

Henderson City-County
Planning Commission
November 6, 2018

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

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

Chairman McKee: Let's call this November meeting of the Henderson City-County Planning Commission to order. I trust everyone has voted as often as they could today; good, good.

Madame Clerk, will you please call the roll?

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

MOTION WAS MADE BY MAC ARNOLD, SECONDED BY 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: Are there any opposed?

OPPOSED: NONE

Chairman McKee: We are in Public Hearing.

The first item on the agenda is the **minutes from the October 2, 2018** meeting. You've had a chance to review those, are there any additions or corrections?

MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY GARY GIBSON TO APPROVE THE MINUTES OF THE OCTOBER 2, 2018 MEETING AS DISTRIBUTED.

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

ALL IN FAVOR: AYE

Chairman McKee: Are there any opposed?

OPPOSED: NONE

Chairman McKee: Next on the agenda is the report of the **Henderson City-County Planning Commission 2017-2018 Fiscal Year Audit**, Mr. Brian Crafton will you please approach the podium?

You have the floor, sir.

Brian Crafton: There was a little chatter back there, they said there was a UK game on tonight, and I'm going to try to be as brief as possible. I think I'll be brief, hopefully I won't talk too long.

I'm going to skip to the important parts of this large Audit Report.

Page six (6) is the Independent Auditors Report. The Planning Commission received an un-modified opinion. It just basically means you have a clean opinion and the financials presented to us were accurate as presented. So, there was no material modifications that need to be made.

The next page, page eight (8) is the Statement of Net Position. Most people call it a Balance Sheet. You've got cash of about \$257,000,

that's roughly about \$50,000 more this year versus last. There are two different types of ways when you get into Governmental entities to report that we're required to report on. One of which is this way, which you include capital assets, and you have accumulative depreciation, and the other is you don't.

The other thing that's included on this statement of net position is the deferred outflow of resources you see there below the capital assets. If you scroll down to the liability section, there is an un-funded pension liability that's been on your books. That number has been on the books although it's grown, and then there's a deferred inflow of resources. All those numbers are associated with the retirement liability. There's a section on there for assets, a section on there for liabilities; those numbers will fluctuate year in and year out. These numbers are numbers that we don't come up with, they're derived from the Kentucky Retirement Systems, and then they have an actuary that actually posts those numbers, give them to us, and we put them on your books.

Chairman McKee: Mr. Crafton, may I ask you to pause a moment? Are there any commissioners that have any questions about the two (2) items he just brought to your attention?

Man, that's good, please proceed sir.

Brian Crafton: There is one new piece, if you're not familiar. If you are familiar with this retirement liability that's on everybody's books now that looks kind of ugly, there's a new portion that was a new accounting pronouncement under the long-term liabilities; it's un-funded, Other Post Employment Benefits liable, it's called OPEB. That's basically everything other than retirement. So, basically like insurance that is really included in there. So, that is a new number that you probably didn't see on there last year.

Again, that is required, and that is a number given to us to put on the books.

If you get down there to the Total Net Position, you're looking at that \$-685,094. And that is, basically a total of negative net equity position that you're having, and that's all pertaining to the retirement, totally.

Skip over to the next page, which is page nine (9), the Statement of Activities. You had about \$825,884 in expenses. Again, these are expenses that you had and these are some retirement expenses that we were required to put on your books as well. So, some of that stuff, this is not cash-flow things that you would normally see in your financials, these are things that we added to the books that we had to; about \$743,000 in income. Your change in net position from this year to next is a negative \$-37,583, that's pretty comparable to last year as well.

The OPEB that I was referring to, that net change is about \$-181,000 on your books, so that puts you to that \$-685,904 comes from.

The next page, page ten (10) is a balance sheet, and I as I described earlier there are two ways to report. One with assets and accumulated depreciation and those retirement liabilities, they're not on here on this one; this is the way we report. So, you're going to see that this balance sheet compared to the other one doesn't look quite as bad, and so I'm just kind of telling you the difference between the two so if you're trying to reconcile.

The next page, if you go to page eleven (11) does do a reconciliation between the two. I'm not going to go into the reconciliations because I'm pretty sure that would put most people to sleep. But, the next page eleven (11), page twelve (12), and page thirteen (13), these are all reconciliations between one accounting method to the other.

When you get to page fourteen (14), notes to financials; I'm not going to talk about anything in the notes but, if you wanted to know anything about the organization, the way it operates, this is where I would direct people to go to. And, any detail in behind, maybe some of the numbers in the financials, this is where I would tell somebody to go look if they had questions, other than myself.

The next page I'm going to direct you to is page twenty-nine (29). The only thing I'll report here is the actual to budget revenue number, from actual to budget was really close, and the expenditures were down compared to budget to the good of about \$65,000.

I've got one more thing I want to report on, which is our management letter. Management letter is just anything we see that either is maybe is not right or maybe things that we note that you might want to consider changing, and there is still an old Capitalization Policy of \$100. It basically says if you go out and purchase some assets, anything over \$100 needs to be capitalized and depreciated. There is a new Capitalization Policy, and that \$100 is way too low, we would recommend changing that to \$1,000, and anything under \$1,000 you just expense it off.

Chairman McKee: Any questions for Mr. Crafton? When and how do we need to change that Capitalization Policy?

Brian Crafton: You can do it at any board meeting you want to.

Tommy Joe Fridy: A motion.

Chairman McKee: Do we need to accept the audit first? Any other questions for Mr. Crafton?

The Chair will entertain a motion to accept the Audit Report as presented.

MOTION WAS MADE BY DOUG BELL, SECONDED BY BOBBIE JARRETT TO ACCEPT THE 2017-2018 FISCAL YEAR AUDIT AS PRESENTED.

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

ALL IN FAVOR: AYE

Chairman McKee: Are there any opposed?

OPPOSED: NONE

Chairman McKee: Thank you Mr. Crafton.

Brian Crafton: Thank you.

Chairman McKee: The Chair will entertain a motion to change our internal Capitalization Policy with a threshold increase from \$100 to \$1,000.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY BOBBIE JARRETT TO CHANGE THE INTERNAL CAPITALIZATION POLICY WITH A THRESHOLD INCREASE FROM \$100 TO \$1,000.

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

ALL IN FAVOR: AYE

Chairman McKee: Are there any opposed?

OPPOSED: NONE

Chairman McKee: There you have it.

Next on the agenda, **Lot #2 Division of Sandefur Farms, LLC**. Mrs. Wayne, are you going to lead that proposal?

Claudia Wayne: Yes sir.

Chairman McKee: Please proceed.

Claudia Wayne: Lot 2- Division of Sandefur Farms, LLC submitted by Sandefur Farms, LLC for the property located in Henderson County and adjacent to 3880 Trigg Turner Road (PVA#32-21), containing approximately 59.90 acres. Applicants are requesting a consolidation for new Lot #2, which is located in a Special Flood Hazard Area.

This is before you tonight because 11.95 acres of the 59.90 acres is in the Special Flood area, and the Flood Damage Prevention Ordinance that all subdivisions come before ya'll for approval. If this wasn't in a Special Flood area, this would be approved in-house.

Staff does recommend approval.

Chairman McKee: Any questions for Mrs. Wayne?

Hearing none, the Chair will entertain a motion.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY MAC ARNOLD TO APPROVE LOT #2, DIVISION OF SANDEFUR FARMS, LLC, SUBMITTED BY SANDEFUR FARMS, LLC FOR THE PROPERTY LOCATED IN HENDERSON COUNTY ADJACENT TO 3880 TRIGG TURNER ROAD (PVA#32-21), CONTAINING APPROXIMATELY 59.90 ACRES.

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

ALL IN FAVOR: AYE

Chairman McKee: Are there any opposed?

OPPOSED: NONE

Chairman McKee: So mote it be.

Next on the agenda, **Rezoning #1088 with a Development Plan**, submitted by Dr. and Peggy Watkins, and Chris Hopgood, Attorney. Mr. Bishop, are you going to lead that conversation?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed sir.

Brian Bishop: Rezoning #1088 with a Development Plan, submitted by David and Peggy Watkins, owners, and Chris Hopgood, Attorney for the property located in the City of Henderson at 2429 Hwy 60 East, (PID#65-44), containing approximately 4.81 acres. Applicants are requesting a zoning change from R-4 to NB with a Development Plan for self-storage units.

This is the area that we will be speaking about. This is Hwy 60, this is the property. The property is currently zoned R-4 but the Future Land

Use map shows it developing in a high-density nature. The applicant is proposing eleven (11) storage units, self-storage units.

There will be eleven (11) buildings, with a total of 67,195 square feet to be used as self-storage. The applicant is proposing detention ponds for future stormwater quality and quantity, here. The site will be accessed by Green Street here, and will not be accessed by Anne Drive, which would be in this area roughly.

