPROVE LOTS 2-5 OF THE MARY ELAM RUDY MINOR SUBDIVISION; AND TRACT 1A OF THE MARY ELAM RUDY AGRICULTURAL DIVISION, SUBMITTED BY MARIE M. HUBER AS TRUSTEE OF RUDY HUBER TRUST UNDER THE WILL OF MARY ELAM KIMSEY RUDY FOR THE PROPERTY LOCATED IN HENDERSON COUNTY AT 10015 LARUE RD, PID # 66-3. APPLICANTS ARE REQUESTING APPROVAL OF FOUR (4) LOTS AND 1A TRACT AGRICULTURAL DIVISION, WHICH ARE LOCATED IN A SPECIAL FLOOD HAZARD AREA.

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

Madame Clerk, would you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be.

Next on the agenda, **Tracts 2A, 2B & 2C Mary Elam Rudy Agricultural Division**, Mrs. Wayne please proceed.

Claudia Wayne: This is up the road from the property that we just approved and they are dividing into three (3) tracts; 15.576 acres on those three (3). They're in the Ag as an Ag Division and also in the flood prone area.

They are doing all of this for estate planning and staff does recommend approval.

Chairman McKee: Questions for staff? Questions for staff? Hearing none, is there anyone here who would like to speak for or against this application? Seeing none, the Chair will entertain a motion.

MOTION WAS MADE BY RODNEY THOMAS, SECONDED BY DAVID DIXON TO APPROVE TRACTS 2A, 2B & 2C MARY ELAM RUDY AGRICULTURAL DIVISION, SUBMITTED BY MARIE M. HUBER AS TRUSTEE OF THE RUDY-HUBER TRUST UNDER THE WILL OF MARY ELAM KIMSEY RUDY FOR THE PROPERTY LOCATED IN HENDERSON COUNTY, ADJACENT TO 9593 LARUE ROAD (PID# 75-51). APPLICANTS ARE REQUESTING APPROVAL FOR TRACTS 2A, 2B, & 2C, WHICH ARE LOCATED IN A SPECIAL FLOOD HAZARD AREA.

Chairman McKee: We have a motion and a second; are there any discussions? Does the motion cover everything we need to Mrs. Wayne?

Claudia Wayne: Yes.

Chairman McKee: Madame Clerk, would you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be.

Next on the agenda is **Cypress Flats Land Co., LLC and Neal Greenwell Farmland LLC Agricultural Division & Consolidation,** Mrs. Wayne please proceed.

Claudia Wayne: This was submitted by Randy Greenwell for the property located in Henderson and Union County Kentucky. Applicants are requesting to consolidate parcels 4-23 & 5-7, which are located in a Special Flood Hazard area.

This is before you tonight because of the Ag. Divisions and the flood area also. The two (2) brothers are dividing up some property and consolidating is what they're doing to kind of get their farming operation settled up. Staff does recommend approval.

Chairman McKee: Questions for staff? Hearing none, is there anyone here who would like to speak for or against this application? Seeing none, the Chair will entertain a motion.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY KEVIN RICHARD TO APPROVE THE CYPRESS FLATS LAND CO., LLC & NEAL GREENWELL FARMLAND LLC AGRICULTURAL DIVISION & CONSOLIDATION, SUBMITTED BY RANDY GREENWELL FOR THE PROPERTY LOCATED IN HENDERSON AND UNION COUNTY. THE APPLICANT IS REQUESTING TO CONSOLIDATE PARCEL ID #4-23 AND ID #5-7 WHICH ARE LOCATED IN THE SPECIAL FLOOD HAZARD AREA.

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

Chairman McKee: Madame Clerk, would you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be.

Next, **A Portion of the Charles Johnson III, ETAL Property Agricultural Division & Consolidation**, Mrs. Wayne please proceed.

Claudia Wayne: This is submitted by owners Charles Johnson, III; Kathryn Neiswender; and Betsy Erskin and Arthur Reed, Co-Trustees of the Frances Johnson Revocable Trust for the property located in Henderson County on KY HWY 136 (PID# 4-4). Applicants are requesting approval for consolidation, which is located in a Special Flood Hazard area.

They're consolidating two (2) tracts, which will total 94.124 acres which this is all in the flood area as well as being an Ag. Division and it's required to come before the Planning Commission for approval. Staff does recommend approval.

Chairman McKee: Questions for staff? Hearing none, is there anyone here who would like to speak for or against this application?

I'm really disappointed, Mr. Johnson that you didn't get to orate today because you're such a good orator.

The Chair will entertain a motion.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY DICKIE JOHNSON TO APPROVE A PORTION OF THE CHARLES JOHNSON, III ETAL PROPERTY AGRICULTURAL DIVISION AND CONSOLIDATION, SUBMITTED BY OWNERS CHARLES JOHNSON, III; KATHRYN NEISWENDER; AND BETSY ERSKIN AND ARTHUR REED, CO-TRUSTEES OF THE FRANCES JOHNSON REVOCABLE TRUST FOR THE PROPERTY LOCATED IN HENDERSON COUNTY ON KY HWY 136 (PID# 4-4). APPLICANTS ARE REQUESTING APPROVAL

FOR CONSOLIDATION, WHICH IS LOCATED IN A SPECIAL FLOOD HAZARD AREA.

Chairman McKee: Is there anyone here who would like to speak for or against this application?

Dickie Johnson: Too late.

Chairman McKee: Do we have a motion and a second?

Theresa Curtis: Not yet.

Chairman McKee: Do we have a motion and a second?

Gary Gibson: Yes.

Claudia Wayne: We have a motion.

Rodney Thomas: If he doesn't want to second, I'll second.

Chairman McKee: Madame Clerk, would you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Back on the tracks. Can't put the toothpaste back in the tube though, can you? Just can't do that. (laughter)

Next on the agenda, **Rezoning #1086**. Mr. Bishop, are you going to lead that conversation?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: This is submitted by Joseph Butler for the property located in Henderson County, West and adjacent to 4865 Hwy 1078 (PID #87A-99), and near the community of Zion, containing

approximately 4.783 acres. Applicant is requesting a zoning change, map amendment from Residential-1 (R-1) to Agricultural (AG) for consolidation with an adjoining house and lot.

The lot in question is the highlighted lot here. (REFERRING TO THE GIS MAP PROJECTED ON THE SCREEN) This lot, and then the lot in front of it. As you can tell, they are different in zones. We believe this larger tract was accidentally zoned to R-1 in 1978 when the Tandy Hills Subdivision was initially re-zoned and the lots along 1078 are zoned AG. We're not sure how that happened but that's how we got here.

The applicant went to the County Codes Department in order to get a building permit for their property located here but once Randy determined that they were different zones, he could not give the building permit until they were consolidated. In order to consolidate, they have to be the same zone, which is why we have the application before you.

As I said before, it's roughly 4.7 acres. This is the property as you can tell. It is near the town of Zion. You have residential lots in Tandy Hills, and then you have residential lots across the road. Then you also have Agricultural lots in the middle of it.

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

Chairman McKee: Questions for staff?

David Dixon: So, which of these lots with this one be consolidated with?

Brian Bishop: It would be 87A-99.

Commissioner Dixon normally with the PVA if they share a parcel ID number, that implies it's the same property owner.

David Dixon: Very good, thank you.

Chairman McKee: Other questions for staff?

David Williams: Brian you say all these other ones are zoned AG?

Brian Bishop: Yes sir, Commissioner Williams. These lots along Hwy 1078, and then near Moriah Drive are currently zoned Agricultural.

David Williams: What is the yellow?

Brian Bishop: That is R-1, and these are R-2.

David Williams: And everything across the street is...

Brian Bishop: R-2, and they're one family, residential houses. As these are all one family, residential houses.

This particular parcel, there is quite a bit of elevation change. This is the high spot and then it slopes down to the lake. From the records that we were able to find in the office, we think this was just inadvertently...

