

Henderson City-County
Planning Commission
September 4, 2018

The Henderson City-County Planning Commission held their regular meeting September 4, 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, Doug Bell and Attorney Tommy Joe Fridy. Gray Hodge, Rodney Thomas, and Kevin Herron were absent.

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

(The following minutes were transcribed from an audio recording of the meeting on September 4 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 September meeting of the Henderson City-County Planning Commission to order. Madame Clerk, will you please call the roll?

We have a quorum?

Heather Lauderdale: We do.

Chairman McKee: We do have a quorum. Before we go into Public Hearing, the first thing I think is in order is that we congratulate our legal counsel on the birth of his new grandson in Tennessee. His name is Brian.

Ok, 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: Any discussion? All those in favor, signify by saying aye.

ALL IN FAVOR: AYE

Chairman McKee: Any opposed?

OPPOSED: NONE

Chairman McKee: We are in Public Hearing.

Next on the agenda is the review of the **minutes of August 7** meeting if you've had the opportunity. If you have any additions or corrections, please make them known.

MOTION WAS MADE BY DOUG BELL, SECONDED BY KEVIN RICHARD TO APPROVE THE MINUTES OF THE AUGUST 7, 2018 MEETING AS PRESENTED.

Chairman McKee: 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 as presented.

Next on the agenda is an application that must be brought off of the table before we can hear it. **Rezoning #1086**, do we have a motion to bring that item off of table?

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY DOUG BELL TO BRING REZONING #1086 OFF THE TABLE.

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: **Rezoning #1086** is off the table.

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 which is adjacent to 4865 Hwy 1078 N, being Parcel ID #87A-99, in or near the community of Zion, containing approximately 4.7836 acres. The applicant is requesting a zoning change or map amendment from Residential 1 (R-1) to Agricultural (AG) to consolidate to an existing lot.

You may remember from last month, this is the parcel that is requested rezoning. The applicant is requesting that this parcel be consolidated with this parcel. (Referring to GIS projected on large screen). To do so, they must have similar zones, they can't have different zones basically. You can't consolidate and R-1 with an AG in this case. This is what the parcel looks like. As you can tell, there are agricultural parcels to the south and southwest, and then residential lots, which is Tandy Hills to the north; to the east a little further you have R-2 lots and R-2 lots to the south.

I believe the applicant is here this evening, and I will do my best to answer any questions you may have.

Chairman McKee: Questions for staff?

David Dixon: This came before us because of a denial of a building permit?

Brian Bishop: Denial is probably a strong word Commissioner Dixon, I believed Mr. Tasa informed him that would be necessary for a building permit; denial is probably a strong word.

David Dixon: To construct an agricultural building?

Brian Bishop: I believe that is case, yes.

Chairman McKee: Any other questions for staff?

David Williams: So, this was zoned residential when?

Brian Bishop: R-1. From what we could find from previous rezoning's, especially the Tandy Hills rezoning; we went back really far in the rezoning files and we think this property was inadvertently placed in this rezoning because it was never intended.... let me backtrack. It was never shown on any subdivision drawings to be developed as part of this neighborhood. So, we believe it was inadvertently rezoned R-1.

David Williams: When was that?

Brian Bishop: I believe it was in '78, I would have to double check the notes real fast.

David Williams: No problem. Now, these other lots that surround it, they're all zoned what?

Brian Bishop: The lots in yellow are zoned R-1, the lots in orange are R-2, the lots in white are all agricultural.

David Williams: Ok, and they're all residential lots? They all have houses on them, correct?

Brian Bishop: Correct.

David Williams: Now how come they are zoned agricultural and not zoned residential, and this is zoned residential and not...

Brian Bishop: That is completely relevant question that I do not have a good answer for. The zoning map is as it has been for quite some time now.

David Williams: Ok.

Mac Arnold: Brian, one question; that proposed site, if it was say left as R-1, it does not have enough road frontage to justify a building would it?

Brian Bishop: If it were as it is, road frontage is an issue but it's not the main issue. The accessory building cannot be on the lot by itself.

Mac Arnold: I realize that, I'm just saying if someone was wanting to do something else with it whether they would actually have the...

Brian Bishop: They have road frontage along this drive, but it's not necessarily accessible with the lake there. It's a lot of record that would be hard to do anything with if it's not consolidated with another lot.

Mac Arnold: Right. That's what I was trying to imply, that it's not really going to do anything other than consolidate with something else.

David Dixon: What kind of structure is already on this lot?

Brian Bishop: Commissioner Dixon, I would probably leave that question for the applicant.

Chairman McKee: Are you ready to hear from the applicant?

Will the applicant please come to the podium? Will you state your name and address for the record please?

Joseph Butler: Joseph Butler, 4865 Hwy 1078 N, Henderson, Kentucky.

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

Joseph Butler: Yes, sir.

Chairman McKee: Please proceed.

Joseph Butler: I heard you ask one question that I can answer for you. There are two (2) other buildings on the property, and they're old, I don't know how old but I've put a new roof on one ten (10) years ago. However, I am going to take both of those building and remove them, I just want one (1) building, and that building's sole purpose is to house my boat, my kids' toys, my smoker, just all the reasons a guy needs a good garage.

There is a garage next to my house, but there's not one back there and the garage next to the house has the kids' game room in it, and it's not much of a garage; I don't have a lot of room anymore. However, I just need more garage space.

Part of why I purchased that property, and then whenever I went to get the zone checked out with the survey company, he told me Joe, half of this parcel is agricultural and half of this is residential. I don't know what either of those things meant until this, and I'm like, well, why would they do that? And he said, good question because I don't understand why it's that way either.

I said well, I don't want any animals I'm not a farmer, you know. But the thing is, is that my kids do 4-H and it would be kind of nice to have

their two (2) goats there, which they get sold at 4-H; they don't come back. But, it would be nice to have that and if the ease of the roadway is the reason for ag, he told me Joe, what I would do is being half of it agricultural already I would make the whole thing ag. I said, well, let's go about trying to do that, and that's where we are today.

Chairman McKee: Do you have other questions Commissioner Dixon?

David Dixon: The uses he described for this, is the issue here that this an agricultural use or that it's an accessory building?

Brian Bishop: I'm sorry... Mr. Tasa is probably a better person to answer that question.

Chairman McKee: Would you like to hear from Mr. Tasa?

Mr. Tasa, would you please state your name and address for the record?

Randy Tasa: Randy Tasa, 1990 Barret Court, Suite C.

Chairman McKee: And 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, sir.

Randy Tasa: The applicant came to me for a building permit, and due to the fact, this is a separate lot from the lot that his house is on, I cannot issue a building permit. So, he wants to consolidate the two (2) lots together, which has come up with this issue two (2) different zones.

Generally, when you have an accessory structure, you're supposed to have a primary structure on the lot first; which is the house. So, if this lot was already one (1) large lot with the house, it wouldn't have been an issue issuing out the building permit. Because they are two (2) separate

lots, he went to a surveyor to consolidate the two (2) lots and discovered they were two (2) different zones.

David Dixon: So, what he builds there and what he uses it for is not an issue?

Randy Tasa: No. Basically, what the issue was is there were two (2) separate lots and he just needed to consolidate them. If they were the exact same zone, there wouldn't have been an issue whatsoever. A surveyor would have consolidated them and he could have gotten a building permit after that.

David Dixon: Ok, thank you.

Tommy Joe Fridy: Could I ask a question please?

Chairman McKee: Yes sir.

Tommy Joe Fridy: If both lots, where his residence is and where the lake is were both zoned R-1, could he still build the building that he's requesting?

Randy Tasa: He would still have to consolidate the lots.

Tommy Joe Fridy: If he consolidated the lots. But, before he can consolidate them, both lots have to have the same zoning classification.

Randy Tasa: Yes.

Tommy Joe Fridy: My question is if they both had R-1 and they were consolidated, could he build the building he's requesting?

Randy Tasa: Yes. Whether they are both zoned Residential or Agricultural, he could get the building permit.

Tommy Joe Fridy: Thank you.

David Williams: Now, he mentioned his children are in 4-H. If he was zoned R-1, would he be allowed to have the goats?

Randy Tasa: He would not be able to have any sort of livestock in a residential zone.

David Williams: Ok.

Chairman McKee: Any other questions for Mr. Tasa before he...

David Williams: Yes.

Chairman McKee: Go ahead.

David Williams: Mr. Tasa, not Mr. Tasa...

Chairman McKee: Mr. Butler?

David Williams: Yes. Mr. Butler, my concern originally with this is that you abut against a bunch of residential areas, and giving you an Agricultural zoning opens up a lot of uses that are not currently allowed on this lot; such as animal husbandry.

So, I'm... what... do you have any intentions for anything other than goats, dogs and cats?

Joseph Butler: No. There will be no business there, this is just my garage for putting the things we own, and a place for me to work out of; my personal things, you know. There will be no kind of business, no type of commerce at all done there. Anybody that knows me, I know some of my neighbors here know me, I've planted so far one hundred-twenty (120) trees on that property; twelve foot (12') staggered all the way around, and I'm not done, white pines. I'm sure not going to have any animals coming up there eating my tips off, if you all know anything about these trees. I'm not a farmer. I want to build a gorgeous place

and that's what I've got up here. Thus far, it's turned out to be a pretty nice area, and I want to continue that.