From here, the application would go to the Board of Zoning Adjustments for a Conditional Use Permit. A detailed site plan, which would cover engineering, lighting, and things of that nature will come back to the Planning Commission. The lights will be night-sky friendly, which means light from the site should not be bleeding into the existing neighborhoods.

We have worked closely with Mr. Branson, and Mr. Hopgood on this; staff does not have a recommendation at this time, and I will do my best to answer any questions you may have.

Chairman McKee: Questions for staff?

David Williams: Brian, is this an accurate rendition of what these buildings may look like?

Brian Bishop: Correct. Those are the renderings that were provided to us by the applicant. This is what you would see from Hwy 60, and then the next photograph is what you would see on the backside of the buildings. The current does not allow doors to discharge than into the property. So, this is what would be seen by adjacent property owners. You have brick veneer along the bottom of the wall. You have vinyl siding in a horizontal manner. Then, you have shutters that would help break up the pattern of the vinyl siding.

David Williams: So, those are just for aesthetics only?

Brian Bishop: It is. It's to add some soft scaping to the long wall of the siding that would be vinyl.

David Williams: Ok.

David Dixon: Is this just an idea of what it might look like or is this what the developer is saying it will look like?

Brian Bishop: That is what the developer provided to the Planning Commission as an exhibit. Anything upon that would probably be best for them to answer.

David Dixon: Ok.

Chairman McKee: Any other questions for staff?

Mr. Hopgood, are you going to be first to speak?

Brian Bishop: Commissioner McKee, if you don't mind, would it be possible for Mr. Nix to give the Planning Commission a brief overview of the changes in the ordinance so we can refresh everybody's memory of what is being required?

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

Ray Nix: Yes sir. Ray Nix, Code Administrator for the City of Henderson, 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: I do.

Chairman McKee: Please proceed sir.

Ray Nix: I wanted give you a description of the Neighborhood Business District zoning district. It's a fairly new district in our zoning codes.

The Neighborhood Business District zoning designation was established to provide for permitting of retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business

development, so far as possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy truck traffic, or late hours of operation. The intent of the district is also to encourage concentration of local business areas in locations proposed in the comprehensive plan to the mutual advantage of both the consumers and merchants and thereby promote the best use of land at certain strategic locations and avoid the continuance of encouraging marginal strip business development along major streets. **(Statement of Purpose, Sec. 18.01)**

The Neighborhood Business District provides for many permitted uses, as well as several conditional uses. Examples of conditional uses being -- public facilities such as churches, libraries, hospitals, apartments, grocery stores, bike rental or repair shop, eating/drinking establishments, and multiple use buildings. In recent weeks, Self-Storage Rental Units have been added to that conditional use list.

As planning, zoning, and codes, and legal staff reviewed our zoning ordinance, we found that we had limited zones which were permitted for self-storage, those being M-1 & M-2 Light and Heavy Industrial zones. Self-storage businesses are also allowed in the Central Business District by conditional use. While adding self-storage rental units to the Neighborhood Business zone conditional use list a few weeks ago, we also added Self-storage rental units to the Highway Commercial District conditional use list.

As part of our staff review, we found that the Self-Storage Rental business has changed considerably from 25 - 30 years ago. What used to be just a run of metal buildings with overhead doors exposed, has now grown to include design elements that help them to blend into the surrounding neighborhoods and areas where they are located, as well as providing other amenities including keypad entry, camera surveillance, and climate-controlled units. We also noted in our research that the storage industry has also made the change of starting to bring new, vibrant stores to areas that are more central to shopping districts and multi-family neighborhoods. In essence, instead of being located out on the fringes of town in industrial zones, they are being innovative and customer service oriented by locating their services closer to where people live and shop. The Neighborhood Business district seemed to be a good fit.

Where are other Neighborhood Business zones you might ask?

Because the Neighborhood Business District zone is a fairly newly created zone, the City of Henderson only has 2 areas zoned Neighborhood business currently - one being the area of Powell & Hwy 2084 S - the Algonquin's area where there are transitional zones going from H-C/Light Industrial to R-2 residential. The second one being on Old Madisonville Rd. - a church (Zion Baptist Church of Zion - a satellite church) both of these are approx. an acre in size.

The location in question for this rezoning, 2429 Hwy 60 E, here you have an area that has been vacant for years which is strategically located between zones, a transition zone if you will, between Residential use, multi-family use, and commercial development, a couple of blocks down each way on US 60E. The proposed rezoning from R-4 to Neighborhood Business for the purposed use as a self-storage facility falls in alignment with the goals and objectives of the Neighborhood Business zone as well as a goal of the storage industry. At this point, I would add that the Comprehensive Plan - the Future Land Use map shows this property developing as High Density Residential. The proposed rezoning will actually provide for a much less dense zone than the current R-4 zone. We have done some math calculations and determined that full utilization of the property for multi-family use would provide for an Apt. complex with an equivalent density of potentially 100 living units - much more dense than the proposed storage facility.

As we reviewed the project with the developers at several site review meetings and at the Plan Commission's Land Development Committee, the conditional use zoning requirements have been documented and discussed. The documents submitted with this rezoning request meet the requirements of the ordinance - specifically:

1. Vegetative landscaping buffer strips (which will surround the property)
2. Parking spaces as required in ordinance
3. Site geometry so that doors (overhead and man doors) face to the interior of drives

4. Driving aisles are a min. of 24' wide and hard surfaced
5. All buildings meet KY Bldg. Code
6. Exterior of buildings must be compatible to surrounding areas (examples - brick, siding, stucco, eifs finish) and exterior paint colors, including roof, to be in harmony with other homes and or buildings (not bold colors) in the area.
7. Only one monument type sign no higher than 6 ft. with only accent lighting (not backlit)
8. Night sky friendly lighting only
9. Other heavy planting to serve as soft-scaping
10. Hours of operation limited to no earlier than 6 am and no later than 11 pm.
11. No outdoor storage of motor homes, campers, boats, or other recreational vehicles will be allowed.

In conclusion, should this rezoning be approved, the applicant will be required to apply for and be granted a conditional use permit from the Board of Zoning Adjustment. That meeting will include a public hearing to determine the merits of issuance of the conditional use permit to allow the Self-Storage Rental business. (Should this rezoning be approved, but be objected to within 21 days, this project will be heard before the Board of Commissioners of the City of Henderson for the granting of the Re-zoning, then be heard by the Board of Zoning Adjustment for the final approval of a conditional use permit.)

From the standpoint of zoning, the application meets the intent of the zoning code.

Chairman McKee: Any questions for Mr. Nix?

Ray Nix: Thank you.

Chairman McKee: Will you be around in case we think of something?
Thank you, sir.

Now, Mr. Hopgood.

Please state your name and address for the record.

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

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

Chris Hopgood: I do.

Chairman McKee: Please proceed, sir.

Chris Hopgood: With me are Dr. David and Peggy Watkins, the owners of the property; two folks from Milestone Development Phil Hart, and Carol Hagedorn, and Glenn Merritt of Cash Wagner Engineering Firm. They are here to answer questions you've got regarding engineering or the aesthetics of the project.

We've submitted, with our application, my letter dated October 15 which I believe, shows this proposed development is in line with the Comprehensive Plan, and I think you all got a lot of information in front of you.

As Mr. Nix said, this is already zoned R-4. Storage buildings like this are essentially like apartments without people. So, the transition is not huge to go from R-4 to NB with this Development Plan, and we're here to answer any questions you've got.

Chairman McKee: Questions for Mr. Hopgood?

Will you be around in case we think of something?

Chris Hopgood: Yes sir.

Chairman McKee: Thank you sir, we appreciate you.

Would the commission like to hear from anyone else? Is there anyone here that would like to speak for or against this application for rezoning? For or against?

Please come to the podium. Ma'am, would you please state your name and address for the record?

Corene Kellough: My name is Corene Kellough, and I live at 2420 Anne Drive, right next to the property that is being proposed.

Chairman McKee: Yes ma'am, do you swear the statements you are about to make are the truths to the best of your knowledge?

Corene Kellough: Yes.

Chairman McKee: Thank you ma'am, please proceed.

Corene Kellough: I'm an 84-year-old widow, and I have my 96-year-old sister living with me. We're located on the northeast corner of Watkins property at 2420 Anne Drive, and I have four pressing questions for you; concerns really.

Number one; how can we be assured that these storage facilities will not compromise the safety and security of the surrounding neighbors or the value of our property?

Number two; considering the Watkins' property is, as I see it, only about twenty-four feet away from my bedroom windows. Will you assure me that your fencing and structures will be far enough away from my property line on the northeast of the project nearest my home, to preserve the tranquility and privacy I presently enjoy?

Number three; understanding your need for proper lighting during the nighttime hours, what will you do to avoid any possibility of bleed-over lights and illuminating my bedroom which is real close to that? It would be like a Christmas tree lighting up.