David Williams: What is proposed?

Brian Bishop: My understanding, from discussing it with Mr. Tasa is that the applicant would like to construct a pole barn for storage; an accessory building.

David Dixon: Is there not already such a structure on this?

Brian Bishop: I'm not sure about that. I'm not sure if that is still existing, this picture is from 2012, so I can't say for sure.

Chairman McKee: What's staff's recommendation?

Brian Bishop: Staff's recommendation is to approve it. We have provided two (2) proposed motions; one for and one against.

Chairman McKee: Are there any questions for staff? Is there anyone here who would like to speak for or against this re-zoning application?

Yes sir? Will you please come to the podium please? When you get there, I will need to ask you your name and address for the record and swear you in. Your name and address.

Jeff Bender: Jeff Bender, 6518 Tandy Lane.

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

Jeff Bender: Yes.

Chairman McKee: Please proceed sir.

Brian Bishop: Mr. Bender, there is a pointer if you would like to point at the screen so they can see.

Jeff Bender: Our properties are right here...

Claudia Wayne: They need to...

Chairman McKee: Can you do it on this side please sir.

Jeff Bender: It's in the yellow.

Brian Bishop: Just hit the red button.

Chairman McKee: And if you will, sir, if you are going to speak could you...sir...

Claudia Wayne: Stay over there.

Jeff Bender: Ok. Anyway, we're concerned about what he's going to do over there, ok. We can see that from our property. We didn't know if it was for farm animals, agriculture; it connects to our properties. That's our question.

Brian Bishop: What's your address so we can...

Jeff Bender: 6518.

Brian Bishop: Is that the correct parcel?

Jeff Bender: Yes, right there. This is Ms. Steele and hers is right next door.

Chairman McKee: Ma'am, if you're going to get on the record you'll have to be sworn in, give your name and address.

Rhonda Steele: Mr. McKee, my name is Rhonda Steele. Address is 6512 Tandy Lane.

Chairman McKee: Ms. Steele do you swear the statements you are about to make are the truths to the best of your knowledge?

Rhonda Steele: To the best of my knowledge, yes sir.

Chairman McKee: Please proceed. And you'll have to do it at the microphone so we can get you on the record.

Rhonda Steele: Our biggest concern is just what exactly is he going to do with that property because it's been vacant for so long. He has pole barns on his property and he has pole barns back by his lake. But, my concern is it is a residential area behind us, and is he going to rent it out? Is he going to have loud music? Is it going to be chicken coops? We've read what this Article, I guess it's 23 and it says he can pretty much do anything that he wants if it's changed to Agriculture.

So, that is our biggest concern. It's not that we're trying to definitely stop him from the re-zoning, it's just that we've lived here for years and my concern is it sitting in my backyard and what's going to be going on in the property behind it. That's basically... I may not have the right to ask that question but it is a concern of mine to be able to sit out in my backyard and enjoy it, that's why I live in the county. I just want to

make sure what is he going to be doing exactly as far as...is he building a pole barn to rent it out for community weddings and stuff and music playing loud all the time, or is he going to have livestock and stuff out there that's going to constantly smell. That's my biggest concern.

Chairman McKee: Thank you Ms. Steele.

Jeff Bender: And the same here, the same with us.

Chairman McKee: Would you like to speak as well?

Thank you very much, we appreciate your input.

David Williams: Brian?

Brian Bishop: Yes sir.

David Williams: He could seek to zone it R-1, correct? And still achieve the same objective, to be able to build on it, correct?

Brian Bishop: Theoretically, yes. For example, if he wanted to have a horse, he could not do that in a R-1 zone. But as far as constructing the building, yes, he could accomplish that.

David Williams: Yes, I'm looking at those lots that are zoned AG and they look like building lots. This looks like house lots. In fact, they all have houses on them already, right?

Brian Bishop: They do.

David Williams: So, we're talking about a residential area, in the middle of a residential area; it should all be zoned R-1.

Thank you.

Brian Bishop: Commissioner Williams you also have the option of if the Planning Commission was to grant it, you can put conditions that he

cannot have livestock or limit it to a certain number of horses and things like that, just so you know.

We had a similar situation like this on Old Madisonville Road roughly two (2) or three (3) years ago.

David Dixon: Did you say that he could construct a building on this?

Brian Bishop: Once they would be consolidated he could. Randy could give them a building permit at that time.

David Dixon: If they were consolidated as R-1?

Brian Bishop: As R-1 or Agriculture.

David Dixon: Why is that contingent on a consolidation?

Brian Bishop: The way the County Zoning Ordinance is written, you cannot have an accessory structure before the primary structure unless you have at least five (5) acres, and then you can get a Conditional Use for that. This property is currently 4.7 acres, so Randy is not able to give him a building permit because of that acreage requirement. Which is why he is requesting the consolidation so that he will have a primary structure and then he would be able to have the accessory structure.

Rodney Thomas: He can do that in R-1?

Brian Bishop: He can do it in R-1 or Agricultural.

Rodney Thomas: In R-1, he can construct a pole barn and nothing else?

Brian Bishop: Yes, he could construct a pole barn.

Rodney Thomas: He couldn't have livestock or anything?

Brian Bishop: No, no livestock in R-1.

Claudia Wayne: Randy's here if ya'll have questions for him.

David Dixon: Are there existing structures on this property?

Brian Bishop: Randy, would you address that?

Chairman McKee: Mr. Tasa would you approach the podium and give us your name and business address?

Randy Tasa: Randy Tasa, 1990 Barret Court.

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

Randy Tasa: I do.

Chairman McKee: Please proceed.

Randy Tasa: I have not been out to the property. The aerial photo shows there's a barn out there. The reason why the applicant has come to me, he wants to build a large pole barn about the same square footage of his existing residence. I could not issue a building permit due to the fact this was a land-locked piece of property, actually has a little frontage on Moriah Drive but it did not have a primary structure on the lot. That's why he wants it consolidated, the two (2) lots are zoned differently so he has the option to zone it Agricultural or Residential. I don't know if he has any intentions of having livestock out there. From my understanding it's basically for toys, storing stuff, and stuff like that. As far as one of the concerns about having weddings and stuff like that out there, that's not allowed under an Agricultural or Residential zone.

David Williams: It's not allowed?

Randy Tasa: What's that?

David Williams: It's not allowed?

Randy Tasa: It is not allowed.

David Williams: Randy, would his needs be met with an R-1?

Randy Tasa: I don't know if his kids are in 4-H or anything like that; if he intends to have any livestock. As far as building a building, it doesn't really matter whether it's Residential or Agricultural.

Chairman McKee: Is the applicant not with us tonight?

Randy Tasa: I'm sorry?

Chairman McKee: Is the applicant with us tonight?

Randy Tasa: I do not see him. I have no idea if he has any intention of livestock. Currently, his residence is zoned Agricultural so if he wanted to have livestock on there he could do so.

Chairman McKee: Mr. Fridy?

Tommy Joe Fridy: If the applicants not here to testify, it should be either denied or tabled.

Dickie Johnson: I think he's got a representative. Is Cliff representing Joe?

(Cliff Krahwinkle spoke from the crowd)

Tommy Joe Fridy: You can only testify what a surveyor could testify.

(Cliff Krahwinkle spoke from the crowd)

Tommy Joe Fridy: That's hearsay.

Chairman McKee: Commissioner, you've heard the opinion of counsel with the absence of the applicant. It is your pleasure to either table or deny.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY GARY GIBSON TO TABLE REZONING #1086.

Chairman McKee: We have a motion and a second on the table, any discussion?

Madame Clerk would you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: The application is tabled until Staff brings it back up on the agenda.

The next item on the agenda has also requested to table.

Mr. Bishop, would you like to address that?

Brian Bishop: Yes sir. The applicant, or his surveyor actually reached out to Mrs. Wayne and said he was unable to attend and requested that the application be tabled until next month.