But, no business, no farm. There is a possibility of a few goats

David Williams: How many goats?

Joseph Butler: Two (2), maybe three (3). Nah, probably just two (2). My wife is already fighting me over just the two (2).

David Williams: Mr. Fridy has got a question for you.

Tommy Joe Fridy: Would you be agreeable to signing an agreement that restrict the use of that property to only raising two (2) or three (3) goats, whatever you choose. How long... how many years... the age of your children; how long would that expire? Two (2) years, five (5) years, ten (10) years? In other words, after ten (10) years you couldn't raise two (2) goats or three (3) goats.

Joseph Butler: I don't really care about the animals at all if that what everyone wants to make an issue of. I don't care about having a single animal. My mom has property and I can keep them over there, that's what I've done in the past. But, again...

Tommy Joe Fridy: But, if you wanted to keep them there, we'll see what the neighbors say but there is a fair chance people wouldn't object to your children having two (2), 4-H goats until they get college age; however many years that is, and then that goes away.

That's called a Development Plan. Are you agreeable to signing that?

Joseph Butler: Yes, if the right agreement is there I don't see why not. There is a lady just one (1) parcel over from me with several horses. So, I don't... I let her come to walk horses on my property if she would like, and she's done that before.

David Williams: Can you show us where those horses are?

Brian Bishop: Theresa, can I see the GIS?

Joseph Butler: It will be down to the left of your screen; down Mariah.

Tommy Joe Fridy: For the record, you are agreeable to doing that, and you would do that within, say, three (3) weeks. I'm going to be gone a week and you and your attorney and me can come up with language, but it's going to be fairly simple that you can't do anything but raise goats for... how many years do you need?

Joseph Butler: I don't care to do that at all, sir.

Tommy Joe Fridy: You want no goats.

Joseph Butler: I say no goats, if the animals...

Tommy Joe Fridy: You don't want to do anything but build an agricultural...

Joseph Butler: I just want to make it easier to have that roadway rather than build a bridge across my pond. There are some different issues with the road frontage that I heard you bring up, which made good sense. That's on my mind, making sure I can...

Brian Bishop: Mr. Butler, there is a laser pointer... yep that one. Would you mind pointing to the parcel that you were referring to?

Joseph Butler: It will be down this road, right here.

David Williams: Ok, how is that zoned?

Mac Arnold: It looks like that's AG also.

David Williams: It should be AG. Alright.

Brian Bishop: So, Mr. Butler you are agreeable to no animals if the property is rezoned?

Tommy Joe Fridy: No agricultural use including no animals; other than an agricultural building.

Joseph Butler: Would that make it where I can get rid of my neighbors' thirty-two (32) cats?

Tommy Joe Fridy: I don't think they're farm animals.

Joseph Butler: I'm just kidding.

Chairman McKee: Growing trees is an agricultural use.

Tommy Joe Fridy: You can do that in residential.

Chairman McKee: Agreed. If you say no agricultural use, you (inaudible) growing trees.

Joseph Butler: Theoretically you can have two (2) goats anyway as your own animals? Is that what he's saying? No?

Brian Bishop: Your plan is to rezone this to consolidate to build a typical accessory building.

Joseph Butler: Sure.

Brian Bishop: That's it.

Joseph Butler: Mostly, that's ninety percent (90%) of the reason. I just thought it would be nice to keep a couple of the kids' goats if I wanted to, but I don't have to by any means.

Brian Bishop: It's your decision, but it seems like it may make your life easier in this situation if you agree not to.

Joseph Butler: Yeah, no animals. Sounds good to me. Then that brings up the road area. The frontage

Tommy Joe Fridy: Why not make it R-1?

Joseph Butler: Then that brings up the road area. The frontage right here, I would have to take... and there's not enough room without me buying this piece of property, which possibly could happen, but as of right now I would have to build that road through there and it's not going to work.

Brian Bishop: I think we're getting off track here. We have a couple of options. One (1), is what we're discussing; a rezoning, to AG to consolidate, which you're agreeing to no animals. Just basically an accessory building used as a typical garage. Or, as Mr. Fridy suggested, you could withdraw this rezoning, and then request the lot that your house is on be rezoned to R-1, and then consolidate it into the bigger lot; that's an option. But, if you do that, you're going to withdraw this one, and you would need to come back to next month's meeting.

Joseph Butler: I don't want to have to do that, I want them to start building the building, I already paid for it. But then I would be the only house in that line that ya'll showed a minute ago that's not Ag; everybody else would have AG properties except for me, not that it matters.

Gary Gibson: Could you show us exactly what lot that you live on; where your house is?

Joseph Butler: Right there.

Gary Gibson: Ok. Then that will open that property up, you've got room to open that up.

Joseph Butler: Yes, that building is going to be gone. There is also a building here that's larger, that you can't see that will be gone too.

Gary Gibson: You can open that up to the Highway.

Joseph Butler: Because of this room here, there's not enough road between me and this neighbor so, you can't go here. Right through here, you could actually take a road up right next to my house, and come through here. But, it will be tight.

Gary Gibson: But you have got property where you can open up to the Highway.

Joseph Butler: Yes.

Gary Gibson: Yes. Down there, below the lake, there is no way you can get to it.

Joseph Butler: That's going to be difficult because I have five (5) year old trees back there staggered twelve feet (12') apart, and they're all fully grown; all the way around through here, and all through here, and I just started here.

Gary Gibson: If we don't combine those two (2) lots then that will be a locked-in lot that you won't be able to get to.

Dickie Johnson: How much road frontage do you have there in the back, next to the levy of that lake?

Joseph Butler: That little, tiny sliver...

Claudia Wayne: It's very small.

Joseph Butler: Really, none. But there is a small piece. This piece of property here is also mine, that lot, but we didn't need it, so.

Brian Bishop: Could you point at it? This lot?

Joseph Butler: Yes.

Claudia Wayne: 36.16.

Brian Bishop: Mr. Butler, is it your intent to proceed with the rezoning as submitted?

Chairman McKee: If you don't mind Mr. Butler, can we wait until anybody who wants to speak does speak, and then I will invite you back up to the podium. You may want to take that into consideration as well.

Please hang in there with us.

So, is there anyone here who would like to speak either for or against this application for rezoning?

Would you please state you're...?

Jeff Bender: My name is Jeff Bender, and I live at 6518 Tandy Lane.

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

Jeff Bender: Yes.

Chairman McKee: Please proceed, sir.

Jeff Bender: We're fine with a lot that he wants to do. I don't know what the difference is between an agricultural building and residential building it. If he wants a couple of goats for his kids, that's fine too. It's all well and good with me. But if it can be zoned R-1, both of them, then I don't have a problem with that either.

Chairman McKee: Did I understand you, you don't have any problems with the goats?

Jeff Bender: No, I don't.

Chairman McKee: Ok.

Jeff Bender: Just for a period of years, or whatever. But, one (1) question I do have is, is does that just pertain to him? If he were to sell the place or some reason or whatever, you know.

Chairman McKee: Mr. Fridy, could you respond?

Tommy Joe Fridy: If the Planning Commission were to move to recommend that this be rezoned Agricultural (AG), and consolidated, and they made a stipulation that the recommendation is conditioned on him signing an agreement that that is the only thing he would use it for. Then if someone else bought it, they couldn't use it for anything else either without coming back to the Planning Commission.

Jeff Bender: Hmm.

Tommy Joe Fridy: No matter what you do, somebody could come back to the Planning Commission and ask to change it. So, the answer is a future owner couldn't do anything he can't do.

Jeff Bender: Right.

Tommy Joe Fridy: It'll be recorded at the Courthouse, and a restriction on his property that it can only be used for that purpose.

Jeff Bender: Right, but he can still do the same thing with R-1?

Tommy Joe Fridy: He can still do the same thing in R-1, except raise the goats.

Jeff Bender: Except raise the goats, ok.

Chairman McKee: We thank you all for your comments, thank you very much.

David Williams: Mr. Fridy?

Chairman McKee: Yes sir, go ahead.

David Williams: If we motion that we approve this rezoning, and not allow any commercial agricultural activities, would that pretty much cover everything.

Tommy Joe Fridy: I think we're going to have to word it... I said it that way to make it clear to Mr. Butler, but we're going to have to carefully craft it, draft it so that he can raise trees but he can't do...and he can have his accessory building but he can't do all the other laundry list of things in the Agricultural zone.

But, I wanted to make it broad that he couldn't do anything else, and then we can back into it a little bit to allow existing... the raising of trees, and...

Chairman McKee: Commissioner Bell?

Doug Bell: I just have a question for Mr. Fridy. So, it sounds like what you're trying to do is just make it a pretty simple recommendation or ask that question, but it sounds like with some document, should the motion be approved, that Mr. Butler... it's pretty detailed. Are we getting in the weeds with this? What precedence do we have for this, I guess is...?

Tommy Joe Fridy: It's something we do very frequently.

Doug Bell: When was the last time...