Then, at 10 o'clock, I would suggest rather than 11 o'clock, at least that early because 11 o'clock is kind of a long time for older people.

Number four; will you make certain to construct the north side of your facility facing Anne Drive to be aesthetically pleasing and complementary to the neighborhood, and be well-maintained?

Thank you for your consideration.

Chairman McKee: Mrs. Kellough, do you have those questions in writing?

Corene Kellough: I do.

Chairman McKee: Would you mind sharing them with me, the Chair?

Corene Kellough: Sure.

David Williams: May I ask you a question, if you would, can you give us an idea of what you would find to be aesthetically pleasing on that Anne Street side?

Corene Kellough: Something that wouldn't be really, especially the lighting system, and then having it put where it would be really nice to look at; something nice to look at rather than just the blank buildings or whatever. That was my idea.

Chairman McKee: Did you notice the renderings that were on the screen Mrs. Kellough?

Brian Bishop: I'm sorry, I want to make sure.... this is your house, is that correct?

Corene Kellough: Right, that's my house.

David Williams: Which one is hers? I'm sorry.

Corene Kellough: I'm right on the corner, right next to the Watkins' property.

Chairman McKee: Can you put the façade back up there that would be adjacent to her home?

David Williams: Now, do you find that appropriate?

Corene Kellough: How tall is that fence there, or that wall?

David Williams: That's the side of the building there, that's not the wall.

Claudia Wayne: There would be trees.

Corene Kellough: The trees around that?

David Williams: Yes.

Corene Kellough: My biggest concern is the lighting system at night because my windows are right beside that property.

Mac Arnold: Wouldn't all the lighting be to the interior?

Kevin Herron: Go to the site plan and show her where the trees are going to be, and how far away the building... there you go.

Corene Kellough: How far away would the building be from my property?

Kevin Herron: Right on the edge of that green.

Brian Bishop: This would be the building Mrs. Kellough, and then this is the property line. So, you would have two layers of trees in between. I'm not sure of the exact distance, that's probably suited best for the applicant.

David Dixon: According to this, it's twenty-five feet.

Corene Kellough: Yeah, that's what I thought, and that's not far from my bedroom windows.

Chairman McKee: Is that a setback requirement?

Brian Bishop: I would rather leave that to Mr. Nix.

Chairman McKee: Mrs. Kellough, I will get your questions answered. Then, if you would like, I can call you back up to the podium to get more clarity if you need it.

Corene Kellough: Ok.

Chairman McKee: Who is best prepared to answer her questions among the developers?

Mr. Branson, although we know you well, will you please state your name and address for the record?

Dennis Branson: Dennis Branson, 916 Kelly Court.

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

Dennis Branson: I do.

Chairman McKee: Please proceed.

Dennis Branson: Phil Hart is here also with Milestone Development, and he can answer anything that I can't.

The buildings are twenty-five feet from the property line, required by ordinance. The new ordinance that we adopted a couple of months ago requires that we take into account the residential area and protect the residential area in two ways.

One is by buffering and screening with the plantings which were shown fairly dense along that side. And the second is the spacing from exterior property lines.

Three things though, in addition to those two things, one other thing is happening. The activity that is in the development is happening all inside those buildings... the inside area of the development. Nothing is happening between the buildings and the exterior property lines. That's all buffer, that's all planning, that's all grass, it's all... no activity is there. No vehicles, no pedestrian traffic...I don't know, do you have lighting? No, no lighting on the rear. The lighting would naturally be

on the front and night-sky friendly so it wouldn't be intrusive to the surrounding area, and that's all addressed by the new ordinance that we have. So, I think the City did a pretty good job in taking care of the neighborhood on that.

The façade, we went kind of... during the process we...

Tommy Joe Fridy: Mr. Chairman?

Chairman McKee: Yes.

Tommy Joe Fridy: Counsel, I think you may want to have the owner to say that this witness is able to speak for him if you can speak for him. But if a surveyor is going to bind Mr. Watkins, he needs to give him agency on the record.

Dennis Branson: I'm pretty much done Tommy, if that's alright. I think I answered the questions. I've been involved in all the meetings and I'm really on relaying to you what the Site Review and the applicants have...

Chairman McKee: Thank you Mr. Branson.

David Watkins: My name is David Watkins, and I'm very honored to have this young man speak for me and go on the record.

Chairman McKee: Would you please state your name and address; are you going to testify?

David Watkins: David Watkins, I live at 1280 Taransay Drive here in Henderson, Kentucky which is Balmoral Acres, probably about half a mile from this.

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

David Watkins: I do.

Chairman McKee: Please proceed Dr. Watkins.

David Watkins: You know, in this area we have about forty units of apartments already, and we will actually be neighbors on two sides of this; to the north and to the south.

Again, I believe that there will not be lighting in the area that would cause this young lady any problem, and also, I think that, as previously stated we'll have most activity in the interior, where people will be loading or un-loading if they need to, and there will be lighting there and they should be aesthetically...

Chairman McKee: Dr. Watkins, the façade and the trees, do you consider those to be aesthetically pleasing to look at from her house, looking over?

David Watkins: I would think they would be.

I'm sure it might not be quite as aesthetic as a big, open field nevertheless, I think it will be aesthetic. Like I said, I will have a fair amount of property still adjacent to this structure.

Chairman McKee: How would you address her question about safety and security for the surrounding neighborhood of the property?

David Watkins: Well, I would actually think it should be extremely secure because there will be a fence around it. Right now, it's just an open field and anybody can wander in. So, you will have trees but you'll have a security fence. In other words, these individuals will be interested in protecting their stored material that's in the storage place.

Chairman McKee: Do you confirm that the lighting in the interior will be night-sky lighting that will be non-intrusive?

David Watkins: The answer is I will have to yield to someone else. My major part of this is actually selling the land, and getting it re-zoned. As far as actually... the buildings, they're being provided by the Hart's and they will be managing and doing this.

So, again, I would like to yield to Mr. Hart and he can answer this question.

Chairman McKee: Mr. Fridy, can we take information from Mr. Hart?

Tommy Joe Fridy: Sure, if you say that anything he says binds you. Is he your agent? Is he speaking for you?

David Watkins: Well, I guess he is, yes.

Chairman McKee: Any questions for Dr. Watkins before he yields the floor?

I assume you'll stay around for a little while in case we need you?
Thank you, Dr. Watkins.

Is it Mr. Hart that's up next?

Dennis Branson: Would you guys like to see some aerial photography, so you may get a feel for the way the world really looks out there?

Chairman McKee: Would anyone like to see the aerial photography?

Dennis Branson: It's difficult to tell on a two-dimensional image.

Brian Bishop: We have that if the Planning Commission would like to see it.

Chairman McKee: Is there a Commissioner who would like to see that?

David Dixon: I would like to see that.

Gary Gibson: I would.

David Dixon: I would like to have a question answered first.

Chairman McKee: Please proceed Commissioner.

David Dixon: Does this call for fencing all the way around this thing? Is that what this site plan says?

Dennis Branson: The fencing is shown on the Development Plan.

Chairman McKee: So, do we need to ask Mr. Hart to come to the podium before we discuss aerial photography?

David Dixon: Do we have the Development Plan?

Brian Bishop: We do.

David Dixon: Is that what this is?

Brian Bishop: Yes sir.

David Dixon: Indicate where the fence is. I see the property line, I see setback line...

Dennis Branson: It's difficult to see because there's not much of it. The buildings themselves act as fencing. There's fence right there between those two buildings, and then there's fence that goes all the way around here. The buildings act as the barrier because there's no access to the rears of the buildings, only the faces. So, they act as the barrier as opposed to having a fence back there.

Chairman McKee: So, this plan does not call for fencing between Mrs. Kellough and on the property line? No fencing there?

Dennis Branson: No.

Chairman McKee: Just shrubbery.

Dennis Branson: Yes, a lot of dense evergreen trees there but there's no need to put an addition barrier up because the buildings act as the barrier and security.

Kevin Richard: So, Denny can you speak to the height of the building?

Dennis Branson: I cannot, I don't know the answer to that. Phil can.

David Dixon: So, is there fencing between the paved portion and the retention pond?

Dennis Branson: That fencing, I think, is going to be determined a lot by the site plan, and after the engineering is done.

Brian Bishop: Mr. Branson I think Commissioner Dixon meant this area.

Dennis Branson: There is a fence shown here to here, along the back right there. Yes, that's a fence there.

Chairman McKee: Mr. Hart, if you plan to speak would you please come to the podium and let me swear you in.

David Dixon: I guess what I'm asking is, since the topic came up, there is either a fence or a building around the entire property?

Chairman McKee: Before you begin sir, could you please state your name and address for the record?

David Dixon: Excuse me, Mr. Chairman.

Phil Hart: Phil Hart, 1440 Tenth Street, Tell City, Indiana.