Chairman McKee: Are there any objections to that from the Commissioners?

The Chair will entertain a motion to table.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY KEVIN RICHARD TO TABLE REZONING #1087.

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

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: We've tabled that application.

Next on the agenda; **Amendments to the Henderson City Zoning Ordinance, Appendix A Zoning**. Mr. Bishop, please lead us in that conversation.

Brian Bishop: Yes sir. This request was originated by the Board of Commissioners on July 24 as described in the letter that is in your packet by Mr. Buzzy Newman, the new City Manager.

Staff has conferred with City Codes Staff and the City Attorney and we have helped develop the language. We consulted other cities Zoning Ordinances and the actual leading organization that deals with self-storage; their own organization that they would get information from. So, we feel like this is helpful and it would represent the industry well.

All parties within the Planning Commission and City Codes feel like the land use trends are changing. Things are getting more dense so that we would need to be more up to date with those trends. We feel like this would be beneficial to the city in that it gives folks more flexibility when dealing with self-storage because they are only currently allowed in the Industrial zones, I believe.

By doing this, we feel like we can be more conducive to the needs of people that live in dense areas. By putting them in the Neighborhood Business zone and Highway Commercial zone, we feel like we have addressed those needs. Because a lot of the properties that would be requesting these zoning changes would come to the Planning Commission with a Site Plan and a Development Plan so we could oversee that and make sure we protect the rights of the neighbors.

We have met several times on it with Mr. Nix and I believe he's here if you have any questions of him. Other than that, I'll do my best to answer any questions.

Chairman McKee: So, our job is to hold the Public Hearing for this amendment and we pass it up to the City for approval?

Brian Bishop: Make a recommendation to the City, yes.

Chairman McKee: Would you like to hear from Mr. Nix; anyone want to hear from Mr. Nix about the amendments to the City Zoning Ordinance?

David Dixon: We are considering this submitting this use as a Conditional Use?

Brian Bishop: Correct.

David Dixon: So, it would go the Board of Zoning Adjustments?

Brian Bishop: Correct, and we felt that was another safeguard for the neighbors.

David Williams: I have no problem with the commercial areas, I do have some reservations about residential.

Brian Bishop: The Neighborhood Business portion?

David Williams: Yes.

Brian Bishop: We actually talked about that in our meeting. The Codes Staff, I don't want to speak for Mr. Stroud but he felt that the Neighborhood Business was an under-utilized zone that this would fit in, based on the description of the zone itself and the Zoning Ordinance.

That it would be... this is a neighborhood business in that it would help the surrounding neighborhood is a really quick, cliff notes version of that.

David Williams: So, which neighborhoods could this be made into with this type of business?

Brian Bishop: Like for example if someone were on Highway 60 East and someone wanted to convert five (5) to ten (10) acres from Agricultural to Neighborhood Business that would be near one of the residential neighborhoods, that type of situation.

In that instance, the person would submit a re-zoning request with a Development Plan and a Site Plan which we would address screening, and lighting, things like that. Then once they did that, assuming they made it past the Planning Commission, then they would go to the Board of Zoning Adjustments for the Conditional Use Permit.

David Williams: What if they decided to buy interior lots inside, let's say Frontier Subdivision? They could make up five (5) acres or five and a half (5 ½) acres, would they be able to do that?

Brian Bishop: That would be up to the Planning Commission and the City Board of Zoning Adjustment. They would have to make a sufficient case to this body and the Board of Zoning Adjustment for that to happen.

Mac Arnold: So, you're saying Neighborhood Business would have to be at least five (5) acre lots? Is that what you're saying?

Brian Bishop: That was a number that I used. I don't think that's the minimum acreage, I would have to refer to the Zoning Ordinance as to what size the minimum lot size is in the Zoning Ordinance.

Five (5) acres was just a number that I pulled out of my brain.

David Williams: There are a couple of things going on in my mind here. One is that you buy a house in a neighborhood on a relatively quiet street and someone puts up a storage building or storage buildings and all of a sudden, your traffic is doubled. Then you have the noise of people opening up these doors in the afternoon, Sunday afternoon or

whatever. Plus, the fact that after they change hands a couple of times maybe the up-keep is not going so great. So, I have concerns about the overall effect only the residential area.

Brian Bishop: I understand.

David Williams: Commercial, I'm ok with. Residential, I have some problems with.

Chairman McKee: Mr. Bishop, can you tell us how this came up?

Brian Bishop: The City Commission received a request for this, and then they proceeded to originate the request which is how it got to us. They had a request from a private citizen.

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

Dennis Branson: Dennis Branson, I live at 916 Kelly Court.

Chairman McKee: Mr. Branson do you swear that the statements you are about to make are the truths to the best of your knowledge?

Dennis Branson: I do, I do.

Chairman McKee: Thank you sir, please proceed.

Dennis Branson: Self-storage is an issue that is being tackled across the nation in the same manner that we're trying to tackle it. It has its roots and its history exactly like Henderson. Self-storage has been treated as warehousing because there really hasn't been that great of need for it and it's been relegated to Industrial zones all across the nation since its beginnings. Simply because there haven't been any appropriate zones for self-storage facilities to be located.

The trend now, nationwide, is for municipalities to have to address the need for self-storage in areas other than Industrial, recognizing now that the industry has design standards, build standards, layout standards that are far different than what they used to be. We have photographs if you would like to see photographs of some projects in the surrounding area. I'm sure you guys have seen some in Evansville and other places that are really nice looking.

But the history of it is, we need self-storage for the community in ways that we've never experienced before. The baby-boomers now are downsizing but they've got a lot of belongings and a lot of possessions. All those possessions they don't want to get rid of them because they're family heirlooms, they want their children to have them or their grandchildren and they don't want to get rid of them, yet they don't have the living space to store these things. So, the baby boomers are demanding, nationwide, self-storage facilities in order to retain their belongings yet downsize their living area for the economics and maintainability of things.

Nationwide, municipalities are recognizing the need to locate these facilities in or near places where the residential areas are. So, when we first started looking at this with the city, about three (3) years ago, and the city has been really interested in doing this for a long time but it just keeps hitting glitches and hadn't been all that high priority actually. But when we first started looking at it, we looked at just Highway Commercial, adding it to Highway Commercial as a Conditional Use. But, that doesn't really accomplish the goal that we see municipalities around the nation are trying to achieve that is getting these facilities near the users.

So, Neighborhood Business is an ideal zone and the committee actually decided that. We don't have a lot of Neighborhood Business and to

address your concern, David, because we don't have a lot of Neighborhood Business and the Neighborhood Business zones that we do have typically are small, one lot, isolated areas; we don't have large tracts.

Brian Bishop: Can I jump in right there? We use GIS to search the number of Neighborhood Business lots and I think we have roughly eleven (11) or twelve (12) in the entire city which is a reason why we thought this zone would be a good fit because that would force people to come to the Planning Commission and justify their case to you guys.

Dennis Branson: So, what you have is, you have to have... in order for self-storage facility to exist, it has to be large enough for the economics to work. We've had some input, not from Henderson but from other places on this proposed ordinance that there should have been a minimum acreage but Henderson is small and I guess the city didn't feel like that would be appropriate. But, the point is anytime we're going to have a self-storage facility proposed, there is going to be a re-zoning involved and that applicant is going to have to come to the Planning Commission first with a re-zoning request. And with that re-zoning request they're going to have to provide a Development Plan and a lot of details. Details which would range from just a sketch, not likely to happen, to a full-blown detailed plan showing lighting, night-sky friendly lighting, pavement issues, entrance issues, permitting, all those kinds of things; that's step one. Then step two would be to go to the City Board of Zoning Adjustment if it's in the city of course and get a Conditional Use Permit. So, there's two (2) boards that are going to govern this and the city finally felt comfortable with that kind of oversight over this new animal, which it is new. We're talking about something that doesn't really exist in Henderson. We've got self-storage facilities but none that have had the oversight of the Planning

Commission and the requirements that can be imposed by the municipality and its representatives; you guys and the Board of Zoning Adjustments on those facilities. So, it's something that we really need and we've needed for a long, long time and we're just in line in a long laundry list of cities across the nation that are addressing this issue and having to address it.