Claudia Wayne: There is a Land Use Restriction that is recorded with a rezoning that would stipulate on there the condition that there could only be two (2) goats, or whatever. Whatever the wording should be would be on that Land Use Restriction, and it's recorded at the Courthouse.

Doug Bell: No, I understand that. It just...so it has to be that... it's got to be that finite? Is that what we're...

Tommy Joe Fridy: It needs to be that finite, but it will be worded in the opposite. You can't do anything else other than. Because, agriculture is broad.

Doug Bell: I understand that.

Tommy Joe Fridy: You can have a hog parlor, a lot of other things... a chicken house, things that could be offensive in a residential area.

Doug Bell: I understand that.

Tommy Joe Fridy: No matter that his house and a lot of other houses along there are zoned agricultural. They're residential uses in an agricultural zone, and there is a fair amount of that in the county because agriculture was agricultural zone was the zone until it got changed to something else. And the reason that subdivision is residential is because after we adopted zoning in the '70's, someone wanted to build a subdivision so they had to get it zoned agricultural. More than likely, those lots were already there, and maybe the houses were already there to build houses on.

And now that we know about it, it's an area that the Planning Commission needs to look at and maybe look at rezoning all of that residential. But, to answer your question specifically, it's something we routinely do. It's very common to use a Development Plan. You've heard the words in here, Narrative Development Plan; it happens in a meeting but it happens more that it's worked out before you get here and the Development Plan is written and signed, and maybe it's altered a bit here, but it's not uncommon there are hundreds of them in the county.

Doug Bell: Thank you.

Chairman McKee: So, let's get the wording as clear as we can get it for a motion if one is to be add.

Tommy Joe Fridy: Does anyone else want to speak?

Chairman McKee: Oh, is there anyone else who would like to speak for or against this application?

Yes sir, please come up you're on the record; you're sworn in.

Jeff Bender: That subdivision is actually not old, it started in the 90's, it was not '78.

Tommy Joe Fridy: No, my point was it was started after zoning was adopted.

Jeff Bender: Yeah, ok.

Tommy Joe Fridy: So, it had to be...

Jeff Bender: A fairly, new subdivision.

Tommy Joe Fridy: An R-1 subdivision.

Jeff Bender: Yeah, ok.

Tommy Joe Fridy: If it had been in the 60's, it could have been an Agricultural zone with a bunch of lots.

Jeff Bender: Right, ok.

Chairman McKee: Thank you, sir.

Tommy Joe Fridy: Sorry I wasn't clearer.

Chairman McKee: Yes ma'am, please come up.

Will you please state your name and address for the record?

Rhonda Steele: My name is Rhonda Steele, I live at 6512 Tandy Lane.

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

Rhonda Steele: Yes, I do.

Chairman McKee: Please proceed, Mrs. Steele.

Rhonda Steele: The only thing I want to make sure of here before we do anything else, and I really don't understand why his property isn't changed to residential, ok. We've got issues at my house anyway. There's a lot across the street from me that, for whatever reason, we can't get somebody to make sure that they get it mowed. So, the grass stays about this high, it's not been mowed one (1) time this year. Somebody came out, nicely, came out here with a bush hog. Years before that, we've had to complain to get somebody to come out there and mow it because the house burnt down and it still sits there. So, this is a bad reflection on my home if I wanted to sell it.

Now, Mr. Butler, I don't have anything against him, but I want to make sure that the front property and the back of my property is not brought down on value because somebody is not doing what they said they were going to do. And so, that is my biggest concern, is to be able to enjoy my property, and if I was to sell it I don't have this lot across the street that looks like a field, or weeds, and the same thing on the back side with that being livestock, or smell that nobody is going to want to buy my house.

So, that's my only concern. It's not anything against Mr. Butler, but I have to consider the value of my property going down if somebody doesn't do what they were supposed to after we've dealt with what we have across the street from us for at least ten (10) years. Every time that thing has been mowed, almost every year, we have had to call and complain to get somebody to come out there and mow it.

So, why they can't sell the property, I don't know, that's not my business. But, I do know that's what I deal with and that's what I see in the front every day. I don't want to look in the back, and if he sells it and somebody else comes in there and I've got horses, or I've got stink, I've got manure, I've got whatever back there... that ruins the front and the back of my property.

So, that's my only concern that is my biggest concern.

Chairman McKee: Just a moment, any questions for Ms. Steele?

David Williams: Where is your lot on this?

Rhonda Steele: My lot is directly...

Brian Bishop: Would you use the pointer please?

Chairman McKee: Back up just a little please so we can still hear you.

Rhonda Steele: This is mine right here. The horses are back here, but this property is mine right here. This house right here is the lot that the house burnt down on, that is not being mowed.

Chairman McKee: So, you do join this subject property.

Rhonda Steele: Yes, yes.

Chairman McKee: Is there a fence?

Rhonda Steele: There was a barbed wire fence, we put a five-foot (5') chain link fence up with permission from Mr. Abram that used to own that property, yes.

Chairman McKee: Thank you Ms. Steele.

Rhonda Steele: Yep.

David Dixon: Is the property maintained?

Chairman McKee: Uh, just a minute, please.

Rhonda Steele: Do what?

David Dixon: Is the property, as it is maintained now, causing any issues for you?

Rhonda Steele: Not now, no. I have always mowed from the time we've live there, the back of the fence had a gate that they allowed us to have and we have maintained keeping the blackberries, and weeds, and everything off of our fence; the growth to come up over it. So, we have maintained that the entire time we've been there.

As of right now, yes, Mr. Butler just came out and mowed it. But, that's only like the second time you've mowed it, so. I know you had Mr. Priest...

Joseph Butler: ...since I've spent ten thousand dollars (\$10,000) ...

Rhonda Steele: I know you had Mr. Priest come out there and do the leveling and all that but, you know, the biggest thing is making sure that it's maintained, and it not get into the hands of somebody else if he sells that is not going to do that.

Yes sir?

Chairman McKee: Mr. Fridy?

Tommy Joe Fridy: This has been here two (2) months, and you were here a month ago.

Rhonda Steele: Yes, sir.

Tommy Joe Fridy: You ask the question, you didn't know whether you could ask a question of the applicant, and the answer is you can ask any question you want to but, you don't turn around and ask him.

Rhonda Steele: I'm sorry.

Tommy Joe Fridy: The way you do it, is if you have a question you want him to answer, you ask the Chairman. The Chairman will direct the question to him. So, to answer the question you asked last month, you can ask any question you want to, if you had one.

Rhonda Steele: Ok.

Chairman McKee: Was there a question in there?

Rhonda Steele: I didn't think so.

Tommy Joe Fridy: I didn't think so either, but you...

Rhonda Steele: All I did was turn around and tell Mr. Butler... I don't have...

Tommy Joe Fridy: You didn't do anything improper. I was trying to make the point because last month you seemed unsure whether you could ask a question, and I was trying to make it plain to you and everybody else that you can.

Rhonda Steele: Ok.

Tommy Joe Fridy: You may ask questions.

Rhonda Steele: Ok.

Chairman McKee: Just for your information, it sounds to me like there may be a codes maintenance issue on the property across the street from you, and the Codes Administrator for the County is here tonight. So, Mr. Tasa in the green shirt on back there, I think he would be willing to entertain any question you may have of him before you leave as well.

Ms. Steele, we thank you for your comments. We thank you very much.

Any other questions for Mr. Butler or staff?

Dickie Johnson: I've got a question. Brian?

Brian Bishop: Yes sir.

Dickie Johnson: The property that is zoned R-1 directly behind Joe's property, the 87A-109...

Brian Bishop: This one?

Dickie Johnson: Yes. Do you know if that one is being used as R-1 or is it being used as AG?

Claudia Wayne: It's got a house on it.

Dickie Johnson: It's got a house and barn on it but that's all I can...

Brian Bishop: Commissioner Johnson, as far as I know it's just a residential use, from my past experience in the Codes Department and GIS data.

Dickie Johnson: Ok.

Chairman McKee: Would you like to ask Mr. Tasa?

Dickie Johnson: Well, I'm just wondering if we're going to open up, you know, other zoning change requests from other property owners in the area if anything is done to this piece of property. I'm not real sure who the original property on that area when they sold it off and subdivided it.

Brian Bishop: Commissioner Johnson, I can't tell you who the original owner was, but the property that is now Tandy Hills was initially rezoned in Rezoning #233 in 1978.

Chairman McKee: Any other questions for staff or Mr. Butler?

David Dixon: Just in case we had a Land Use Restriction concerning two (2) goats, what period of years should that last? I don't know the age of your children.

Brian Bishop: Mr. Butler, would you come to the microphone please?

Chairman McKee: Would you mind, Mr. Butler to start with the age of your children and then coming forward again, please?

Joseph Butler: Sure thing. 2, 4, 10, 13, 17, and we're still growing.

Chairman McKee: I understand, there could be goats for a long time.

Joseph Butler: I don't plan on leaving that property, ever.

David Dixon: So, the restriction that would prohibit any livestock at all, forever, is ok?