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

Phil Hart: Yes.

Chairman McKee: Thank you sir, please proceed Commissioner.

David Dixon: So, the development is bounded either by a fence or a building?

Phil Hart: Yes. The buildings themselves are acting as the barrier. Part of the reason, well there's several but, part of the Neighborhood Business zoning is meant to keep the light in. So, this is technically what they call a fortress style construction.

So, as far as in the back by the pond...

Brian Bishop: There should be a laser pointer if you would like to use it.

Phil Hart: Sure.

Chairman McKee: Please stay near the microphone.

Phil Hart: So, the part back by the pond, that's all technically like Phase 2. So, once we are done with the site plan and get all of our drainage, there could theoretically be a building there that would close that off as

like, again, similar to what these buildings would be to try to keep the light in. But all those buildings are eight and a half feet on the backside; eight and a half feet tall. They are all single-story buildings.

Dickie Johnson: Is that just the wall and not the roof? Eight and a half feet?

Phil Hart: Those will be like a half-twelve pitch so even the front side of those buildings will be nine-feet tall. So, you probably won't see the roof lines.

David Dixon: So, when there's a gap between buildings such as there is on that corner on the right, there's a fence?

Phil Hart: Yes. But again, the only reason I say, once the site plan is done those buildings may push together or they may push apart. It would probably be a decorative, picket-style fence versus a... it wouldn't be a chain-link fence.

David Dixon: We're talking about, a think the issue we're discussing is security.

Phil Hart: Certainly, it will all be fenced in. It's a computerized gate, so people can't get in after hours.

Kevin Richard: I guess another way to answer the question is, the site; the only way to ingress and egress the site is through the main gate?

Phil Hart: Absolutely, yes.

David Dixon: Ok, thank you.

Chairman McKee: For clarity, did you just say that the entire project will be enclosed with a fence and security gate at the entrance?

Phil Hart: Yes, a fence or a building acting as a fence. So, any building would have a fence that connects if there is a gap, like such as that, there might be a ten-foot picket-style fence just to make sure it's secure.

David Williams: What kind of fencing would it be? Would it be shielding fencing with slats in it?

Phil Hart: Yes, in all likelihood that's what it would be just because we want to match the rest of the (inaudible), we wouldn't want to throw up a chain-link fence...just as long as it's secure so it would probably be at least six-feet high though.

David Williams: The trees that you plan to put in, what maturity of trees? Are these going to be two-foot high saplings or?

Phil Hart: I think on the Development Plan we had discussed that. We have talked to Andy Rideout of the UK Extension office and he had suggested like at least a five-foot tree. Again, as we move forward with the site plan, that's something we would accept that has to be a minimum height. We're going to put at least a five-foot tree in just for aesthetic reasons for ourselves.

Chairman McKee: Other questions for Mr. Hart? If you will please remain at the podium.

Mrs. Kellough will you like to come up and ask for clarity? Did you get all your questions answered?

Dickie Johnson: Do you have any of these facilities built anywhere else in the Tri-State area?

Phil Hart: Yes. We have a facility in Evansville, just north of Lynch Road on Green River Road. We have a facility in Tell City, Indiana which is built in a highly residential neighborhood as well, and has a similar façade; brick and siding. Evansville is a little bit more commercial but I think, we submitted pictures of some of the facilities that we have as part of the process so, it's kind of our motto to build a nicer facility that fits more of this type of mold than the more industrial type facilities.

Dickie Johnson: Ok.

Chairman McKee: Mrs. Kellough if you don't mind, may I ask you to please come to the podium and answer the question again so that we may have on the record you've had all your questions answered?

Corene Kellough: I believe all my questions were answered.

Chairman McKee: Thank you so much, I appreciate you coming up.

Corene Kellough: Thank you.

Chairman McKee: Any other questions for Mr. Hart?

Dickie Johnson: Yeah, I've got one. I know we're talking about aesthetically pleasing environment here but when you're looking at this much vinyl siding on these buildings, how are you going to assure us that you're going to keep the mold off it when you've got a shaded side? They are extremely vulnerable to molding.

Phil Hart: That's a maintenance discussion, I guess. I think that, I can't say that I would, I guess there are certain stipulations you can put on me but we take a lot of pride in what we do. This is a large investment for us and we want to make sure it looks like what we're trying to sell to people. So, if it doesn't and then, to some degree, we're ruining our own product. So, we keep up our facilities.

David Williams: Does your maintenance schedule call for periodic power-washing of the exterior parts of your buildings?

Phil Hart: We clean, we keep the facilities up. I won't say that we're power-washing the outside of them but we power-wash our brick on the front of our building in Tell City like once a year, I do know that. That's a common thing just because it gets some mold on that from the direction of faces. We will keep the facility up.

David Williams: Your other facilities, are any of those in a... you said they were in a more commercial, are any of them close to any residential areas?

Phil Hart: No, our facility in Tell City is in a highly residential neighborhood.

David Williams: Have you had any complaints from the residents around you at that facility?

Phil Hart: No. Actually, it's been the other way because we are right across the street from a Senior Living facility and Independent Living facility. It's actually kind of a similar neighborhood, and it's benefited the neighborhood as well because we're able to get some of those residents because of the close proximity of where they live. We have a lot of senior customers as well who feel safe inside the facility because it's enclosed and I think it offers people who are downsizing and they are able to store with us in a closer proximity versus driving across town or downtown. Even there, locations that aren't as desirable and people don't want to go after dark because they're not fenced, they're not gated, and people don't feel safe inside of them.

David Williams: Ok, I'll wait for your site plan to come and we'll talk about lighting later.

Phil Hart: I know there were some questions regarding lighting, and that's part of the purpose of the way the facility is designed; to keep the lighting in. So, a lighting plan is part of it but we use...

David Williams: Let me ask you this, are you going to have any lights that would possibly shine in Mrs. Kellough's bedroom window keeping her...

Phil Hart: No. All of our lighting is maintained inside the facilities between the doors. So, it would be like, if you were driving by, more like a porch light on a house.

David Williams: Ok, so they aren't shining out.

Phil Hart: No.

David Williams: Thank you.

Chairman McKee: Any other questions for Mr. Hart?

You'll please be around if something comes up?

Phil Hart: Yes.

Chairman McKee: Thank you sir.

Is there anyone who would like to speak for or against this proposed zoning change?

David Williams: I would like to bring Ray back up again.

Chairman McKee: Mr. Nix, I believe that.... (talking from a citizen approaching the podium.)

Before we begin, can you state your name and address for the record?

Grace Henning: My name is Grace Henning, and my son lives in one of the properties adjacent to the new, proposed buildings.

Chairman McKee: Where do you live?

Grace Henning: I live in Henderson here, at 862 Aspen Court.

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

Grace Henning: Yes sir.

Chairman McKee: Thank you ma'am, please proceed.

Grace Henning: Ok. Some of these may have kind of been answered. I guess the first thing that I want to know is there a re-group after the site plan is approved to go back and... because there's things being said that they are going to do this, it will be more permanent on the next site plan. Is there another chance to look at that site plan before it becomes the final draft or... do you see what I'm asking?

Chairman McKee: Mr. Bishop, there will be an opportunity at the Board of Zoning Adjustments?

Brian Bishop: You have a couple of different options.

The Board of Zoning Adjustment would be another opportunity to state your case. The site plan will come back to the Planning Commission but I'm pretty sure that's a non-public hearing item which means we would not send out the notification as we did in this, but it is still advertised.

If you like, we can make sure you know when that would happen.

Grace Henning: Ok. There are just a couple of things, I believe the gentleman said it will be in the site plan or it will be part of that, and you know, is it going to be closed up or is the building adjoining, there are just several little things that make a difference.

I noticed...well you flipped it. Can we have, I guess basically the floor plan? Ok. What...

Chairman McKee: You'll have to remain near the microphone please.

Brian Bishop: There's a laser pointer, if you would hit the button and speak into the microphone please.

Grace Henning: Right here?

Brian Bishop: Yes.

Grace Henning: Ok. The main question...

Chairman McKee: Can you back up just a little bit please so the microphone picks you up?

Grace Henning: There.

Chairman McKee: Thank you.

Grace Henning: See that little corner? Everyone is wondering where that corner is because it makes such a big difference. Um, I actually went and got a site plan from Branson's but I still can't figure out exactly where that is because that will kind of tell the neighbors exactly where everything is going to be.

On the site plan, I noticed that it says side-yard is eight feet?

Brian Bishop: On here it's twenty-five.

Grace Henning: But that's on the front and the back. On the plot plan, I don't know where I read it, don't ask me, but the front and back yard is twenty-five feet, a side-yard is six or eight.

Brian Bishop: I would like to leave this for Ray, but I believe what you're confusing that with is the setbacks for the current zoning.

Grace Henning: Ok. So, I guess my question is, that's going to be for sure twenty-five right there?