Chairman McKee: Mr. Branson, would you and Mr. Bishop try to address all of Commissioner Williams concerns, if you don't mind to go through them again Commissioner Williams?

David Williams: Basically, I was looking at the disruption of neighborhood life by a business. Because, you know people are driving U-Haul trucks in and things of that nature.

Dennis Branson: Let me give you an example of what that might look like. I can submit these for your information.

First of all, one of the requirements that the city has come up with for the ordinance is that there will be no exterior loading and unloading. So, a lot of self-storage facilities that you see out there, you see drives around the perimeter fence, or insides the perimeter fence with doors facing the outside of the property. This ordinance doesn't allow that. All openings are inside. A lot like we proposed out at Colonial. So, that cuts down any vehicular traffic adjacent to the residential areas.

Brian Bishop: One thing I would like to add to that is we also addressed the exterior make-up of the buildings. Like, for example if it was in a neighborhood that had all brick veneer houses that the exterior of the buildings would have to match that. We also wanted to address heavy planting and hours of operation; is how we thought it would be good to address those types of concerns.

David Williams: I noticed hours of operation. The biggest thing about that is that private individuals don't always follow the rules and even though you might have hours of operations, is anyone going to be onsite enforcing those hours of operation?

Dennis Branson: What we feel... we've talked a lot over the last three (3) years is the Planning Commission has the authority to require a lot of different things on a Site Plan, of course all these facilities are today going to have extensive security fencing. But also, because there's not vehicular traffic around the perimeter, that allows for more screening in the way of shrubbery, trees, or things that duplicate the adjoining zones. And, at the same time, the Planning Commission has the ability to deny the re-zoning if it's in an area that the Planning Commission just doesn't feel comfortable with the facility being in, that's ya'll decision on every, single project. But there's a lot of built-in protections including the aesthetics that the city has put into this ordinance and it is a very, very good ordinance for the community and we really need it.

David Williams: So, do you envision more of these or more something like this?

Dennis Branson: I pictured that we could have both in Henderson. In larger cities what the trend now is, is to convert older, bigger buildings to refurbish them and repurpose them and they are doing beautiful jobs of it and making those interior, self-storage. Now, we don't have any of those, I don't know if Evansville has any of those David but they're beautiful. People want, especially the boomers; these aren't people that are storing junk, these are people that are storing their life possessions. When they go to these facilities they want to feel comfortable, they want to feel at home, they want an upscale feel. They want to feel like that's where they belong and that's where their stuff belongs.

So, because you have the ability to govern that you have the ability to make sure that if they want to do a two-story and the ordinance addresses that, that it is such a nature that it fits the character of the area. I would suspect that a two-story facility, you would be more likely to find in a Highway Commercial area rather than a Neighborhood Business area.

David Williams: So, do you envision the traffic in these places being that your grandchildren are coming in to spend the week and so you pull out a couple of twin beds that you have kept in here or maybe you pull out your mother's old china to serve a nice dinner? Is that that what you're envisioning?

Dennis Branson: Are you saying on site? I don't understand.

David Williams: In these storage facilities, is that they type of traffic you're looking at? Is someone needing something for today coming in and pulling it out and then putting it back the next day?

Dennis Branson: Not necessarily...

Brian Bishop: I think he's talking about traffic volume.

Dennis Branson: No, I understand what a typical person might be visiting their stuff to do. and that is to get something to take home because they've got company coming, things like that; that is what you're referring to?

David Williams: Yes.

Dennis Branson: No, I wouldn't see...from a practical standpoint, and I'm a boomer, if I had stuff stored there it would be stored just to keep it, I wouldn't be going through it, it would be packed full; for me, and most of it wouldn't even be accessible easily without going through it all. I

would be using one, I can't wait until we get one, I would be using one to just store all of my life possessions that I want to retain for my children and grandchildren that I just don't have room to store anymore, because I've got too much stuff or I'm downsizing.

David Williams: Are you going to that sidewalks are put all around these things?

(Laughing)

Chairman McKee: Well, that would be a part of the zoning...

Brian Bishop: You could require that with a re-zoning.

Dennis Branson: He actually could.

David Dixon: I'm hearing these projects would require a re-zoning because we don't have available space in the current zones?

Brian Bishop: They would most-likely require re-zoning because we do not have very many neighborhood parcels that exists. And the ones that do exist are very small and would not be conducive to these types of developments.

David Dixon: What about Highway Commercial?

Brian Bishop: Highway Commercial would require a Site Plan because they're going to be on a busy road most likely, so the Planning Commission would look at that, and still have the extra protection of a Conditional Use permit.

Chairman McKee: But even if the project were designated for a Neighborhood Business zone, it would have to go before BOZA as a Conditional Use, is that correct?

Brian Bishop: In addition to the Planning Commission.

Chairman McKee: But if they were talking about tearing down a building that is in an existing Neighborhood Business zone, they wouldn't have to come to us, would they?

Dennis Branson: If it were already zoned Neighborhood Business you mean?

Chairman McKee: Right.

Dennis Branson: They don't exist. We only have eleven (11) parcels and they're all small.

Chairman McKee: But I'm saying if somebody wanted to tear a building down in a Neighborhood Business zone and put up a small self-storage facility that would fit on that lot, would they have to come to the Planning Commission?

Dennis Branson: Actually, that is Brian's call on a Site Plan by Site Plan basis. Brian makes the call. The Planning Commission Director decides whether or not its submitted Site Plan rises to the level of having planning significance such that the Planning Commission...

Chairman McKee: That Site Plan piece of that?

Brian Bishop: Correct.

Mac Arnold: It wouldn't have to be re-zoned because it's already Neighborhood Business they way you're saying it.

Chairman McKee: But the Site Plan would be the issue.

Brian Bishop: Chairman McKee, in my role I would say yes, that would need to come to the Planning Commission because of the significance it would have on the neighbors.

Chairman McKee: So, in addition to the Planning Commission, they also then go to the Board of Zoning Adjustments to get a Conditional Use?

Brian Bishop: Correct.

David Dixon: And if a re-zoning was required, it would also go to the City Commission, right?

Brian Bishop: Yes. The zoning process would still work as it traditionally does.

David Dixon: So, we would have three (3) bodies involved?

Brian Bishop: Correct.

Chairman McKee: Are there any other questions for Mr. Branson?

David Williams: Mr. Branson, I could envision a lot, on say Main Street that one of these really deep lots that are half a block deep, that could be turned into one of these things, right?

Dennis Branson: Did you say on Main Street?

David Williams: Yes, on Main Street.

Dennis Branson: Currently it's the Central Business District.

David Williams: Uh, no. Say two (2) houses down from the Presbyterian Church on Main.

Dennis Branson: I would say the Planning Commission is going to have to exercise some good judgement regarding any re-zoning that comes before them and whether or not it could even fit the neighborhood. That's where you get the first say, yay or nay; this is good for this area or this is not good for this area. If you think that the proposal is not good for an area then you would just turn down the re-zoning, they

wouldn't get to go any further than that. So, it's going to have to be something that would be applicable when you ask for a re-zoning to Neighborhood Business; it's going to have to fit and it's going to have to be made to fit.

Chairman McKee: When you say turn down the re-zoning, what you really mean is we would recommend to the city that they not approve it, and after the time passes if they don't take action then it's denied. Is that correct?

Dennis Branson: Yes, yes.

Brian Bishop: The recommendation takes effect.

Chairman McKee: Thank you.