Joseph Butler: Yes, I don't care. I'm not going to be a farmer. I certainly don't want to worry about smells. It just means I can't have a horse. Well, that's more work I don't have to do, I don't care. It's alright. But, that piece of property that you see that we talking about, and that it does adjoin their beautiful properties on the backside, good neighbors, and great homes; I don't know if anyone had forgotten but there were worse conditions behind that. That lot was grown and horribly, and it cost a pretty penny to get it cleaned off to make it presentable. There was a whole lot of mess, and animals coming out of there and different things, briars, trees, and just bad... it didn't look good. It was not a pretty site in your backyard.

Brian Bishop: Sorry to interrupt. I'm a little confused myself. You're agreeing to a rezoning with the limitations of no animals at all? No agricultural animals at all?

Joseph Butler: Yeah, I don't care. He just told me that's what he would do being that my kids were in 4-H, which made good sense, you know. You could do it if it was a thing where we're already this far, we're trying to get it zoned for this, which is what we started. We could limit it to two (2) farm animals, you know, one (1) chicken, one (1) goat; I don't...

Tommy Joe Fridy: Two (2) goats.

Joseph Butler: I don't know.

Tommy Joe Fridy: You're getting into...

Joseph Butler: That's what Herb said a minute ago... about the whole... just put no animals in, I'm easy.

Brian Bishop: I'll try to make this as simple as possible...

Dickie Johnson: In defense of Joe, and I've known him for years but, when you've got kids... the kids you have now may want goats. The next two (2) may want a pig, or a calf. I mean, they raise them all, so this is something that we need to consider, and you need to consider; it would probably be a whole lot simpler to just say no livestock animals.

Brian Bishop: It would, and he could always come back with an amendment to the rezoning.

Dickie Johnson: Yep.

Joseph Butler: I would still like it to be Ag and approved so I can start building my building, but no livestock.

Chairman McKee: Just as a matter of clarity, there are many things that can be done under an Agricultural zoning. As I listen...

Joseph Butler: And no commercial use, sir.

Chairman McKee: The only restriction I'm hearing is animals. Go ahead, Mr. Fridy.

Tommy Joe Fridy: Earlier I asked if you would be agreeable to doing none of the things that are permitted in an Agricultural use other than, building an accessory building, trees, grass, that kind of thing.

Is that agreeable to you?

Joseph Butler: Yes.

Tommy Joe Fridy: Ok. Let's leave it there, and if somebody makes the motion, we're talking about a Development Plan. It's conditioned upon a Development Plan that he will sign within the next three (3) weeks.

Brian Bishop: Mr. Chairman, can I jump in? I think I can simplify this even more. Mr. Tasa, would you mind coming to the mic please?

Mr. Tasa, please correct me if I'm wrong. Assuming this property was rezoned to Agricultural, and it was consolidated. The primary use of that parcel becomes the one (1) family residence, correct?

Randy Tasa: Yes.

Brian Bishop: No other uses can be on that property, other than one (1) family residence; no commercial uses at that point?

Randy Tasa: The only thing that would be allowed is if he applied for a Conditional Use permit for a home occupation.

Brian Bishop: No primary uses, such as agricultural, commercial, anything like that. The use becomes one (1), five (5) acre lot with the residential house.

Randy Tasa: Yes. Of course, if it was zoned agricultural, and there were no stipulations, no land use restrictions on there you could still have livestock.

Brian Bishop: Correct, but I'm talking about other uses in the zoning ordinances.

Randy Tasa: That's correct.

Brian Bishop: Then, to address the ladies' concern before; are the grass heights the same according to the property maintenance ordinance Ag or residential? Are there a difference as far as grass heights?

Randy Tasa: The Public Nuisance Ordinance doesn't discriminate between agricultural or residential unless it's a hayfield for agricultural use. If it's a residential lot or it's an agricultural lot that has a house on it, and it's unsightly and grown up, the Public Nuisance Ordinance still addresses that.

Chairman McKee: For my clarity; are you saying that he could not grow corn or soybeans.

Randy Tasa: Well, it depends on what you put in this Land Use Restriction.

Chairman McKee: But, as it is now?

Randy Tasa: If it's zoned agricultural, you can grow livestock, horticultural; corn, beans, and stuff like that. But, there are lots out there in the county now that may not be agricultural but we've allowed them to... you know, they're large tracts of land that, they may have...

Tommy Joe Fridy: That's a totally different issue than we're dealing with.

Chairman McKee: That's not what I understood Mr. Bishop to be saying.

Tommy Joe Fridy: I respectfully disagree with what Mr. Bishop said.

Brian Bishop: I was referring to commercial use. For example, he could not have a commercial...

Randy Tasa: Like a dog boarding facility...

Brian Bishop: Or a dog boarding facility. Once that residential house is there, that's the primary use of that building or that property. Not to say he couldn't grow soybeans in the back because that... I'm not saying that. I was trying to address the concerns of boarding houses, sales of equipment, things that are allowed in the Ag zone.

Joseph Butler: Once again, I'm no farmer.

Tommy Joe Fridy: If you make a motion that requires a Development Plan that's agreeable to your counsel, for him to sign within three (3) weeks.

Chairman McKee: That will take all the...

Tommy Joe Fridy: That will take all the doubt out of...

Claudia Wayne: And the LUR (Land Use Restriction) has to be recorded, and that would be attached to it.

Tommy Joe Fridy: Sure, sure, sure, sure.

Claudia Wayne: But it's a written narrative, yeah.

David Dixon: Should the motion give us some idea what the Development Plan is trying to do?

Tommy Joe Fridy: Yes, but I fear that it will get confusing. The Development Plan will allow none of the uses in an Agricultural zone, other than an accessory building, trees, lake, and grass.

Chairman McKee: Just for clarity Mr. Butler...

David Dixon: Tress, lakes, and grass are allowed on residential lots, are they not?

Tommy Joe Fridy: I understand that, but we're not rezoning this, we're not recommending the county rezone this residential. We are recommending the county rezone it agricultural. So, we need to restrict all of those permitted uses, except a few things to make it not a tremendously complicated document.

Chairman McKee: Mr. Butler, will that satisfy your needs?

Joseph Butler: Sounds like it.

Chairman McKee: Ok, very good.

Joseph Butler: Animals and product, as far as corn or beans; it's good enough.

David Dixon: Can you grow a patch of sweet corn and sell it at the Farmers Market?

Joseph Butler: We do have a garden, but all of our neighbors have gardens, so it doesn't matter.

Brian Bishop: I think we're getting a little too far in the weeds.

David Dixon: Ok.

Tommy Joe Fridy: The best thing to do is zone it R-1; we're way down this road.

Add gardens, it's a good idea.

David Dixon: So, you have a proposed subject-to then?

Tommy Joe Fridy: Yes. Subject to a written, Narrative Development Plan to be signed by the applicant within three (3) weeks that's agreeable to the attorney for the Planning Commission that will generally only permit a garden, an accessory building, trees, landscape, which would include grass. And you don't have to re-word that, you can say subject to what I said; because it's in the record.

David Dixon: Ok, very good.

Chairman McKee: Are you ok with that, Mr. Butler?

Joseph Butler: Yes.

Doug Bell: Is that timeframe ok for Mr. Butler? Was he agreeable to that timeframe?

Tommy Joe Fridy: We can't make it a lot longer than that because we have a timeframe from the time he filed his application.

Doug Bell: And I appreciate that, but if he can't meet it there is no sense in...

Tommy Joe Fridy: I agree. So, let's ask you one (1) other question, do you agree to extend the however many days, and I would have to look at the statute deadline for when this has to be approved, when this has to be sent to the county, and the reason why that's important here is because you filed this a month ago, and you weren't here. So, are you agreeable to that?

Joseph Butler: I'm not entirely sure what I'm agreeing to.

Tommy Joe Fridy: Ok, you're agreeing... there's a time limit in the statute that if the Planning Commission doesn't act, it gets sent to the County anyway, and that's not in your best interest... or I don't think it's in your best interest based on what you've said tonight.

So, I'm asking you to extend, to agree to not be bound, and the Planning Commission not be bound by that time limit.

Joseph Butler: The time limit to make a decision? Or... I don't understand.

Tommy Joe Fridy: A time limit for us to make a written recommendation to the County. And the reason I'm saying three (3) weeks is because that's enough time to get it to the County for them to make the final decision at their, a meeting a month from now.

Joseph Butler: So, you're saying it's going to be another month before I get to start building the barn, is that...

Tommy Joe Fridy: Well, you have to anyway. I mean, it doesn't matter, that has to be done. It's a several step process, this is the first step. Then the County has to approve. We make a recommendation to the County, then the County either approves or disapproves.

Joseph Butler: So, who calls me and says, hey Joe, here it is, sign it so we can get this...

Tommy Joe Fridy: It is your responsibility to keep up with it.

Joseph Butler: So, in three (3) weeks, who do I call?

Tommy Joe Fridy: Well, you wait and see what the Fiscal Court does the day that it's on their agenda. You can call the Planning Commission...

Claudia Wayne: He's asking what day he can come in the office and sign the agreement.

Tommy Joe Fridy: That's different. You can do that as soon as... if I were going to be here next week, we would do it next week but I'm on vacation. So, it's going to be the week after that, and somebody in the Planning Commission will call you to come sign; come and review it and see if you agree to it, then sign in.