Brian Bishop: Yes.

Chairman McKee: Mr. Nix is back at the podium, thank you sir.

Ray Nix: I will just state for the record that it's twenty-five feet all the way around. Specifically, where this new zone abuts a residential area. So, it's twenty-five all the way around.

Grace Henning: Perfect.

Chairman McKee: Thank you sir.

Grace Henning: Ok. The hours, I have, I think I agree with Mrs. Kellough when the fact of 10 o'clock would be a little bit more suited, maybe 11 o'clock on the weekends? I only say that because I'm concerned with the traffic. So, if you're pulling some U Haul's in and out, there's just a lot of wrecks in that area. So, I'm just thinking the U Haul's backing in and out, trying to get in and out of that area you know, late at night might cause some trouble. So, I don't know if there is going to be an actual sign that might say, you know, watch for sudden stops you know because I don't know if they're going to pull in, you know, or how that's going to be.

Chairman McKee: Just a pause, are there hours of restrictions in this zone?

Brian Bishop: There are hours of restriction in the City's Zoning Ordinance.

Chairman McKee: Do you know what they are?

Brian Bishop: 6 a.m. to 11 p.m.

Grace Henning: Ok. So, that's a question I have.

Is it manned by employees five days a week, are employees there daily looking at the area making sure everything is kept up, or how is that done?

Chairman McKee: Would you like to respond? Who needs to respond to that?

Tommy Joe Fridy: Ask their attorney.

Chairman McKee: Either Mr. Hopgood or Mr. Hart.

Chris Hopgood: Your question is who monitors maintenance?

Grace Henning: Well, no, all around. Is there an employee there every day, does someone come weekly? You know, who's there to monitor any kind of damage, anything that might happen on the property.... we have storms, who's there regularly or is it something that there weekly, or?

Chairman McKee: Mr. Hart, welcome back to the podium.

Phil Hart: Thank you. As we stand now, there will be a minimum of three days a week someone will be on site, and quite possibly more. All facilities, this facility would have cameras everywhere. So, we would monitor the cameras seven days a week. They are up on our screen and there is someone in our property management office all the time.

So, we have a watchful eye over it. Actually, we just had a storm in Evansville the other night, and the power went out...

Chairman McKee: Correct me if I'm wrong, it's basically a self-storage facility?

Phil Hart: Yes, that is correct. We still have someone on site three days a week that will be within there to meet with people if they need to and do walk-throughs, clean, and so on and so forth.

David Williams: Do you have a security service or do you do your own security?

Phil Hart: Everything that we have is like, it's all inter-mingled. Our software, gate system, and security system through the cameras; like we can communicate via camera with anybody that's in the facility almost at any time. So, our gate information is through the software. Like if you pay your rent, or you don't pay it, you can't get in. Everybody has a personal code that they have and use.

Mac Arnold: So, you're basically saying that there will be someone on staff there three days a week? Other than that, when people are coming to check their belongings, there will be a key pad where they punch in their number, correct?

Phil Hart: Yes.

Mac Arnold: So, if that's the case, if they needed to go get something at 2 o'clock in the morning...

Phil Hart: The gate has set hours, so it won't open before 6 a.m., and it won't open past 11 p.m. or whenever the hours will be. That locks, it's just like a door.

Chairman McKee: The staffing you're talking about after all the units are occupied, will the staffing still be there?

Phil Hart: Yes, in fact it will probably increase, it actually goes in reverse and part of it is because it will be done in phases. So, if we even add another... the first phase of the facility will be like 39,000 square feet. As we increase in volume, we will probably have someone there more often because you get more activity as it grows.

The question regarding traffic, Glen could help answer it but it's significantly less than what a multi-family would be; in most cases people will be moving their things in and then move them out.

Chairman McKee: Will you be willing to stay handy there while Mrs. Henning finishes asking her questions?

Phil Hart: Sure.

Chairman McKee: Thank you sir.

Grace Henning: Ok. So, I talked about the side yards, the signs, the wrecks, the gate's you've handled. Will the neighbors have access to a telephone number that is... if they hear something or something doesn't seem right, do they have access to a number they can call?

Phil Hart: Certainly. The number of the facility, and we answer the phone 7 days a week.

Chairman McKee: The rendering shows a big telephone number on the front of the building. Is that the number you're referring to?

Phil Hart: Well, yes. I mean, I wish we could get that phone number ((123)456-7890) but I don't think we will. (laughter)

But, yes will have a number if they need to contact us.

Chairman McKee: Will it be displayed as that one is?

Phil Hart: Well, yes... that or we will have a monument sign that will have the phone number on it as well; whatever the sign ordinance allows.

Chairman McKee: One will be handy?

Phil Hart: Yes, for sure.

Chairman McKee: Thank you. Mrs. Henning?

Grace Henning: Ok. So, you've handled the side yards. The open corners we talked about the fence and so forth, is that something you can

make available to see what that looks like? Because it gives you the impression the buildings have fences but like the open area, like right there, that... because if I come in... ok, I'm not very good at this... ok. So, if I come in right there, that light is going to go right through there unless that's totally closed off, and I know that there's some questions about where it would be and so forth, but will there be access to see what those... are those fences totally closed in?

Phil Hart: Yes. I mean it would be building to building so you would not be able to hop a fence...

Grace Henning: Ok, so the open area is...

Phil Hart: As far as the lighting is concerned, we could adjust the lighting plan to reflect that we don't want lighting to escape like what we discussed.

Grace Henning: Ok, ok, ok.

Phil Hart: So, like, I'll show you... let's just say if this was open right here.

Grace Henning: Right.

Phil Hart: So, we would put lights maybe right here to shine this way and less on this building.

Grace Henning: Right, but I'm just talking about somebody driving straight through.

Phil Hart: Oh, you can't get through, no...

Grace Henning: Isn't that a road that's going between the two dark places or not?

Phil Hart: No, this is a road here but no one can drive out of the facility.

Grace Henning: Right, but those lights are going to go straight through Mrs. Kellough's window.

Brian Bishop: Mr. Hart, I believe she's asking about a fence to block light.

Grace Henning: Is that going to be blocked there?

Phil Hart: I think if you're concerned in that regard, I understand. So, you're saying if someone's driving there?

Grace Henning: Correct.

Phil Hart: I guess if it got through the fence, and past the trees then yes it could. At the same time, when I was discussing the site plan it wasn't so much that it was going to change but it's that until we have a drainage plan, those buildings might come together right there.

Grace Henning: Ok.

Phil Hart: That was part of...

Grace Henning: That was my question to them, is kind of a re-group. Some things have been said and just to make sure, you know.

Phil Hart: If that were an issue, I'm sure that we could find a solution so the headlights weren't shooting out of the facility.

Grace Henning: Ok, good, ok.

Chairman McKee: Are you committing to do that Mr. Hart?

Phil Hart: I could, I mean I would be...

Chairman McKee: Very good, thank you.

Mrs. Henning?

Grace Henning: Numbers...ok. Nowhere ever will there ever be an access? There will never be the backroad access into that building ever, correct?

Phil Hart: No, the only access we have is this...

Grace Henning: Ok, so it will never happen, ok. I just wanted to make sure of that.

Ok, you answered the alarms.

The trees. Um, five, six-foot trees? Pine Trees? Something that grows very quickly, correct?

Phil Hart: Yes.

Grace Henning: Ok.

Phil Hart: They'll be evergreens as well.

Grace Henning: Ok. All the maintenance surrounding leaves and that type of thing, are you going to hire someone that is going to keep up with that?

Phil Hart: We have maintenance contracts. So, yes.

Grace Henning: Ok, good, ok I just wanted to make sure of that.

Chairman McKee: In regards, Mr. Hart, to the evergreens, at some point grow together so light won't pierce them?

Phil Hart: Yes.

Chairman McKee: Thank you sir.

Grace Henning: Ok, um, taxes and stuff like that; I know you can't really answer that. Typically does this cause your property taxes to go up or down or, I mean?

Phil Hart: Your property taxes?

Grace Henning: Right. For the people that area adjacent to it. It shouldn't, correct?

Brian Bishop: That's a question suited for PVA.

Grace Henning: Ok.

Phil Hart: If you know the answer, help me.

Grace Henning: That's one of the questions that my son asked, so I just was questioning if that...

Phil Hart: I don't think I can answer that.

Grace Henning: I mean that doesn't, you know, Howard Moran who's not doing it now would drive up and say oh, there's a new building, you know?

Phil Hart: Yeah.

Grace Henning: So that has nothing to do with the existing people, correct?

Phil Hart: I don't know the answer to that question.

Chairman McKee: I don't believe the basis for establishing the taxable value of real estate would have anything to do with this.

Grace Henning: Ok.

Chairman McKee: However, I'm certainly not qualified to answer your question. Officially, you would have to ask the PVA that question.