Mac Arnold: I'm sitting here looking at...it was down in Article IV; Driving aisle shall be a minimum of twenty-four feet (24'), so a lot of interior or existing lots in the areas you're talking about would not even be big enough to adequately put a structure if you're going to have to maintain that size driving area inside there...a fifty foot (50') lot, you're not really going to have anything left to really build anything on with the setbacks and all that you'll have to be involved with too. So, it would have to be a pretty good size lot. Someone is either going to have to consolidate two (2) or three (3) lots to...

David Williams: Yes, I agree. I'm thinking there is another lot on North Main that just had a very large built on it that's got two (2) street frontage, an alleyway behind it. Denny you probably sold me on the concept but what I'm trying to envision is things that may come up before they're problems.

Dennis Branson: I think that what we're going to find, and I don't know this but I have read this and I've got lots of literature on other

municipalities that have tried this; their board meeting minutes, all of that stuff is what we're going to find based on that is that the economics of constructing a self-storage facility are such that you can't do it on a small scale, it just won't work on a small scale. The rent isn't high enough to warrant dedicating a structure or property to self-storage to, based on what you would be receiving, the revenue it generates would be too small on a small project to even warrant the construction of a fence, or the screening, or the paving, or the fire protection systems. None of that would warrant the revenue that would be generated on a small scale, it has to be on a large scale for it to even be a viable project in any zone. So, you couldn't do it on an acre, you couldn't do it on a half-acre that I see.

David Dixon: Could someone explain to me again why we're considering doing this in a Neighborhood Business zone where the lots are so small and we have so few of them? Why are we talking about this?

Brian Bishop: Neighborhood Business is an under-utilized zone so to speak. In that out of twenty-something thousand parcels, there are only eleven (11) I believe in the entire city...

David Dixon: There might be a reason for that.

Brian Bishop: We think it's because it hasn't been utilized correctly. Like for example, if someone wanted to have a small grocery, that's a Neighborhood Business type zone. If they wanted a small pharmacy, that's a Neighborhood Business kind of thing. We decided Neighborhood Business, that was a zone that we would almost ensure they would have to come to the Planning Commission.

Dennis Branson: The Neighborhood Business zone...

Chairman McKee: Excuse me Mr. Branson, we're going to have to have a short break, hold on. Short break.

Chairman McKee: We are back in session, Mr. Branson please proceed.

Dennis Branson: Just one more quick thing and then Ray is going to kind of enlighten you on the purpose of Neighborhood Business and explain to you why it's appropriate.

Actually, you could do this in not just Neighborhood Business; R-4 for example. We have one hundred-seventeen contiguous acres (117) for R-4 zoned property.

Brian Bishop: I would bring that up. You're going to muddy the waters.

Dennis Branson: No, no, no. I'm just saying as an example they could've done that but opted not to include R-4 because as a community, we don't have the same controls that we do using Neighborhood Business which is the absolute appropriate zone for residentially based necessary business facilities, that's what Neighborhood Business is for and we just haven't had that much business that wants to locate in residential areas like we have here.

Doug Bell: I guess I'm getting confused now. Is there just a big demand behind this that is driving everything? Are we trying to enhance the process...just try to help me...?

Brian Bishop: I would not say big demand. We have been approached on several properties about self-storage which we would meet at Preliminary Conference; the Thursday morning meetings.

Doug Bell: Right.

Brian Bishop: We would tell them no, that's not allowed in that zone, you would have to request a zoning change from "X" to Heavy Industrial. This would be something in the middle. You don't go all the way to industrial but you could still try to find a way to make it conducive to an existing neighborhood. Does that make sense?

Mac Arnold: If you're in an all R-2 or R-3 area to get a parcel re-zoned to Neighborhood Business as opposed to trying to get it re-zoned to Industrial.

Brian Bishop: It's more palpable to the existing neighborhood.

Mac Arnold: Right, right.

Chairman McKee: Before you take the stand, may I ask you Mr. Branson would you like to enter these pictures and any other materials into the record?

Dennis Branson: I think the pictures would be good information to enter.

Chairman McKee: Sufficient?

Dennis Branson: Yes.

Chairman McKee: Thank you sir, so mote it be. (DENNIS BRANSON INTRODUCED EXHIBIT "A" CONTAINING FIVE (5) PHOTOS)

Doug Bell: Mr. Chairman, I have a follow-up question for Mac. So, are we trying to make it easier, are we trying to streamline... I guess that's just what I want to...dumb it down for me.

Brian Bishop: We're trying to make it compatible. We want to make it that it's user friendly to the existing neighborhood but we also want to make sure that it's not detrimental to the existing neighborhood. We're trying to find a balance.

Doug Bell: So, going through the process there are still going to be three (3) steps that have to be...

Brian Bishop: Possibly three (3) steps.

Like for example; is someone comes to the Planning Commission with a re-zoning and they want to get a positive result from the Planning Commission, someone who does not want that project to proceed can request that the Board of Commissioners hear that re-zoning request and then the Board of Commissioners could vote that down, so then it's done at that point. The re-zoning has been denied and there is no reason for them to go forward to the Board of Zoning Adjustments.

Chairman McKee: The Board of Commissioners is the City Commission, correct?

Brian Bishop: Correct, that is the official name.

Does that make sense.

Doug Bell: Yes. I'm just trying to figure out what the...I'm just trying to get my head wrapped around the catalyst of this.

Chairman McKee: But even if they get...

Dennis Branson: I think I know what you're asking. I think you're asking what is the purpose of us even doing this, and it's to make it even possible for self-storage facilities. Right now, we can only put them in Industrial zones, and I think we have three (3) maybe four (4) basic, Industrial areas in the city. So, they're the only zones right now that the Ordinance will even allow self-storage facilities. What we're trying to do is make it possible to put self-storage in places where they need to be rather than where they've been delegated over time.

Chairman McKee: Even if it passes the re-zoning, they still have to go to BOZA to get a Conditional Use permit to put units on it. So, that's the two level, and then there's the potential for the third level of the city saying no. Is that accurate?

Brian Bishop: Yes.

David Dixon: If a re-zoning is involved.

Brian Bishop: Yes.

Chairman McKee: Which if I understand this correctly, the size of a Neighborhood Business zoned parcels in the city now are so small that hardly any of them, if any of them that would qualify as a site for the self-storage facilities.

Brian Bishop: Would it be beneficial for the Planning Commission to see the Neighborhood Business zones on GIS?

Chairman McKee: Does anyone request that? I don't need to see it. Do you want to see it?

David Dixon: Could somebody buy several adjoining lots in that zone?

Chairman McKee: Mr. Fridy?

Tommy Joe Fridy: The City has originated an ordinance for the Planning Commission to consider. Before we get too deep in this, why don't we see what the city has to say?

Chairman McKee: Does anybody object? Mr. Nix, welcome to the podium. Could you please state your name and address for the record?

Ray Nix: Ray Nix, 1990 Barret Court.

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

Ray Nix: I do.

Chairman McKee: Please proceed sir.

Ray Nix: I really have a summary. I made some statements and some thoughts that I put together and it really, I think, wraps a whole lot your questions together into one.

Let me read the Neighborhood Business District's Statement of Purpose for you, at least the thing I think you're trying to wrap your head around and why we kind of felt like that was the zone that this could possibly fit in, in addition to Highway Commercial.

“The Neighborhood Business District established in this article is intended to be that permitting retail business and services uses which are needed to service the nearby residential areas. So, in doing so in order to promote such business development so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibrations, smoke layer, heavy truck traffic, or late hours of operation.”

I think this ordinance addresses those issues. Now, that's the neighborhood business area.

Doug Bell: Right.

Ray Nix: Now here are some comments that I have in general and then it kind of summarizes everything.

I think that the Code Enforcement office and the Planning Commission Staff really works hard to make some significant strides to promote progressive developments here in the city and county as well.

We look for opportunities where we might be able to assist developers in making our communities' regulations appealing and flexible where possible for projects. I think that's very important.