Joseph Butler: So, in two (2) weeks, I come sign it, and then...

Tommy Joe Fridy: Then, it will go to the County.

Brian Bishop: Why don't you, not this coming Monday but the Monday after, why don't you give our office a call, and then we'll walk through it from there.

Joseph Butler: Alright. Do you have a card?

Brian Bishop: I'll get it for you.

Tommy Joe Fridy: Is the answer yes, that you're agreeing to that time extension? Otherwise, it's going to be, it's going to be sent to the County with no recommendation.

Joseph Butler: Yeah, I guess so, I mean because I don't care what it's zoned...

Tommy Joe Fridy: Is that a yes?

Joseph Butler: But the thing is, then that will put me even further back, right?

Tommy Joe Fridy: Is that a yes?

Joseph Butler: So, yes.

Claudia Wayne: Here you go, this is the Planning Commission number.

Chairman McKee: Did everybody hear what was just agreed to? And I'm going to invite you to make further comments, if you wish, based on what was just agreed to.

Jeff Bender: Yeah, we just want to know what the difference is between R-1 and Agriculture.

Chairman McKee: You'll have to come up to the podium please, sir.

Jeff Bender: Why don't we just move it to R-1 and be done with everything?

Brian Bishop: That decision is up to Mr. Butler. If he would like to withdraw this rezoning, and submit a new rezoning for next month, it's doable.

Jeff Bender: Seems like a whole lot of trouble for what you can and can't do. All you got to (inaudible), or the other... thank you.

Joseph Butler: I would have to ask Mr. Tasa. I don't know the stipulations of how they change as far as...

Chairman McKee: Let the record show Mr. Tasa is at the podium.

Randy Tasa: I think the big thing with him to withdraw and re-apply for rezoning of Residential would be the time crunch. I know when he came to my office a few months ago, he was wanting to get going on it as soon as possible. Last month, he didn't attend the meeting on time, it was tabled for this month. If he withdrew it and then re-applied again for Residential, he would be back another month behind.

So, that may answer the peoples question as far as why he wouldn't withdraw it and do Residential, it would put him another month behind.

As far as the difference between Residential and Agricultural zone, it's not going to affect your building. If you're wanting to use it for what you stated you want to use it for, whether it's zone Residential or Agricultural, you could still achieve that.

Joseph Butler: Whichever is the quickest way to get it resolved, I'm in.

Chairman McKee: Well the quickest, if it's approved, is on the current path that you're on, no question. So, we haven't had a motion or a vote yet, so we'll have to wait and see.

It is your decision, here tonight, on whether you want to proceed with the Development Plan with a Narrative Agreement included in it, or withdraw it and come back for a different kind of request for rezoning. If I understand you correctly, you would like to proceed, is that correct?

Joseph Butler: Please sir.

Chairman McKee: Thank you, Mr. Butler.

Joseph Butler: Thank you.

Chairman McKee: Thank you, sir.

So, we've had considerable conversation. Are we all clear on what the desired result by the applicant is? If anybody's not clear, now would be a good time to get clear.

By the way, is there a recommendation from staff?

Brian Bishop: Staff recommends approval.

Chairman McKee: On the basis that we just...

Brian Bishop: With a Narrative Development Plan.

Chairman McKee: Any other comments or questions from Commissioners?

Hearing none, the Chair will entertain a motion.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY DICKIE JOHNSON APPLICATION FOR REZONING # 1086 – SUBMITTED BY JOSEPH BUTLER FOR THE PROPERTY LOCATED IN HENDERSON COUNTY, ADJACENT TO AND WEST OF 4865 HWY 1078 NORTH (PID# 87A-99), IN OR NEAR THE COMMUNITY OF ZION, CONTAINING APPROXIMATELY 4.783 ACRES (THE “SUBJECT PROPERTY”). APPLICANT IS REQUESTING A ZONING CHANGE/MAP AMENDMENT FROM RESIDENTIAL-1 (R-1) TO AGRICULTURAL DISTRICT (AG) FOR CONSOLIDATION WITH AN ADJOINING HOUSE AND LOT.

I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE HENDERSON COUNTY FISCAL COURT (THE “COUNTY”) APPROVE REZONING APPLICATION # 1086 CHANGING THE ZONING CLASSIFICATION FROM RESIDENTIAL-1 (R-1) TO AN AGRICULTURAL DISTRICT (AG) ZONING CLASSIFICATION, FOR THE SUBJECT PROPERTY, SUBJECT TO THE CONSOLIDATION OF THE SUBJECT PROPERTY WITH 4865 HWY 1078, BEING FINALLY APPROVED AND RECORDED, SUBJECT TO A WRITTEN, NARRATIVE DEVELOPMENT PLAN AS DESCRIBED EARLIER IN THIS

MEETING BY THE COMMISSIONS LEGAL COUNSEL, 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 ADJOINING HOUSE AND LOT LOCATED AT 4865 HWY 1078 IS ZONED AGRICULTURAL (AG) AND THE SUBJECT PROPERTY, WHICH IS CURRENTLY ZONED RESIDENTIAL – 1 (R-1) CANNOT BE CONSOLIDATED WITH THE HOUSE AND LOT UNLESS THE TWO PARCELS HAVE THE SAME ZONING CLASSIFICATION.

THE EXISTING RESIDENTIAL-1 (R-1) ZONING CLASSIFICATION IS INAPPROPRIATE AND THE PROPOSED (AG) AGRICULTURAL DISTRICT ZONING CLASSIFICATION IS APPROPRIATE, BECAUSE:

- THE SUBJECT PROPERTY WAS INCLUDED IN PREVIOUS REZONING, #233, IN 1978, WHICH CREATED THE TANDY HILLS SUBDIVISION. ALTHOUGH PORTIONS OF SAID REZONING HAVE DEVELOPED RESIDENTIAL (R-1) AS THE TANDY HILLS SUBDIVISION, THE SUBJECT PROPERTY HAS NOT DEVELOPED R-1, AS WAS ANTICIPATED IN THE 1978 REZONING.***

- ***A LAKE, WITH UNEVEN TERRAIN, IS LOCATED ON THE SUBJECT PROPERTY, WHICH IS CONSISTENT WITH AN AGRICULTURAL ZONING CLASSIFICATION.***
- ***THE SUBJECT PROPERTY IS ADJACENT TO OTHER PARCELS CURRENTLY ZONED AGRICULTURAL, WITH SINGLE FAMILY RESIDENCES LOCATED ON THEM.***
- ***THE SUBJECT PROPERTY CONTAINS 4.783 ACRES BEFORE CONSOLIDATION AND WILL CONTAIN MORE AFTER CONSOLIDATION.***

THE PROPOSED ZONING CLASSIFICATION IS IN AGREEMENT WITH THE GOALS AND OBJECTIVES OF THE COMPREHENSIVE PLAN, IN THAT:

- ***WISELY PLAN FOR LAND USES IN APPROPRIATE LOCATIONS TO MAXIMIZE QUALITY DESIGN AND MINIMIZE THE ADVERSE IMPACTS OF DEVELOPMENT. (BALANCING LAND USE GOAL # 1)***
- ***PRESERVE AGRICULTURAL LAND, WHILE PROTECTING THE ECONOMY AND HERITAGE OF RURAL AREAS OF THE COUNTY. (BALANCING LAND USE, OBJECTIVE (J)).***

Chairman McKee: Would any Commission like to add findings of fact to Commissioner Dixon's proposal, to his motion?

We have a second. Do we have any comments? Madame Clerk, will you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Mr. Butler, we'll proceed accordingly. Thank you, sir.

Maybe it would be a good time to read your horoscope or... the Vice-Chairman had to take a short pause, but I don't want to adjourn the meeting so just hang in there with me, he'll be right back. Is that alright with you, Brian? Is that alright with you, Brian?

Thank you, sir.

When you get older, walking past the men's room is not a good idea, you need to stop.

Let the record show that Commissioner Williams is back in the room.

Next on the agenda is Rezoning #1087, it had been previously tabled, and so we'll need a motion and a movement to take that application off the table.

MOTION WAS MADE BY MAC ARNOLD, SECONDED BY DOUG BELL TO BRING REZONING #1087 OFF THE TABLE.

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: **Rezoning #1087** is back into the proceedings.

Mr. Bishop, are you going to handle the discussion on this please, sir?

Brian Bishop: Yes sir.

Chairman McKee: Thank you.

Brian Bishop: This is submitted by Douglas Hunter, II, for the property located at 2278 S Green Street, being Parcel ID #46-75, containing approximately .65 acres. The applicant is requesting a zoning change/map amendment from Agricultural (AG) to Highway Commercial (HC) for consolidation.

As you can tell on the map, the two (2) parcels nearest Highway 60 W/ Green Street are zoned Highway Commercial (HC). The property located to the rear, is zoned Agricultural (AG).

This is how the property currently looks except that the existing structure that was here, this residence, has been removed.

The applicant is requesting a zoning change in order to consolidate this parcel into the existing parcels that he currently owns. (Referring to GIS map projected on overhead screen) The property is currently being used as Heady's Pizza, and I will do my best to answer any questions you may have, and I believe the applicant is here as well.