Grace Henning: Ok, ok. Let me make sure I've gotten everything here. I had another piece of paper here.

Ok. So, the only other thing that I would like, and I think everybody else would is, Denny Branson....

Tommy Joe Fridy: Face the microphone.

Grace Henning: Could you figure out...

Chairman McKee: Mrs. Henning, would you please address the microphone? Mrs. Henning?

Brian Bishop: Mrs. Henning can you speak into the microphone?

Grace Henning: Ok, ok, sorry. Can you give us an idea of where that corner is?

Dennis Branson: Yes.

Grace Henning: Ok, because it's really hard, it's kind of at an angle and so forth, and I know where it is on there but I guess my question is, if you walk out there, where is it?

Dennis Branson: Right, right. To make sure that I understand, you're talking about...

Grace Henning: Exactly!

Dennis Branson: Where, in relationship to the (inaudible) is this corner?

Grace Henning: Correct. That corner will tell everything.

Dennis Branson: I think you can see it better on the aerial photography.

Brian Bishop: Do you want the video or photography?

Dennis Branson: The video. Now, it's going to turn where you can actually see this. This is the multi-family area, this is the site right here. (Referencing the aerial footage of the site projected on the screen).

We just did a 360 so you could see what it really looks like around there. Not only in the adjacent area but also Hwy 60, the property across the street. This gives you more of an "I'm there" type of thing.

Grace Henning: Ok.

Dennis Branson: It's coming around here, right there. This is the corner. So, there's a lot of trees in here right now. So, right there is the corner, and you go ahead... right there. This is Anne Drive, and it comes right in here. You can't see it because of the dense trees. The buildings are going to be about right here and here according to the development plan.

Grace Henning: Your development plan looks really different than what you're pointing to.

Brian Bishop: Mr. Branson, can you get to the microphone please.

Dennis Branson: All of this will be plantings in here, twenty-five feet out which is going to be about right there. Then it's going to run the limits of the plat are going to be there. So, all of this is going to be evergreens in here, and evergreens in here, and then going down the side of the property here are evergreens down here too.

Chairman McKee: Can you see Mrs. Kellough's house in that video? Can you see her house?

Dennis Branson: Her house is...

Grace Henning: In that corner, what you're saying, it wouldn't even be behind Zachary's house. So, that's why I'm really confused because if you look at all the plot stuff, it's touching almost where Anne Drive is. Can we flip it and go the other way?

Dennis Branson: The property line is about right here.

Grace Henning: Well, can we come in from Anne Drive and look at it?

Dennis Branson: I didn't go over to Anne Drive and take any video.

Grace Henning: Ugh. Do you know what I'm trying to say, Brian?

Brian Bishop: I do. Let me see if I can help.

Grace Henning: Ok.

Brian Bishop: This is the GIS. So, these parcel lines should be very accurate.

Grace Henning: Ok.

Brian Bishop: This is based on a recent survey. So, for example, Mrs. Kellough's house, this is her property here.

Grace Henning: Right there, correct.

Brian Bishop: So, that's the corner.

So, you would have at least twenty-five feet off this line.

David Dixon: Who's home are we trying to locate?

Grace Henning: That's Mrs. Kellough's...

Brian Bishop: We're trying to nail down this corner, Commissioner Dixon.

David Dixon: I thought we were speaking of somebody who's not here.

Brian Bishop: I believe she is referring to her son who lives in this house here.

David Dixon: Ok, can we see, can we zoom in on that?

Grace Henning: Well, his backyard backs up to her backyard.

David Dixon: Ok.

Grace Henning: Right there. But it just looks like that corner is coming, like her house is way up there, and there is the driveway, and there's Anne Drive, it just looks like it's coming way up this way more, or is it just me?

Dennis Branson: It's not just you. It's hard to make that relationship.

Grace Henning: I know, I know. I mean, everybody's just, I mean that's kind of the... I think the deciding factor. I think if they all knew that line was just kind of where exactly, so they could all figure out that twenty-five feet.

Chairman McKee: A moment please... Mr. Arnold?

Mac Arnold: The picture earlier showed that you've got some existing trees right now there at the end of Anne Drive, correct?

Dennis Branson: Yes.

Mac Arnold: Can you stand on Anne Drive and look into the property, and see through the trees or not?

Grace Henning: Oh, absolutely. I drove all the way up into the yard, there is no... I mean the trees are like, yeah. See, that's all open. See, you can see all that. (Referring to the aerial view on the screen)

Tommy Joe Fridy: Mr. Chairman?

Chairman McKee: Mr. Fridy, would you please ask your question?

Tommy Joe Fridy: Whomever is authorized, would you, the applicant, you the developer stake that line before the Board of Zoning Adjustments hearing and notify anybody here that would like to do that? That's a question, that's not a demand.

Dennis Branson: I can do that.

Grace Henning: Thank you.

Dennis Branson: I can do that, and we would be happy to do it, or have it done. Bruce actually surveyed it but one of us, we will work together.

Brian Bishop: I'm going to try to shed some light on this. This property line should be fairly accurate, within a foot or so. So, imagine twenty-five feet of this line, twenty-five feet off this line, and those intersecting would get you approximately to the corner.

Grace Henning: Correct. But, I guess, see where the green intersects? I wish this was open like a classroom situation here. Mrs. Kellough indicated that her husband told her that where these lines are coming and going isn't what she remembers. Zachary has only lived there since last year, so there's not really history there. So, I think that everyone would feel better if they just knew where that was. Most of my questions are answered, as long as these buildings, you know, and the vinyl is sound absorbent, and lights aren't coming in peoples' driveways, I think that you know, that was part of it, so.

Brian Bishop: Mr. Branson, would you guys commit to marking the property line in an approximate location of the buildings?

Dennis Branson: Oh yeah, that's easy to do, very easy to do.

Tommy Joe Fridy: And notify all the people so they can go look.

Dennis Branson: Certainly.

Grace Henning: Just stakes. I mean, there's pink, little flags there now from Bruce Bailey.

Tommy Joe Fridy: Does that satisfy you?

Grace Henning: Oh, absolutely. Now, I'm one person, I know there are a couple of other neighbors so, myself yes. I think Mrs. Kellough would feel a lot better if she knew where that was too.

Dennis Branson: From a timing standpoint, that's going to be out there a little bit. It won't be immediate.

Grace Henning: That's fine.

Dennis Branson: We had Bruce survey the property, we're going to be doing a topographic survey.

Brian Bishop: Mr. Branson, could you speak in the mic please?

Dennis Branson: Then, we've got the design phase to do before we get into actually positioning the buildings. So, probably be about a month or so before we'll actually know the precise locations.

Chairman McKee: Is that before you go to the Board of Zoning Adjustments?

Dennis Branson: Absolutely, oh yeah. Way before.

Chairman McKee: Then you'll notify those that want to be notified?

Dennis Branson: Way before the Board of Zoning Adjustment meeting, yes.

Chairman McKee: Thank you, Mr. Branson.

Grace Henning: I have one more request, and it's not... this came from Mrs. Kellough and she didn't bring this up earlier. There are some trees along that area that are rotten. Her concern is moving land and so forth

by those trees, you know, are they going to fall, are they going to move? I just want to make sure someone takes into consideration, you know, and looks at those trees and make sure they're in good shape you know, and rock and everything isn't going to affect them.

Chairman McKee: Just for clarity, are they on the site that we're talking about?

Grace Henning: Good question, I'm not sure. That's the corner that I'm trying to figure out.

Chairman McKee: Ok.

David Dixon: Excuse me.

Chairman McKee: Commissioner?

David Dixon: We're asking the developers here to let everybody know what they're property lines are? Existing property lines? For the properties that they've purchased?

Tommy Joe Fridy: The property line of the applicant.

Brian Bishop: I think we're misunderstanding.

Tommy Joe Fridy: That's what she's asking. She wants to know where that corner is, and only a surveyor can...

David Dixon: Ok.

Brian Bishop: Commissioner, that's a shared property line.

David Dixon: Yes, it's just one property line.

Brian Bishop: This corner, yes; this here.

David Dixon: We've got one property owner on this side, one property owner on that side; just one line. Ok, we're asking them to indicate that, right? Plus, where the buildings will be? Is that true?

Brian Bishop: Yes.

David Dixon: Ok. That would be twenty-five feet inside the property line.

Grace Henning: Correct.

Brian Bishop: A minimum of twenty-five.

David Dixon: Very good. I just wanted to make sure everybody understood what's being asked of them so they can deliver.

Grace Henning: Ok.

Chairman McKee: Now once that corner's been established, somebody can tell if these rotting trees are...

Grace Henning: Correct. You know, I think that the trees are just a lot older, and I think the question is if you go in there and start moving dirt and doing a lot of things, is it going to affect, you know, the trees at all, you know?