The Staff found that we have limited zones for self-storage business, and that's already been stated. M-1 and M-2 are the ones that are permitted; Heavy Industrial. Then a Conditional Use in Central Business District.

We also found and observed that the storage industry has changed significantly over the years. What used to be just a run of metal buildings with doors has now grown to include design elements that help it blend in to surrounding neighborhoods and surrounding areas where they are located.

Along with those changes, we also saw that the industry is also going through a progressive change where it's going where the people are instead of just the opposite. So, there is a change there for the convenience of you and I, the people.

So, we looked at the potential of adding this self-storage to a transition zone, which is that Neighborhood Business and again, I see that as a transition between commercial and residential areas.

You asked for an example of where could it be. It's an area that hasn't even been developed yet but it's behind Wal-Mart and that has been kind of in a concept, schematic wise of a big subdivision. Commercial, then it blends into Neighborhood Business, and then it ends up near Balmoral with the residences. So, that's a transition area where this, potentially could fit and help serve a residential neighborhood with this kind of use.

So, those are my comments and I hope that they've kind of wrapped this whole conversation around and if you've got any other questions I'll be glad to answer them.

Chairman McKee: Questions for Mr. Nix?

Thank you, sir.

Ray Nix: Thank you.

Chairman McKee: Any other questions for staff? Obviously, this is a Public Hearing so is there anyone in the audience who would like to speak for or against the proposed amendment; who hasn't already spoken? Surely there's somebody out there.

David Williams: Brian, if I may?

Chairman McKee: Please Mr. Commissioner.

David Williams: In your opinion, do you think there are sufficient safeguards in this ordinance to assure us that we have enough control over these things that we won't be getting...we're not inventing a problem in the future?

Brian Bishop: I do.

Claudia Wayne: I do too.

David Dixon: I have another related question.

Chairman McKee: A related question?

David Dixon: Yes.

Chairman McKee: Please Mr. Commissioner.

David Dixon: Who enforces all these conditions.

Brian Bishop: The conditions would be enforced by the City Codes Department.

David Dixon: Ok.

Mac Arnold: We've already said too that whenever they come in like this, it's going to have to go to the BOZA anyway. So, at that point in time, you can specify all the regulations you want for the approval and kind of keep control that way.

Brian Bishop: And there's also a level of safeguard that we're really not really discussing which is not part of the ordinance, is the Preliminary Conference stage. If someone comes in with a re-zoning request that we think is not going to be successful, we can tell them then that we don't think this is going to work out in your favor. So, we have another safeguard as long as Claudia and I do what we're supposed to do.

David Williams: You've seen some of these things already, right?

Brian Bishop: We have.

David Williams: Some have been proposed, what's been your opinion of what they've proposed in these zones?

Brian Bishop: What they were proposing?

David Williams: In the areas that they were proposing.

Brian Bishop: The very tentative plans looked aesthetically pleasing but we would have to tell them that no matter how pleasing it may be to the eye, the likelihood of a zoning change from "X" to Industrial is not high, and that we would recommend that they not do it.

David Williams: No, I'm talking about if this proposal goes through, and they are going to be allowed as a neighborhood business, you could have approved them at that point, correct?

Brian Bishop: Staff cannot.

David Williams: I mean you could have told them yes, you've got a good chance of going through.

Brian Bishop: We could give them our opinion, yes. And we would give them a list of the requirements.

David Williams: So, what has been your opinion of the proposed developments?

Brian Bishop: The proposed, and I'll be very specific without being too specific. The proposed development that we looked at was on Highway 41 near the intersection of Barrett and Highway 41. What they were proposing there I thought was very conducive to the neighborhood and would not be a detriment to the surrounding properties whatsoever. And the reason why is because is the property, at one point had building construction material stored on site in plain site that was not very appealing to the eye. The buildings that they proposed looked better than what had been there previously for decades. So, in that case I felt it was a good fit for the neighborhood, in that one specific case.

Mac Arnold: That wouldn't necessarily be Neighborhood Business anyway would it?

Brian Bishop: That would have been Highway Commercial.

Claudia Wayne: The one that I think Denny is referring to, is it the pictures Denny that you showed what we had looked at? Those people, everything is really nice. They're really, Ray and them, I think Ray would agree, it was a very nice development; what they were showing. They agreed to a lot of different things that we wanted. Now, they've not come back because they're waiting on the re-zoning but.

Brian Bishop: Well, let's use Ray's example; the property behind Wal-Mart. In that situation, done the correct way, I think it would be absolutely a good fit because you would have adequate buffering, you would have adequate screening and separation from the current neighborhood, in the proposed neighborhood. As Ray said, it would be a buffer so to speak, a transition buffer. From Highway Commercial area like Wal-Mart to down zoned properties from storage units to multi-family units to one family units. So, if done correctly I think it could be an asset to the community.

David Dixon: What's the current zoning to that there?

Brian Bishop: Highway Commercial.

David Dixon: Ok, so it would not need to be re-zoned?

Brian Bishop: Would not be re-zoned in that instance it would be a Site Plan that comes to the Planning Commission and a Conditional Use.

Gary Gibson: It looks like to me that the City put a whole lot of time in this and it's for their benefit too. They're trying to make it easier for someone to put up something because those storage units do cost a whole lot of money. You're not going to get one unless someone puts a whole lot of money up to be involved. And we've got one in Corydon and that is ideal. Downtown, Highway Commercial and it has done good for that small town. If cities can find a place to put one it would be a benefit for the city. You're trying to make it easier to find places, the way it looks to me they've done a whole lot of work to this.

Chairman McKee: Thank you, Commissioner. Are there any other questions or comments from Commissioners? Is there anyone here who would like to add their testimony to what has already been given to the Planning Commission; either for or against? Any final comments?

The Chair will entertain a motion.

David Dixon: Before we do that, can I point out what I believe to be an error in the proposal?

Chairman McKee: Please do, Commissioner.

David Dixon: The easiest way to find it is on page three (3) of the agenda, Item #12. No outdoor storage of motor homes, campers, boats or other recreation vehicles will not be allowed. I think we need to get rid of one of those double negatives, like the first no. So, if it just says outdoor storage of motor homes, campers, boats or other recreation vehicles will not be allowed.

Chairman McKee: Can we modify the language?

Tommy Joe Fridy: We can modify the language because we are making a...our charge as Planning Commission is to make a recommendation to the City based on the Public Hearing and based on input from the Planning Commission. So, we the Planning Commission do not have to vote yes or no, we can make recommendations that are different than what was submitted to us. So, absolutely.

Chairman McKee: How do we do that?

Tommy Joe Fridy: Make a recommendation that no be deleted in...Commissioner Dixon, what section?

David Dixon: Article XVII, Item 12; delete the word no that begins that sentence.

This is under the Neighborhood Business portion.

Chairman McKee: So, you can move to recommend entirety except for the word no in Item...

Tommy Joe Fridy: Yes, with that change.

Chairman McKee: Is that what your current position is Commissioner Dixon?

David Dixon: I'm saying whatever we consider, whatever we vote one way or the other we don't want that double negative in there. I'm not voting on it yet.

Chairman McKee: I didn't think you would slide down that hill (inaudible). But the Chair is open for a motion.

So, we've held our Public Hearing and it's our job now to make a recommendation to the City.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY GARY GIBSON TO RECOMMEND TO CITY COMMISSION ARTICLE II, DEFINITIONS, SECTION 2.01; ARTICLE XVIII, NEIGHBORHOOD BUSINESS DISTRICT, SECTION 18.03 CONDITIONAL USES; AND ARTICLE XXI, HIGHWAY COMMERCIAL DISTRICT, SECTION 21.03, CONDITIONAL USES, TO AMEND THE ORDINANCE TO ALLOW SELF STORAGE FACILITIES IN NEIGHBORHOOD BUSINESS DISTRICTS AND HIGHWAY COMMERCIAL DISTRICTS UNDER CERTAIN CONDITIONS, AND DELETE THE WORD "NO" FROM SECTION 18.03 (h)(xii), TO READ "OUTDOOR STORAGE OF MOTOR HOMES, CAMPERS, BOATS, OR OTHER RECREATION VEHICLES WILL NOT BE ALLOWED".