Chairman McKee: Questions for staff?

David Dixon: Refresh my memory, why was this tabled?

Brian Bishop: The applicant was not present for this one either. We were 0 for 2 last week.

David Dixon: Ok. The large lot to the bottom of the screen, what is that zoned?

Brian Bishop: That is currently zoned Agricultural (AG).

David Dixon: It's not what this shows on this.

Brian Bishop: The white parcel, there?

David Dixon: No, the large lot to the bottom.

Brian Bishop: Oh, I'm sorry I thought you meant this one. This one is zoned Industrial. Commissioner Dixon, I'm sorry, I misunderstood.

You're talking about the farmland, here?

David Dixon: Yes.

Brian Bishop: That is currently zoned Industrial.

Chairman McKee: Any other questions for staff?

David Williams: So, Brian, let's see 46-76, 46-75 and... oh, ok I don't quite understand how it's written out there but ok, we're just talking about the two (2) lots there.

What is that little area between the pizza place and the light blue? What is that area?

Brian Bishop: This?

David Williams: No, that little area... where you have it... that's...

Mac Arnold: That's what we're trying to do...

Brian Bishop: This is what it currently looks like. You have two (2) existing parcels here, and then this third parcel would be consolidated to make all three (3), one (1) parcel. That is an existing parcel of record.

David Williams: Ok.

David Dixon: So, these would be consolidated and the lot would front on Green Street then?

Brian Bishop: Correct.

Chairman McKee: But the two (2) parcels next to Hwy 60 are already zoned correctly?

Brian Bishop: Correct. These two (2) are both Highway Commercial.

Chairman McKee: Thank you.

David Williams: Ok, sorry.

Chairman McKee: Any questions for staff?

Hearing none, Mr. Butler... excuse me, Mr. Hunter would you like to make a statement to the Planning Commission? Alright sir.

Please accept my apologies for incorrectly calling your name.

Any Planning Commissioners have questions for Mr. Hunter?

Hearing none, is there anyone here who would like to speak for or against this application for map amendment?

Seeing none, is there a staff recommendation?

Brian Bishop: Staff recommends to approve.

Chairman McKee: The Chair will entertain a motion.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY KEVIN RICHARD TO MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE HENDERSON COUNTY FISCAL COURT (THE "COUNTY") APPROVE REZONING APPLICATION # 1087 CHANGING THE ZONING CLASSIFICATION FROM AGRICULTURAL DISTRICT (AG) TO A HIGHWAY COMMERCIAL ZONING CLASSIFICATION, FOR THE SUBJECT PROPERTY, SUBJECT TO THE CONSOLIDATION OF THE SUBJECT PROPERTY WITH 2278

GREEN STREET (PID # 46-76), BEING FINALLY APPROVED AND RECORDED, THAT THE COMPREHENSIVE PLAN BE AMENDED CONSISTENT WITH THE COUNTY'S FINAL ACTION, IF APPLICABLE, 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 ADJOINING HIGHWAY COMMERCIAL LOT (HEADY'S PIZZA), LOCATED AT 2278 S. GREEN STREET/U. S. 60 WEST (PID# 45-75 & 45-76) IS ZONED HIGHWAY COMMERCIAL AND THE SUBJECT PROPERTY CANNOT BE CONSOLIDATED WITH IT UNLESS THE TWO PARCELS HAVE THE SAME ZONING CLASSIFICATION. THE APPLICANT OWNS BOTH PARCELS.

THE PROPOSED ZONING CLASSIFICATION IS IN AGREEMENT WITH THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN, WHICH SHOWS THE AREA DEVELOPING COMMERCIAL.

THE EXISTING (AG) AGRICULTURAL DISTRICT ZONING CLASSIFICATION IS INAPPROPRIATE AND THE PROPOSED HIGHWAY COMMERCIAL ZONING CLASSIFICATION IS APPROPRIATE, BECAUSE:

- *THE PARCEL IS BEING CONSOLIDATED INTO EXISTING LOT(S) OF RECORD WHICH IS/ARE ZONED HIGHWAY COMMERCIAL. THE CURRENT USE OF SUCH EXISTING LOT(S) OF RECORD (PID # 46-75 & 46-76) IS A RESTAURANT (HEADY'S PIZZA).*
- *THE PARCEL IS SERVED BY ADEQUATE UTILITIES.*
- *THE PARCELS IN THE GENERAL AREA HAVE MIXED USES, NONE OF WHICH ARE INCONSISTENT WITH THE RECOMMENDATION.*
- *THIS RECOMMENDED HIGHWAY COMMERCIAL ZONING CLASSIFICATION OF THE SUBJECT PARCEL WILL NOT ADVERSELY AFFECT THE OTHER PROPERTIES IN THE AREA.*

THERE HAVE BEEN MAJOR CHANGES OF AN ECONOMIC, PHYSICAL, OR SOCIAL NATURE WITHIN THE AREA WHICH WERE NOT ANTICIPATED IN THE ADOPTED COMPREHENSIVE PLAN, WHICH HAVE SUBSTANTIALLY ALTERED THE BASIC CHARACTER OF THE AREA.

- *HWY 60 W/S GREEN STREET/OLD CORYDON ROAD, HAS BEEN WIDENED TO ALLOW FOR A GREATER VOLUME OF VEHICULAR TRAFFIC IN ADDITION TO THE CONSTRUCTION OF BIKE LANES AND*

SIDEWALKS. THIS ALLOWS FOR MULTI-MODAL FORMS OF TRANSPORTATION.

THE PROPOSED MAP AMENDMENT IS IN AGREEMENT WITH THE GOALS AND OBJECTIVES OF THE COMPREHENSIVE PLAN, IN THAT:

- ***ENCOURAGE INNOVATIVE, SAFE, AND SUSTAINABLE DESIGN FOR NEW DEVELOPMENT AND/OR INFRASTRUCTURE. (LAND USE OBJECTIVE F).***
- ***PROMOTE AESTHETICALLY PLEASING COMMERCIAL DEVELOPMENT WITH APPROPRIATE ACCESS, SIGNAGE AND LANDSCAPING WHILE DISCOURAGING STRIP COMMERCIAL DEVELOPMENT. (LAND USE OBJECTIVE H).***
- ***PROMOTE THE CONTINUED OPERATION AND EXPANSION OF COMMERCIAL FACILITIES. (GROWING THE ECONOMY OBJECTIVE, A).***

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

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

Chairman McKee: Would any Planning Commissioner like to add findings of fact to those that were mentioned by Commissioner Williams?

Hearing none, we have a motion and a second; Madame Clerk, will you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be. Thank you, sir. Good luck.

Next on the agenda, Item C, **Amendments to the Henderson City Zoning Ordinance, Appendix A Zoning.**

Mr. Bishop, are you going to lead that discussion?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: As the Planning Commission members will probably remember, KRS 100.211 requires that the Planning Commission hold a minimum of one (1) Public Hearing regarding Zoning Text amendments. The Legislative body then acts on our recommendation, and in this case, it will be the Board of Commissioners. The Board of Commissioners have originated a Zoning Text Amendment regarding swimming pools, and basically how they are fenced.

I have talked to Mr. Ray Nix and I think it's probably best for him to lead the discussion in this because he will be the one giving the details

of the matter. So, at this time I would like to invite Mr. Nix to the podium.

Chairman McKee: Mr. Nix, please state your name and business address.

Ray Nix: Ray Nix, 1990 Barret Court.

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

Ray Nix: Yes sir, I do.

Chairman McKee: Please proceed.

Ray Nix: How this originated was we were having... I found some inconsistencies in our building codes. The City had not only adopted not only the International Property Maintenance Code, but also, obviously the Kentucky Residential Code; those two (2) were in conflict with respect to swimming pools. Three (3) or four (4) years ago, the State omitted, deleted above ground swimming pools from the Code book, and so that created an issue not just for fencing but our biggest issue right now is placement of pools properly. Therefore, if you don't have a permit process for us to review pools can be placed virtually anywhere, and every summer more of them start popping up. As you know the city lots are much smaller, utility easements encroach, access points for utilities encroach, and so there are regulations that all the utilities have as far as distances away from structures. So, this would be considered an accessory structure.

Therefore, the wordage and the ordinance change and coming to you our primary thing is to make sure that we're able to permit both inground as well as above ground pools.

That is the short summary.

Chairman McKee: Any questions for Mr. Nix?

Brian Bishop: Mr. Nix, would you mind addressing...

Ray Nix: I will, if there are any questions on anything else.

I think I covered, obviously, the smaller lot size and the cities, again placement of proper setbacks, utility easements, and utility services that... for an example the electric utility, at the first of the year had new regulations and that provided certain distances away as well as heights that structures could be placed. I have seen pools as well as accessory buildings placed incorrectly, and so we're having to go back through and see where we can grandfather, where we can go back and try to get people to adjust their locations on some of these; and by permitting hopefully we can be on the front end instead of on the back end.