I mean, my son went as far as he wanted a hill, put up to kind of block the, you know, but you know I don't think that's even a reasonable option, you know?

Chairman McKee: Any other questions Mrs. Henning?

Grace Henning: No, I do not.

Chairman McKee: Thank you so much for your testimony, we appreciate that.

Is there anyone else who would like to speak for or against this proposed zoning change?

Please come to the podium sir. Will you state your name and address for the record into the microphone?

Michael B. Jones: I'm Michael B. Jones, I live at 2451 US Hwy 60 E.

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

Michael B. Jones: Yes sir.

Chairman McKee: Thank you, please proceed.

Michael B. Jones: Actually, I own the house that's right here. My question is, right now there is a fire hydrant actually located right here. So, there's going to be an easement, and I'm pretty sure the water line runs down this way. So, how do we make sure we keep the fire hydrant because right now we don't have any fire hydrants. The closest one we actually have right here, and there's another across the street right here.

Chairman McKee: Mr. Nix, is that a question you can address?

Brian Bishop: Mr. Chairman, I think that may be better suited for Mr. Ferry.

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

Ken Ferry: Ken Ferry with the Henderson Water Utility at 230 North Alvasia Street.

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

Ken Ferry: Yes sir.

Chairman McKee: Please proceed sir.

Ken Ferry: Repeat the question.

Michael B. Jones: Well, there's a fire hydrant located right here.

Ken Ferry: Yes.

Michael B. Jones: What is the plan for it?

Ken Ferry: The plan for that fire hydrant is to stay where it's at. We're not planning on touching that fire hydrant or the water line that serves it.

Michael B. Jones: I think this little, yellow line that they're calling out.

Ken Ferry: That is field located, so that is a very accurate location for that fire hydrant, within a foot.

Michael B. Jones: My next question is, is he's not here right now, but Mr. Henning's property, his water line is actually right here also. It's actually in Dr. Watkins land. I guess there is an easement right through here, right where Mrs. Kellough's property is, there are actually four trees right here. Then, his water meter actually sits right there on the corner of Anne and that road. So, it's actually right there.

So, I don't know how the easements are going to work for all this area.

Brian Bishop: Ken, can I jump in right here?

Ken Ferry: Please.

Brian Bishop: The red, shaded area is the existing easements which were taken from a survey. This is a ten-foot utility easement, the setback line is twenty-five feet. So, there's at least fifteen-feet of variable in there.

This is the ten-feet off the property line, then imagine another fifteen-feet for the setback line.

Chairman McKee: Mr. Ferry, would you say that whatever utilities are there now will either stay where they are or moved if they need to be moved?

Ken Ferry: Yes. More likely stay where they are without any need to be moved. We're already discussing with the design team about careful placement of the trees so we don't have to move anything.

Brian Bishop: It's your goal not to move utilities?

Ken Ferry: Correct.

Chairman McKee: Did that answer your question Mr. Jones?

Michael B. Jones: Now, the only other question I have is right now, you're saying the setback is ten-foot, so where are the trees actually

going to start? Are they going to start ten-feet off the property line or are they going to start on the property line and go twenty-five feet back?

Chairman McKee: That would be a question for Mr. Hart.

Did you understand the question?

Phil Hart: Yes. That is staggered to create even less visibility. I think we have them at ten and twenty, if I'm correct. It might say in the bottom left hand corner of that, but I think the first tree is set at ten-foot, and then they're fifteen-feet apart.

Brian Bishop: I think he's not referring to horizontal, but he's actually meaning from the property line.

Michael B. Jones: The property line, where is the first tree this way?

Phil Hart: So, I think at like twenty-feet, and then the inside tree will be at ten. I apologize, twenty-feet off the building, so five-feet off the property line.

Michael B. Jones: So, basically, they'll be sitting on the property line.

Phil Hart: Well, we don't have to set them like that. They were staggered just to create more screening but they can be pushed closer together as well. That was the spacing of the trees that was suggested by Andy Rideout; that was the spacing he suggested.

Michael B. Jones: The next question is, who did the actual surveying?

Dennis Branson: Bruce Bailey.

Michael B. Jones: Ok, because the flags are still there, they are there now and I know where they're out. One is right in front of that tree, the tree right there.

Herb McKee: So, the flag for the corner is there?

Michael B. Jones: Yes sir. The trees that Mrs. Kellough are talking about are actually these trees right here. If you can zoom in, there's on there, there and there. You can't really see them, they're right here.

There's a tree there, and we cut these two down because they actually blew down in the middle of a storm.

David Dixon: So, when was this Bailey survey completed?

Brian Bishop: Within the last six months to a year I believe, Commissioner Dixon.

David Dixon: Ok, and flags are in place?

Michael B. Jones: Most of them are still there. I know that one still is, but I think the one... I think mine and yours are still out there in that field; hers is I know, I know there's one out here.

Brian Bishop: Commissioner Dixon, the GIS layer was updated May 30 of this year. So, the survey would have been done shortly before that.

Michael B. Jones: So, my question is... I live here, and I would like to have access in this way but I know if you build it the way we're talking right now I will never be able to get in to the back side of my lot. That's my only concern. I would like to have access to the backside of it. If it's not possible, that's fine.

Chairman McKee: Do you believe you have legal access now to the back of your lot?

Michael B. Jones: No, I don't. I don't go that way. I keep it all clean, our neighborhood uses this whole field, I understand. We have to move forward, I understand, and that's fine.

Chairman McKee: Any other questions Mr. Jones?

Michael B. Jones: Not right now. Just let me know when you have it all, I would like to see it at a later point.

Chairman McKee: We appreciate your input, thank you sir.

Is there anyone else who would like to speak for or against this proposed zoning change?

Dennis Branson: Very quickly. On the easement issues, we've talked with Tom and Ken regarding water and sewer easements. There are some easements that need to be extinguished out there, and some additional easements that HWU wants and we're in discussion with them right now about how to go about getting them the easements that they need, and getting rid of the ones they don't.

Chairman McKee: Thank you Mr. Branson.

Is there anyone else who would like to speak for or against this proposed zoning change?

Mr. Hopgood?

Chris Hopgood: I would just like to point out one thing, and I stand to be corrected but I believe the setback for R-4 is the same as Neighborhood Business. So, this doesn't change that.

Chairman McKee: Thank you Mr. Hopgood.

Is there anyone else who would like to speak for or against this proposed zoning change?

Planning Commissioners, do you have any questions for staff or anyone else?

David Dixon: I have one persuadable question. Should this advance, come back to us for a final development plan; is that the document we would review?

Brian Bishop: Site plan.

David Dixon: Ok. Would the public have an opportunity to comment on that site plan?

Brian Bishop: Not normally, but I believe in this because there's a lot of interest, we could send out notifications as it would be a rezoning, and I believe the Chairman could allow public testimony if he sees fit.

David Dixon: Very good, thank you.

Chairman McKee: But there will be public input at the Board of Zoning Adjustments?

Tommy Joe Fridy: And the site plan will be available then.

David Dixon: If there is a possibility that the folks could look at a site plan, have more questions they could bring to us or the Board of Zoning Adjustments, as long as they have a forum to bring those concerns forward, I'm happy.

Brian Bishop: Commissioner, I'll sum it up this way. Legally, we don't have to treat it like a rezoning by sending out notifications and allowing testimony but in this case, I feel it would be warranted to do so.

David Dixon: Thank you, I agree.

Chairman McKee: You can rest assured the Chair will allow that to proceed as you wish.

David Dixon: Thank you.

Chairman McKee: Does anyone else have anything they would like to say.

David Williams: Ray, would you come back? Now a multi-family apartment unit could go on this site right now?

Ray Nix: Yes.

David Williams: Would that multi-family apartment unit site be allowed to come off of Anne Drive?

Ray Nix: Possibly, I don't have a specific answer but it's possible.

David Williams: Is that correct, Mr. Bishop?

Brian Bishop: I believe it's possible but it's not a guarantee.

Ray Nix: I think that would be up to the City Engineer to review the loading of the street, and access, and how much usage it would have and so forth.

David Williams: The traffic for a multi-family apartment-type complex, would be higher or lower for the self-storage units?

Ray Nix: Considerably higher, from what we've been able to observe from some research that we've done.

David Williams: Any noise... would there be any noise constraints, on dwellings, on people living in that apartment complex?

Ray Nix: Not any more than what typically we would have ordinarily.

David Williams: Most likely those apartments would have patios or balcony's overlooking the back parts of the buildings?

Ray Nix: I think that if you can envision two- or three-story apartment complex, that may be what you envision there with 4.8 acres of ground, potentially on the up side.

David Williams: And all of that could be built without any... much more ado than what...

Ray Nix: It's currently zoned that, for multi-family, yes.

David Williams: Thank you.

Chairman McKee: Thank you Mr. Nix.

Yes sir, Mr. Jones please come back to the podium.