Chairman McKee: We have a motion and a second. Is there any discussion?

Mac Arnold: I have a question. On that Article XVII, it said no outdoor storage of motor homes, campers or boats. Now when you say striking the no, are you saying you're going to allow them?

Chairman McKee: No. It says is not, will not be allowed.

Mac Arnold: That's what it says, no outdoor storage of those.

Dickie Johnson: If you look right here, it says will not be allowed at the very end of the sentence.

Mac Arnold: Right, so it's just...

David Dixon: I think it's saying the same thing just without the confusion...

Mac Arnold: Correcting the grammar is all that we're doing here?

Dickie Johnson: Yes.

Mac Arnold: I got you now.

Chairman McKee: Any other discussion? The motion is that we recommend to the City approval of the language with the exception of Article XVII, line 12 (twelve), is that correct?

David Williams: That is correct.

Chairman McKee: That the no at the beginning of the sentence is struck. Any other conversation? Any other discussion? Madame Clerk, will you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: The recommendation will be submitted to the City, thank you.

It is time to go **out of Public Hearing**, the Chair will entertain a motion to close the public hearing.

MOTION WAS MADE BY RODNEY THOMAS, SECONDED BY KEVIN RICHARD TO GO OUT OF PUBLIC HEARING.

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

ALL IN FAVOR: AYE

Chairman McKee: Opposed?

OPPOSED: NONE

Chairman McKee: We are out of Public Hearing.

Next on the agenda is the **July Finance Report**. Mrs. Curtis, did you plan to lead that conversation?

Theresa Curtis: Yes sir.

Chairman McKee: Please do.

Theresa Curtis: We are at thirteen percent (13%) of budget for the very first month of the new fiscal year. If you have any questions, I'll be glad to answer them for you.

MOTION WAS MADE BY DOUG BELL, SECONDED BY RODNEY THOMAS TO APPROVE THE JULY 2018 FINANCE REPORT.

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: Any opposed?

OPPOSED: NONE

Chairman McKee: The Finance Report is approved.

Next on the agenda is the **Bond Report**, Mrs. Wayne please lead that conversation.

Claudia Wayne: Yes sir. Braxton Park, we're extending one (1) year, leaving the amount the same we have sufficient money to cover it.

River's Edge Subdivision, extending it and we're fine on the amount of money that we're holding for that, and extending it one (1) year.

MOTION WAS MADE BY MAC ARNOLD, SECONDED BY BOBBIE JARRETT TO APPROVE THE BOND REPORT AS SUBMITTED.

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

ALL IN FAVOR: AYE

Chairman McKee: Opposed?

OPPOSED: NONE

Chairman McKee: The Bond Report's approved.

Next on the agenda, Administrative Business, the **Annual Performance Evaluation of the Executive Director**. Would you like to stay and hear all this?

Brian Bishop: What ever is the pleasure of the committee is.

Chairman McKee: Let me report to you that the Executive Committee did meet and review your evaluations, and I would like to ask Commissioner Bobbie Jarrett if she would give that report.

Bobbie Jarrett: The Executive Committee met, and the recommendation is that Brian Bishop, the Executive Director get the full 1.5% merit

increase that is retro back to August 1 and that the evaluation score, when averaged, was 91% which is the full increase.

Chairman McKee: Can you put that in the form of a motion, as motion?

Bobbie Jarrett: Yes.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY GARY GIBSON TO RECOMMEND THAT BRIAN BISHOP, THE EXECUTIVE DIRECTOR GET THE FULL 1.5% MERIT INCREASE THAT IS RETRO BACK TO AUGUST 1 AND THAT THE EVALUATION SCORE, WHEN AVERAGED, WAS 91% WHICH IS THE FULL INCREASE.

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

ALL IN FAVOR: AYE

Chairman McKee: Opposed?

OPPOSED: NONE

Chairman McKee: I'll get my share after the meeting, Mr. Bishop. (laughter)

Brian Bishop: I knew that was coming.

Chairman McKee: There were items in your evaluation forms that you may want to discuss with the Planning Commission at some point, either this month or next. Which do you choose?

Brian Bishop: Whichever you guys prefer. I read the comments and I think they were completely relevant. I think there are always things I can improve on. For me, I think there's two (2) things. One (1), I can always be more organized, which is why you'll see the I-Pad; is me

being better in that regard. And two (2), I think one of my deficiencies is I need to be better at the technical aspect of zoning law. So, those are my things that I plan to work on.

Chairman McKee: And those are all inclusive of all things positive that you saw in your evaluation forms.

Brian Bishop: Yes, I was very pleased and very happy that you guys allow me to serve in this capacity. So, I thank you very much.

Chairman McKee: Thank you sir.

Gosh, retroactive to August 1?

Brian Bishop: I know.

Chairman McKee: That sounds like the Federal Government.

Brian Bishop: Six (6) whole days.

Chairman McKee: Next on the agenda is the discussion about the **Downtown Master Plan**.

Before we get into that, let me ask you Mr. Bishop, did you speak to the Mayor about this?

Brian Bishop: I did.

Chairman McKee: And was it appropriate to speak to the County Judge.

Brian Bishop: I gave him a brief update. He doesn't have a dog in the fight as much as the Mayor so to speak but since I felt the Planning Commission is a joint function of City and County that he should be up to date on what we're planning and what we might be doing.

Chairman McKee: Thank you sir and please proceed.

Brian Bishop: I think that most everyone knows that I'm a member of the Downtown Henderson Partnership Board. The Planning Commission contributes a very small amount to that. And we also have the ladies from that board here if you have questions for them.

What we are proposing is a Downtown Master Plan. And why we proposed that is that there are a lot of ideas floating around of how to approve downtown Henderson. A lot of really good ideas that were brought up during the Comprehensive Plan and the Vision Plan.

What we propose is a way to get all those plans flowing in one direction so we can see implementation.

I feel like the Planning Commission is a very good body to help work with DHP, and what I propose is that Staff work in conjunction with DHP and other members of the community to start creating a Downtown Master Plan. I see this as an off-shoot of the Comprehensive Plan, a more detail; zooming in of the Comprehensive Plan if you will. I think that we would address things like planning, parking needs, things like that. Ways that we can constantly improve downtown because any city that is thriving has a downtown that is also thriving.

So, that is my really quick sales pitch and I am seeking the Planning Commission's blessing to proceed in this project.

Chairman McKee: May I ask you and the representatives of DHP if you are aware of all the previous Master Plans that have been done for downtown? There must be a stack ten-feet (10') tall if you can find them all.

Yes sir?

Brian Bishop: Commissioner Williams, may I see that?

Chairman McKee is right, we are not the first Planning Commission or group of people to attack this. When going through the Planning Commission files, I found this from 1966. This was a downtown Master Plan so to speak that was prepared by, if I remember correctly, the Vision of Community Planning Development from the Kentucky Department of Commerce.

They were addressing similar situations in 1966. Lack of parking, dilapidated buildings, how to get people downtown; to make sure downtown stays thriving. Because at the time, land use was changing. Instead of people coming downtown and being more dense, they were spreading out into more suburban environments, more neighborhoods because the automobile was more dominant in lifestyles.

Now, we're seeing the exact opposite. People are wanting to come downtown. You'll see more Millennials and older folks wanting to downsize and come to downtown.

So, we feel like it's important to yes, look at all this and incorporate those ideas but still address the needs that we have. Such needs would be parking. For example, we have two (2) new restaurants opening up which is a great thing for downtown but it could create a parking problem and we don't want people not coming downtown because of a lack of parking.