There are some additional language that I think would be important to be added to this if you so desire. They are basically safety-oriented things regarding above ground pools. Added safety and protection should be provided for above ground pools by providing a protective barrier at the entrance and/or steps accessing the pool. Those are sometimes called safety pool ladders or locking pool ladders. This is one thing, that in a general discussion that the Board of Commissioners did indicate they felt very positive about.

Another item is if decks are added to the perimeter of an above ground pool, then a requirement for barriers and guards as described in the Kentucky Residential Codes Section 3.12 will apply.

Another item is if above ground pools are inset into the ground, thereby compromising the exterior wall height, then the pool will be considered

an inground pool and all requirements of the Kentucky Residential Codes, current edition, will apply.

Basically, what you have or in most cases are 48” to 54” inch above ground pools, and they have been considered... this is why I believe the State took them out of the code is those actually act as barriers; 48” to 54” inches. So, in this case again we’re looking for some safety items to at least accommodate that, and these ladders for the above ground pools would do that as well as a couple of other items I mentioned as far as safety.

Chairman McKee: Questions for staff or Mr. Nix. Yes sir.

David Williams: Mr. Nix, how much will this cost the landowner, and how much time will it take do you think?

Ray Nix: Permits are about twenty dollars (\$20).

David Williams: And the process will take about how long?

Ray Nix: Twenty-four (24), forty-eight (48) hours.

David Williams: Thank you.

Chairman McKee: Other questions?

David Dixon: As far as these additional requirements, the specifics of these... all this is covered by the Kentucky Residential Codes already, is that correct?

Ray Nix: Not the parts with respect to above ground pools. Inground pools are required to have a permit currently.

David Dixon: Yes, but I’m talking about Items 5, 6, and 7; those are also covered by the Kentucky Residential Code are they not?

Ray Nix: No, they are not. That's why I mentioned them specifically, and if there is a reference to the code then that's what would apply if one phase did not work out the way it's designed.

David Dixon: The way I'm reading this is if, for example in six (6) and seven (7) if you make these changes to above ground pools...

Ray Nix: If you make the changes to the above ground pools...

David Dixon: Then we are going to treat them...

Ray Nix: Then we are going to treat them as if they were part of...

David Dixon: The Kentucky Residential Code?

Ray Nix: That is correct.

David Dixon: Which, apparently that code does not cover these situations now...

Ray Nix: ... for above ground pools, that's correct.

David Dixon: It's going a step beyond Kentucky Residential Code.

Ray Nix: Well, it's a safety catch to make sure that it follows the Kentucky Residential Code.

Brian Bishop: Mr. Nix, Section 3.12; could you elaborate on that maybe that would help make some sense. Is that the section that specifically deals with decks?

Ray Nix: Yes, it does.

David Dixon: I'm ok with your answer, thank you.

Chairman McKee: Any other questions for Mr. Nix or staff?

David Williams: This verbiage, you're in agreement with this, and you think it's justifiable and good to do?

Ray Nix: Yes.

Chairman McKee: Any other questions for Mr. Nix? Thank you, sir, we appreciate your time.

This is a Public Hearing for the purpose of recommending those items in C. Is there anyone here who would like to speak for or against these changes to the City Zoning Ordinance?

Hearing none, the Chair will entertain a motion.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY GARY GIBSON TO APPROVE THE AMENDMENTS TO THE HENDERSON CITY ZONING ORDINANCE, APPENDIX A REGARDING POOLS; INGROUND AND ABOVE GROUND. ADDING SECTIONS 1 THROUGH 7.

Chairman McKee: We have a motion and a second.

David Dixon: Don't we need to add Sections 1, 2, 3, and 4 too?

Brian Bishop: That is correct. It is Sections 1 through 7.

Chairman McKee: Sections 1 through 7?

Brian Bishop: Correct.

Chairman McKee: Of Section 4.17.

Brian Bishop: Can I explain that real fast? Mr. Nix can explain this better than I can actually.

When the text amendment was originally originated with the Board of Commissioners, they inadvertently left out numbers 5, 6, and 7. Mr.

Nix is requesting that the Planning Commission add 5, 6, and 7 to their original request.

Chairman McKee: Of Section 4.17?

Brian Bishop: 4.17 is currently blank. We would be adding Items 1 through 7 in Section 4.17.

Chairman McKee: That's your motion, Bobbie?

Bobbie Jarrett: Yes.

Chairman McKee: We have a motion.

Gary Gibson: Second.

Chairman McKee: 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.

The Chair will now entertain a motion to go out of **Public Hearing**.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY DOUG BELL TO GO OUT OF PUBLIC HEARING.

Chairman McKee: Any discussion? 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 **August Finance Report**. Mrs. Curtis, you're going to lead that conversation?

Theresa Curtis: Yes, sir. We're twenty-three percent (23%) of budget for the month of August. If you have any questions, I'll be glad to answer them.

MOTION WAS MADE BY DOUG BELL, SECONDED BY DAVID DIXON TO APPROVE THE AUGUST FINANCE REPORT AS PRESENTED.

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

ALL IN FAVOR: AYE

Chairman McKee: Any opposed?

OPPOSED: NONE

Chairman McKee: Finance Report is approved as presented.

Next on the agenda is the **Bond Report**. Mrs. Wayne, are you going to lead that discussion?

Claudia Wayne: Yes.

Chairman McKee: Please proceed.

Claudia Wayne: We have Merrill Place Subdivision; we're accepting the sidewalks, this is in Section II, and we're releasing erosion control.

Palmer Oil; we are extending, they're almost finished with it, and we're extending it and leaving the amount the same.

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, is there any discussion? All those in favor signify by saying aye.

ALL IN FAVOR: AYE

Chairman McKee: Any opposed?

OPPOSED: NONE

Chairman McKee: The Bond Report is approved.

Next on the agenda is **Popeyes-Henderson Site Plan**. Mrs. Wayne, are you going to lead that one?

Claudia Wayne: Yes sir.

Chairman McKee: Please proceed.

Claudia Wayne: This is submitted by developer JPL Management, Inc., and Matthew O'Bryant, owner, for the property located in the City of Henderson at 34 North Green Street (PID#2-6-6-10). Applicant is requesting site plan approval for a Popeye's Restaurant.

This is located where the old Hazelwood gas station is and the paint store behind it. They are proposing a 3,138 square foot building. They will have a right-in only off of Green Street, and then on First Street they will have an entrance and exit off of there.

We have all the approvals. This will be subject-to, and I do have a sheet in front of you all with all of this on it. If you do approve it, it will be subject to bonding for erosion control for \$7,195; entrance, curb and gutter for \$23,000; sidewalks, \$29,500; with a total of \$59,695.

Subject also to a copy of the State Encroachment Permit, and the consolidation plat. Staff does recommend approval.

If you have any questions, I'll try to answer them the best I can.

Chairman McKee: Questions for staff?

You did such a good job, Claudia.

Claudia Wayne: Thank you.

Chairman McKee: You really did.

Claudia Wayne: Mine was short.

Chairman McKee: Does anybody want to change their mind, don't let her off that easy.

Claudia Wayne: There is someone here representing Popeye's if ya'll have any question of him.

Chairman McKee: Would the Commission like to hear from the applicant representative?

Please come up. Will you state your name and address for the record please?

Daniel Whitley: Daniel Whitley with Arnold Consulting Engineers, 1136 South Park Drive.

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

Daniel Whitley: Yes sir.

Chairman McKee: Please proceed, sir.

Daniel Whitley: I don't really have anything to add to the Staff Report but I will be happy to address any questions that the Commissioners may have.

Chairman McKee: Thank you sir. Questions for the applicant?

Claudia; she's smooth, isn't she?

Daniel Whitley: Yeah.

Chairman McKee: Thank you, sir.

If there are no other questions, the Chair will entertain a motion.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY GARY GIBSON TO APPROVE THE POPEYES HENDERSON SITE PLAN SUBMITTED BY DEVELOPER JPL MANAGEMENT, INC., AND MATTHEW O'BRYANT, OWNER, FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON AT 34 NORTH GREEN STREET (PID#2-6-6-10). SUBJECT TO A COPY OF THE STATE ENCROACHMENT PERMIT, A CONSOLIDATION PLAT, AND BONDING FOR EROSION CONTROL FOR \$7,195; ENTRANCE, CURB AND GUTTER FOR \$23,000; SIDEWALKS, \$29,500; FOR A TOTAL AMOUNT OF BONDING \$59,695.

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

Madame Clerk, will you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be.

The next item on the agenda has been withdrawn at the request of the counsel of the City.

So, we're moving on to number five (5), which is the **Agricultural Division on Griffin Graves Creek Rd.** Mr. Bishop, are you going to lead that one?

Brian Bishop: Yes, sir.

Chairman McKee: Please proceed.

Brian Bishop: This is submitted by Gerald Jones, Jacquelyn Pearce, and Bryan Wellmeier owners of the property located in Henderson County at 14479 Griffin-Graves Creek Road. The applicants are requesting approval for an Agricultural Division to separate one (1) parcel into two (2) tracts.

This is probably going to be the hard one for the night because this is a lot different than what we're used to seeing.