Michael B. Jones: The only thing I will say, personally, I would rather the storage buildings. Because Section 8, I don't want it. I've lived by it before, I would just assume take the storage buildings. How 'bout that?

Chairman McKee: Let the record reflect what Mr. Jones just said, thank you sir.

Are there any other statements that anybody would like to make, for or against?

Are there any other questions that a commissioner would like to ask?
Any questions?

Hearing none, the Chair will entertain a motion.

David Williams: Mr. Chairman, seeing that this is kind of the first time for this kind of development;

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY DAVID DIXON; I MOVE THAT STAFF PREPARE A PROPOSED MOTION AND FINDINGS OF FACT, BASED ON THE RECORD, RECOMMENDING APPROVAL OF REZONING #1088 WITH A DEVELOPMENT PLAN FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON AT 2429 HWY 60 E, (PID#65-44), CONTAINING APPROXIMATELY 4.81 ACRES, SUBMITTED BY DAVID WATKINS AND PEGGY WATKINS; THAT THE MATTER BE TABLED UNTIL THE NEXT REGULAR MEETING; THAT THE PUBLIC HEARING NOT BE REOPENED AT THE NEXT MEETING (THAT NO ADDITIONAL PUBLIC COMMENTS WILL BE HEARD AT THE NEXT MEETING); THAT THE RECOMMENDATION WILL NOT BE RECONSIDERED AT THE NEXT MEETING; AND, THAT THIS VOTE NOT BE CONSIDERED FINAL ACTION. THAT THE PROPOSED MOTION AND FINDINGS BE SUBJECT TO THE REQUEST FOR A CONDITIONAL USE PERMIT FOR STORAGE BUILDINGS BEING FINALLY APPROVED. THIS MOTION IS IN REGARD TO THE APPLICANTS' REQUEST FOR A ZONING CHANGE FROM MULTI-FAMILY RESIDENTIAL DISTRICT (R-4) TO NEIGHBORHOOD BUSINESS (NB), WITH A DEVELOPMENT PLAN FOR STORAGE BUILDINGS.

Chairman McKee: Any questions about the motion?

Mac Arnold: Clarification.

Gary Gibson: Yes, clarification.

Mac Arnold: In discussion earlier, we were saying possibly if the questions about whether people could come back and if any revisions... does this deny that?

Brian Bishop: No. They are two, separate issues.

Mac Arnold: Ok.

Chairman McKee: Over this way?

Gary Gibson: I'm fine.

Chairman McKee: Any other questions about the motion? Is there any other discussion? Hearing none, Madame Clerk will you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be.

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

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY GARY GIBSON TO GO OUT OF PUBLIC HEARING.

Chairman McKee: All those in favor signify by saying aye.

ALL IN FAVOR: AYE

Chairman McKee: Are there any opposed?

OPPOSED: NONE

Dennis Branson: Thank you.

Chairman McKee: Thank you, Mr. Branson. We are out of Public Hearing.

Next on the agenda is the **June Finance Report, (Audit adjustments completed for 2017-2018 FY).**

Mrs. Curtis, you're going to address that situation? Please proceed.

Theresa Curtis: After the audit was completed and we made all the adjustments, we ended up being at 91% of the budget for June, Fiscal Year 2017-2018.

The October Finance Report, we ended up with 37% of budget. We just need a recommendation for both June and October.

Chairman McKee: You've heard Mrs. Curtis' comments, any questions?

MOTION WAS MADE BY DOUG BELL, SECONDED BY BOBBIE JARRETT TO APPROVE THE JUNE FINANCE REPORT AND THE OCTOBER FINANCE REPORT.

Chairman McKee: Any discussion? That's for the June Finance Report and the October Finance Report, both. All in favor signify by saying aye.

ALL IN FAVOR: AYE

Chairman McKee: Are there any opposed?

OPPOSED: NONE

Chairman McKee: They are approved as presented.

Next on the agenda is the **Bond Report**, Mrs. Wayne?

Claudia Wayne: Yes. We have Palmer Oil, we're releasing demolition, screening, entrance, and back fill. We're keeping \$2,230 for erosion control, which the grass will need to grow another month or so. Other than that, that will be it.

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

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

Claudia Wayne: Did someone have a question?

David Dixon: This is the Airline Road and 41 S EZ Shop they just finished building?

Claudia Wayne: Yes.

David Dixon: It looks really good.

Claudia Wayne: Yes, it does.

Chairman McKee: Any other comments or discussion?

All in favor, signify by saying aye.

ALL IN FAVOR: AYE

Chairman McKee: Are there any opposed?

OPPOSED: NONE

Chairman McKee: The Bond Report is approved as presented.

Next on the agenda is Administrative Business, Mr. Bishop?

Brian Bishop: Yes sir. Give me one second please. I come asking hat in hand for a request.

Many of you have been around for a while and realized that every year the Planning Commission Staff prepares an Annual Report. This is our most recent one.

This is pretty cumbersome on staff, and we will gladly undertake this endeavor again if you would like, but my request is that we somehow condense it or not do this report because, as I said, it's very cumbersome and I'm not sure what we're providing you that you don't already know.

So, I would just like to open that discussion with the Planning Commission. As I said, we will gladly complete this project because this is about the time we would get started with it. But I would really like a way to condense it, because a lot of this material is redundant, you guys know what we're doing every month. So, I would just like your opinion.

Chairman McKee: Is it addressed in the By-Laws?

Brian Bishop: It is not required in the By-Laws.

Chairman McKee: Why do we do it?

Claudia Wayne: I don't know. We never had a January meeting because of that, and now we have a January meeting. I don't know.

Brian Bishop: Some of the folks that have been here a while remember that January would be a workshop, if I'm not mistaken, and a lot of this would be covered then.

To be honest, at this point I think a lot of this, the answer is just because we've always done it that way.

David Dixon: Can you go back to the Table of Contents? Let's see if there's anything that looks like good reading.

Chairman McKee: I can't read it, can we make it bigger?

Brian Bishop: I'll try.

David Dixon: You usually update us on all your projects, completed and on-going.

If we had a question about the total number of appeals or etc., we could ask.

I say we go without it for a year, and see what happens. See if the sun comes up.

Dickie Johnson: Are you going to make that a motion.

David Dixon: Yes sir.

Dickie Johnson: I'll second it.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY DICKIE JOHNSON TO ELIMINATE THE ANNUAL REPORT FROM THE BUSINESS OF STAFF FOR ONE YEAR.

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

ALL IN FAVOR: AYE

Chairman McKee: Are there any opposed?

OPPOSED: NONE

Chairman McKee: Was there any other Administrative Business, Mr. Bishop?

Brian Bishop: Not at this time sir.

Chairman McKee: Is there any other business?

Gary Gibson: Will they verify where the meeting is going to be on the training hours next week? Where and etc.?

Chairman McKee: In Owensboro?

Brian Bishop: Mrs. Lauderdale, would you mind addressing that?

Heather Lauderdale: I would love to but I gave my piece of paper with that information on it to Mr. Gibson.

Gary Gibson: It's on Fifth Street, looks like about downtown.

Chairman McKee: Will you send that out in an email?

Heather Lauderdale: It will be my pleasure.

Gary Gibson: I've got the address, I can find it.

Brian Bishop: Commissioner Gibson, we'll get that information to you tomorrow.

David Dixon: That reminds me of another question. Have we determined whether that training rolls over into the next year?

Heather Lauderdale: It does not.

Dickie Johnson: Does not.

Tommy Joe Fridy: Does not.

David Dixon: So, we're getting more training...

Tommy Joe Fridy: I was the one that confused that. I was wrong, it does not.

David Dixon: So, we can leave early then? (laughter)

Tommy Joe Fridy: Let's be crystal clear.

David Williams: Has staff discussed transportation there?

Brian Bishop: Commissioner Williams, I believe we have 12 people going from the Planning Commission. What I would like to do is see what the cost of a rental van would be, that way we could all go up and back in one vehicle.

I will do that tomorrow and let everyone know, if that's sufficient.

David Dixon: I'll say that I'll be going directly from home back to home since I'm halfway there anyway.

Brian Bishop: Ok. Is everyone ok with me doing that?

Kevin Richard: Yes.

Dickie Johnson: The Planning Commission pays for expenses coming and going if you want to use your own, personal vehicle.

Brian Bishop: We'll treat it like a field trip.

Chairman McKee: If you have any questions about going and coming back, please call the office and talk to Brian or Claudia.

Anything else to come before this meeting?

Motion to adjourn.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY DICKIE JOHNSON TO ADJOURN.

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

ALL IN FAVOR: AYE

Chairman McKee: Are there any opposed?

OPPOSED: NONE

MEETING ADJOURNED AT 7:32 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, November 6, 2018, to the best of my ability.

Heather Lauderdale, HCCPC Clerk

X

Herb McKee, HCCPC Chairman