Another thing we should address and consider are the number of empty and vacant buildings we have. I think everyone saw the news about Alles Brothers, which is unfortunate but it could have a drastic effect to downtown Henderson, and we think a Downtown Master Plan can help us get ahead of that and grab the bull by the horns so to speak.

Chairman McKee: One comment I would make to all of you who are going to work on this project is that it takes political will to bring

change. Drawing it up on paper doesn't always...that's why we have a stack ten feet (10') tall of Master Plans somewhere that never got off the ground. And the Vision Plan did get the political backing and a lot of it is probably going to happen at some point in time in the future. At least it has the wind behind it to happen.

Was there some other comment?

Brian Bishop: No. If I could jump in there...and that's part of the reason we want to focus on the Comprehensive Plan because it does have the backing. I spoke to the Mayor about it and he said that there is a limited amount of funds that we could possibly use to do this, because as you know, this is not a budgeted item. Anything we do is going to be on a very low cost, and done internally. We wanted to work with DHP because they directly represent the merchants and the people that live and work downtown. So, we feel like this partnership is absolutely necessary for this to be successful. I would encourage you guys to say anything you feel is relevant.

Chairman McKee: If you would like, come to the podium. Tell me your name.

Lindsay Locasto: Lindsay Locasto.

Chairman McKee: And you are the Director?

Lindsay Locasto: I'm the Director for the Downtown Henderson Partnership. My address is 334 N. Water.

Chairman McKee: Welcome Lindsay.

Lindsay Locasto: Thank you for having me. I just want to say, Brian thank you for telling everyone and being on board with this. I stand up

here, we actually invited all of my Board to talk about it and they all stand behind it.

Also, we all realize there is a Vision Plan that has already been developed and we hope to tap into that and base this Downtown Master Plan off of that. But we just want to be involved as much as we can. I live downtown, I work downtown, I love downtown and it has so much potential and there is so much vision right now and so much energy that's going on with downtown and I just want to see it continue to grow.

So, I just want to be involved, DHP wants to be involved as much as we can.

Chairman McKee: Thank you Lindsay.

Lindsay Locasto: Thank you.

Chairman McKee: Is your partner...what is your name please?

Missy Vanderpool: I'm Missy Vanderpool, I'm the Executive Director for the Henderson Audubon Board of Realtors and I'm also on the Executive Committee for DHP.

We're aware of all the plans and that's why we aren't going to re-create the wheel, we're tapping into all the resources that we have to try to make something that is something we can take hold and not just be a plan that's sitting on a shelf somewhere.

So, I think that we've got the right group working together and we're very aware of political things that we may have to face. We've done that in projects recently and I think we fared pretty well. So, we're ready to take that on.

Brian Bishop: Chairman McKee, this is not letting you guys off the hook. You would be asked to participate in the form of workshops, which we could use for continuing education.

Chairman McKee: One of the great benefits of getting the Planning Commission involved is if there are zoning issues, if there are Site Plan issues, and potential Codes issues you can get that to bubble up to the top, so. Kudos for getting him involved, you've done a good thing there.

Missy Vanderpool: We're thankful he took.... we're glad to have him on our board.

Brian Bishop: I fell for it.

Chairman McKee: You fell for it.

Missy Vanderpool: With initiation...

Chairman McKee: Prop you up beside the jukebox, I get it.

Brian Bishop: But in all seriousness, in the near future if the Planning Commission is ok with it I would like to schedule...we'll start looking at dates as far as a workshop in which we would invite the Planning Commission members, DHP, the general public so we can start collecting ideas in addition to the Vision Plan. As the ladies said, the Vision Plan is going to be our main... the wind behind most of our sails, so to speak.

Chairman McKee: I hate to tell you this but I've reached the age where I've seen all of this happen, including the parking issue, I helped facilitate a parking study years ago; years ago, where the determination was made that if an individual could not see from their car where they were going, they would not stop. If they had to park around the corner

and they lost sight of where they were going, they would drive on across the bridge.

Then, interior parking has been discussed. Middle, center of the block parking; lots of conversation about that, lots of drawings, lots of planning but the property owners wouldn't go along with it.

So, you're undertaking a huge project here. I'm all for you. God bless you.

Missy Vanderpool: Sometimes I think we might be a glutton for punishment but that's ok.

Chairman McKee: You never know till you try. The last lick you hit on that wall might knock it down.

Missy Vanderpool: Thank you for letting us speak.

Chairman McKee: Thank you for coming.

Gary Gibson: Thank you for coming.

Chairman McKee: Mrs. Stinnett, did you have anything to add?

Donna Stinnett: No sir, we're good.

Chairman McKee: Just your presence says a lot, thank you for being here tonight.

Is there anything else to come before us?

Brian Bishop: May I add one more thing?

I, personally would like to commend the ladies on their work with the mural. I know that was a hot topic but I appreciate the effort very much. I think that they have done a lot to try to make Downtown Henderson a much more vibrant and lively place.

Chairman McKee: Mr. Fridy?

Tommy Joe Fridy: As all of you know, the Chairman knows, the Staff knows, and each one of you Planning Commissioners know, when there's a zoning application, the people here to speak for or against it have an absolute, legal right to ask question of the applicant. So, if the applicant isn't here, we can't have a public hearing.

Chairman McKee: I believe that's the first time I've witnessed that.

Tommy Joe Fridy: I spoke up early so that we didn't spend a lot of time discussing what might be; what somebody might be going to do without the people that had concerns being able to ask a direct question.

David Williams: Perhaps it should be part of our procedure when a zoning ordinance comes up...

Tommy Joe Fridy: It is, it's just, it's so well known by the professionals in town that I'm shocked that...

Dickie Johnson: Well, to answer your question; Joe showed up but he showed up late.

Tommy Joe Fridy: But the people...

Dickie Johnson: Yeah, they had already gone.

Claudia Wayne: I explained that to him out in the hall, that the people that were here had already left.

Chairman McKee: So, you have to readvertise and do the whole nine (9) yards.

Kevin Richard: I think where you're going maybe as part of the procedure we should always remember to ask is the applicant here before we proceed any further.

Gary Gibson: We thank you Tommy Joe. When you see something going on like that let us know because we could have been putting our foot right in our mouth.

Tommy Joe Fridy: We would have probably wasted some time and said some things that might not have been applicable.

Chairman McKee: We probably should direct Staff to say at the beginning of an application if the applicant is here... if the applicant is not here, make that statement up front so we can stop it right there.

Dickie Johnson: Do we allow an affidavit to be signed by the applicant to have a representative on their behalf, speak for them?

Tommy Joe Fridy: Well, they could give somebody a limited Power of Attorney but they have to be able to bind them. What they say has to be binding on them. They can't just stand up and talk and it not... and then the applicant say I didn't agree to that. So, it has to be a legal document but it isn't an affidavit. The applicant can't sign an affidavit that put their side of the story in the record without being here to answer questions. But, you could do a Power of Attorney.

Dickie Johnson: Ok.

Tommy Joe Fridy: You could give somebody the power...

Dickie Johnson: To speak on their behalf.

Tommy Joe Fridy: Not just speak, but to bind you.

Dickie Johnson: What they agree to is what you have to.

Tommy Joe Fridy: If what they say is what you have agreed to.

Dickie Johnson: Yeah.

Tommy Joe Fridy: And you can't change your mind.

Dickie Johnson: Yeah, well that's the reason I'm asking.

Tommy Joe Fridy: It can be done, yes.

Dickie Johnson: Ok. That's something we may need to look at.

Chairman McKee: Any further comments about that or anything else? I want to thank you all and have a good evening. See you back here in September.

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

Chairman McKee: Motion to adjourn. All those in favor, signify by saying aye.

ALL IN FAVOR: AYE

Chairman McKee: Opposed?

OPPOSED: NONE

MEETING ADJOURNED AT 7:30 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, August 7, 2018, to the best of my ability.

Heather Lauderdale, HCCPC Clerk

X

Herb McKee, HCCPC Chairman