Typically, we see Ag. Divisions where they are all contained on one (1) side of the road. This tract, that you'll see here (referring to GIS map on screen), is currently one (1) tract legally; it is one (1) deed. It is dissected by the existing Griffin-Graves Road. This property has existed for decades, and probably pre-dates the counties maintenance for Griffin-Graves Road.

When you look at the deed, it actually refers to Ferry Road I believe is what it's called in the deed but it's actually what we call Middle Delaware Road now.

So, this parcel legally exists as one hundred seventy-five (175) acre tract even though it's dissected by an existing County road.

What the applicant, Theresa would you mind going to the Ag. Division now please? What the applicant is proposing is dividing that into two (2) acres.

The first part would be sixty-four (64) acres and would be on the south side of Griffin-Graves Road, except for two (2) acres where the existing barn is. Which leaves a balance of one hundred-eight (108) acres on the opposite side of the road. Since this is an Ag. Division, they would not

be required to dedicate right of way and easements like we would typically see in a subdivision. So, this is a really, odd case. Then, when the applicant initially came to the Planning Commission, my reaction was going to be, no, we can't do that. But, after consulting with Mr. Fridy which I would gladly let him chime in here if he has anything to add, we believe this can be done as an Ag. Division even though it's a bit un-orthodox and it's not what we're used to seeing.

So, with that, I will do my best to answer any questions because I'm sure you have many.

Chairman McKee: Questions for staff?

David Dixon: Ok, so we've got this large lot that extends on both sides of the road.

Brian Bishop: I'm sorry, Commissioner Dixon?

David Dixon: We've got the large acreage that extends on both sides of the road substantially.

Brian Bishop: Correct. Actually, this drawing is not right. The property is one hundred seventy-five (175) acres and it is these two parcels on GIS. GIS is showing it at two (2) parcels even though it does not exist that way.

David Dixon: All I got, I didn't get any kind of aerial photography or anything in this packet, I'm not seeing anything but a simple drawing.

Kevin Richard: So, Brian if I understand correctly, if it wasn't for that little peninsula on the one lot, Griffin-Graves would be a natural boundary now between the two (2) lots?

Brian Bishop: Currently it is a natural boundary. What we are proposing to do...

Kevin Richard: But you're saying that it goes through the current, existing lot so it's not currently a natural boundary because it's all plotted one (1) ...

Brian Bishop: Well, it's a natural boundary in reality but when you come to the deed it's not a natural boundary. I think we're saying the same thing.

Kevin Richard: Basically, the plan was to split it there except for that peninsula, that's what makes it kind of messy is what you're saying.

David Dixon: I don't think it's unusual to have farms that cover both sides of the road.

Gary Gibson: No.

Brian Bishop: Well, it's unusual for me, I'll put it that way. It was the first time I had seen it. I think what tripped Claudia and I up was the little peninsula, as Commissioner Richard called it, across the road. That was an oddity to us.

Claudia Wayne: To consolidate across the road... I was thinking we've never seen that one.

Mac Arnold: In other words, if you set one (1) tract on this side of Griffin-Graves Road that it would have been no problem. But, it's when you add that little extra lot...

Brian Bishop: I think a lot of it is probably Staff's inexperience with something like this in that we've never seen it. If it had just come in with just two (2) tract dissected as it is naturally, we wouldn't have thought twice about it. But, showing that one (1) finger, I thought it was un-orthodox, and I wanted to make sure if it was even legally able to be done to create one (1) lot that crossed the road.

Chairman McKee: Did you explain why he wants to do that? Why he wants to leave that finger in the parcel on the other side of the road?

Brian Bishop: Well, Chairman McKee, I would love to leave that to the applicant and his attorney.

Chairman McKee: Mr. Fridy, do you have a comment?

David Dixon: We're not actually cutting that little finger or... that's staying with... as part of the lot below the road.

Brian Bishop: Correct.

David Dixon: Nothing's changing on it, it's what's surrounding it that's being changed.

Brian Bishop: The portion to the north and northeast is the new division in a sense.

David Dixon: Yes.

Chairman McKee: Mr. Fridy has the floor.

Tommy Joe Fridy: There's absolutely nothing wrong with this application.

Chairman McKee: Nothing wrong with it. Is there anything wrong with being curious about why it's being done?

Tommy Joe Fridy: No, no, no. If you want to get into the history, and take another five (5) or ten (10) minutes we'll talk about it some more.

Chairman McKee: The Chair would like to do that.

Tommy Joe Fridy: The way they originally submitted it, it was creating a separate lot where it protrudes on the other side of the road, and that's not permissible. It didn't qualify for an agricultural lot. So, it would have... it was doable but it was going to be, it was going to take more steps and that wasn't what they were asking for.

What they were asking for was to do this. One (1) agricultural lot goes across the road, absolutely nothing wrong with that. And the other agricultural lot goes around that protrusion there; nothing wrong with that, they're both large acreage, they're both being used for agricultural purpose.

***MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY
MAC ARNOLD APPROVE THE AGRICULTURAL DIVISION ON***

GRIFFIN-GRAVES CREEK ROAD, SUBMITTED BY GERALD JONES, JACQUELYN, AND BRYAN WELLMEIER OWNERS OF THE PROPERTY LOCATED IN HENDERSON COUNTY AT 14479 GRIFFIN-GRAVES CREEK ROAD. APPLICANTS ARE REQUESTING APPROVAL FOR AN AGRICULTURAL DIVISION, TO SEPARATE A PARCEL INTO TWO (2) TRACTS.

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

Yes sir? The address is incorrect. Would you mind to come up and correct the address please, sir? I've been looking forward to swearing you in all afternoon.

Will you please state your name and address for the record?

Bryan Wellmeier: Bryan Wellmeier, 14479 Griffin-Graves Creek Road, Henderson.

Chairman McKee: And do you swear that you're going to tell the whole truth and nothing but the truth?

Bryan Wellmeier: Nothing but the truth, yes sir.

Chairman McKee: So help your lawyer?

Bryan Wellmeier: Yes.

Chairman McKee: Please proceed Bryan.

Bryan Wellmeier: On the plat as it's drawn, he has the address wrong. It's supposed to be 14479, he has 15479.

Dickie Johnson: Well, that's what written, I just read...

Chairman McKee: It's just a type-o.

Bryan Wellmeier: It's just a type-o.

Dickie Johnson: You need to correct that to read 14479.

Bryan Wellmeier: Yes sir.

Dickie Johnson: Ok.

Mac Arnold: I'll re-second.

Chairman McKee: Thank you very much, sir. Thank both of you.

Dickie Johnson: Sorry about that.

Chairman McKee: So, we have a corrected motion.

Madame Clerk, will you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be.

Next on the agenda is Administrative Business, **Continuing Education for Easement Workshop**. Mr. Bishop?

Brian Bishop: Yes sir. Staff would like to request that the Planning Commission approve a workshop that was presented on August 9 by Mr. Dennis Branson to the technical advisors of the Planning Commission which consisted of Planning Commission Staff, the water department and Codes department.

What we had was a workshop that specifically addressed easements; Mr. Branson provided this book. We have this scanned and we have this session recorded so we can make that available to the Planning Commission as well. But, initially, it was just for the technical advisors but we felt that it would be important for the folks that always request easements on plats actually know what the purpose of easements were. We felt that some of the utilities were getting a little aggressive in their requests, so we thought it would be a great idea for everyone to kind of

pump their brakes and actually talk about easements and what they're meant to do.

This is scanned in a PDF, we can email this or put it on a thumb drive for anyone that would like a copy. But, it's one hundred-two (102) pages and I didn't not want to waste copies unless you guys wanted one. We would be glad to make you one upon your request or email it to you.

That is our request. That this be approved for the Planning Commission Staff and technical advisors, and for yourselves and the Board of Zoning Adjustment members if you chose to watch the video and read the material.

Chairman McKee: How are you going to know if we did that, do we have to come to your office?

Tommy Joe Fridy: You have to sign an affidavit.

Brian Bishop: We're going to trust you.

MOTION WAS MADE BY DOUG BELL, SECONDED BY DICKIE JOHNSON TO APPROVE THE EASEMENT WORKSHOP, HELD ON AUGUST 9, 2018 AS CONTINUING EDUCATION FOR THE PLANNING COMMISSION STAFF AND MEMBERS, TECHNICAL ADVISORS, AND MEMBERS OF THE BOARD OF ZONING ADJUSTMENTS.

David Dixon: How many copies of that do you have?

Brian Bishop: Currently, I only have one (1) with me.

David Dixon: I mean, no, how many copies do we own?

Brian Bishop: I talked to Barbara in Mr. Branson's office and she said she can make as many copies as we like.

David Dixon: Ok.

Chairman McKee: I know we're having fun tonight but, in the future, would you all wait until the Chairman calls for a motion before you make one please? Thank you.

All in favor, signify by saying aye.

ALL IN FAVOR: AYE

Chairman McKee: Are there any opposed?

OPPOSED: NONE

Chairman McKee: It is approved.

Is there anything else to come before this meeting? Motion to adjourn.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY KEVIN RICHARD TO ADJOURN.

MEETING ADJOURNED AT 7:35 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, September 4, 2018, to the best of my ability.

Heather Lauderdale, HCCPC Clerk

X

Herb McKee, HCCPC Chairman