

Henderson City-County  
Planning Commission  
March 7, 2023

The Henderson City-County Planning Commission held a meeting March 7, 2023 at 6:00 p.m., at the Henderson Municipal Center, 222 First Street, Third Floor Assembly Room, Henderson, Kentucky. Members present: Chairman David Dixon, Vice-Chairman Kevin Richard, Dickie Johnson, Gary Gibson, Bobbie Jarrett, X.R. Royster, Frank Boyett, Stacy Denton, Kevin Herron and Tommy Joe Fridy. Mac Arnold and Gray Hodge were present via ZOOM. Doug Bell was absent. Staff present: Director Brian Bishop, Jennifer Marks, Theresa Curtis, Heather Lauderdale and Chris Raymer.

***MEETING BEGAN AT 6:02 PM***

Chairman Dixon: I would like to call this March 7, 2023 meeting of the Henderson City-County Planning Commission to order.

I would like to thank everyone for coming, we appreciate your help.

Madame Secretary, will you please call the roll?

Chairman Dixon: Do we have a quorum?

Heather Lauderdale: We do.

Chairman Dixon: There are a few public hearing items we need to deal with tonight so, I'll entertain a motion to go into public hearing.

***MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY KEVIN RICHARD TO GO INTO PUBLIC HEARING.***

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

All in favor say yes.

***YES: ALL***

Chairman Dixon: Any opposed?

We are in public hearing.

The item of business is approval of our meeting from the **minutes from the February 7 AND 8<sup>TH</sup>, 2023 meeting.** I'll entertain a motion to approve the minutes as presented.

***MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY KEVIN RICHARD TO APPROVE THE FEBRUARY 7 AND 8<sup>TH</sup>, 2023 MINUTES AS DISTRIBUTED.***

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

All in favor say yes.

***YES: ALL***

Chairman Dixon: Any opposed?

The next item is a proposed **amendment to the City Zoning Text having to do with model homes.** I believe the City Attorney is going to discuss this with us.

I need your name, please.

Dawn Kelsey: Dawn Kelsey.

Chairman Dixon: Address?

Dawn Kelsey: 222 First Street.

Chairman Dixon: And you promise to tell the truth, the whole truth and nothing but the truth?

Dawn Kelsey: I do.

Chairman Dixon: Thank you.

Dawn Kelsey: The City Commission was reviewing; we were working through the Zoning Ordinance and we realized that unlike most zoning ordinances, ours had omitted anything about model homes. So, at the

last City Commission meeting, the City Commission approved to come to you all for review. Definition for model homes, which I'm trying to get.... can you..(referring to the slide presentation on screen).

Thank you, Ms. Jennifer.

So, this is a definition; a house constructed that serves as a temporary sales office and as an example of this style home that can be built in any given subdivision.

So, you would add this into the zoning definitions and then it would become a permitted use in R-2 Single-Family Residential.

Like I said, most zoning ordinances in Kentucky do contain this but ours was silent as to model homes.

Chairman Dixon: Any questions from the Commission?

Staff, do you have any thoughts on this?

Brian Bishop: No sir. We spoke with the City Staff about this and we're in agreement that is probably a needed necessity for the city.

Chairman Dixon: Okay, thank you. Thank you, Dawn.

Is anyone else here who would like to speak in favor of this amendment?

Would anybody like to speak in opposition to this amendment or have questions?

Hearing none, I'll entertain a motion in this regard.

***MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY X.R. ROYSTER TO RECOMMEND TO THE CITY TO ADOPT INTO THE ZONING TEXT AMENDMENT OF SECTION 2.01 DEFINITIONS AND SECTION 11.03 PERMITTED USES (d) ADDING MODEL HOMES.***

Chairman Dixon: We have a motion and a second, any further discussion by the Commission?

Madame Secretary, please call the roll.

**YES: ALL**

Chairman Dixon: Very good, the motion passes.

The next item on the public hearing agenda is Rezoning #1141 with a Development Plan. Mr. Bishop, you're going to help us understand this?

Brian Bishop: Yes sir, give me one second while I load the development plan.

Chairman Dixon: Perhaps, while you're doing that, I would like to propose we enact some speaking rules in this case. These are the same guidelines we've used in the past in certain cases. I'll read the rules and entertain a motion.

1. The Planning Commission very much wants to hear all evidence, comments, positions, suggestions and questions (collectively referred to as "comments"). All comments will be at the end, after all amended sections have been presented by staff, unless the chairman elects otherwise or unless changed by vote of the Planning Commission.
2. There will be no time limit on attorneys and attorneys will present/comment first:
  - We will begin with attorneys.
  - Then non-attorneys.
3. Attorneys may ask questions directly.
4. Questions from non-attorneys must be presented to the Chairman (either verbally or in writing) along with who the question is to be directed to; and, the Chairman will ask the question. That is, non-attorneys may not ask questions directly.
5. Each non-attorney will **initially** be given 3 minutes. After every non-attorney has had 3 minutes, if there are non-attorneys who would like additional time, an additional 3 minutes will be given,

and this procedure will be repeated, **until everyone has had an opportunity to present all they desire to present.**

6. Speakers are asked to not repeat something another speaker has said, but may come forward on the virtual platform and say they agree with one or more other speakers and present anything new they may have.
7. Planning Commissioners may comment and ask questions at any time.

Chairman Dixon: Those are the rules we've used in the past and I will entertain a motion to put them in place this evening.

***MOTION WAS MADE BY FRANK BOYETT, SECONDED BY KEVIN RICHARD TO PUT THE MEETING SPEAKING RULES INTO PLACE DURING THIS HEARING.***

***YES: ALL***

Chairman Dixon: Thank you. Mr. Bishop?

Brian Bishop: Rezoning #1141 with a Development Plan is submitted by SMN Properties, LLC for the property located in the City of Henderson at 313 Yeaman Avenue (PID#56B-18), containing approximately 2.547 acres. Applicants are requesting a zoning change/map amendment from Medium Density Residential (R-2) to Multi-Family Residential District (R-4) to construct apartment buildings.

Can everyone see the development plan in the audience and from the Planning Commission?

The applicant has requested a zoning change from R-2 to R-4. The applicant is proposing two (2), three-story units which will have twenty-four (24) units per building. The applicant is proposing ninety-six (96) parking spots. The applicant is proposing two (2) entrances; one (1) from South Main Street and one (1) from Yeaman Avenue.

Please keep in mind that the Planning Commission will only recommend approval or disapproval to the Board of Commissioners.

If this rezoning application is approved, it will be subject to a detailed, engineering site plan which will be approved by the full Planning Commission.

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

Chairman Dixon: Does everyone understand our task this evening?

We're here to gather information and make a recommendation one way or the other to the City Commission. The final decision will rest with the City Commission.

Any questions for staff?

Do we have a representative of the applicant?

Your name sir?

Chris Hopgood: Chris Hopgood.

Chairman Dixon: Address?

Chris Hopgood: 318 Second Street, Henderson, 42420.

Chairman Dixon: Do you promise to tell the truth, the whole truth and nothing but the truth?

Chris Hopgood: I do.

Chairman Dixon: Thank you.

Chris Hopgood: I'm here representing SMN Properties, which is three gentlemen here with me; Jeremy Schmidt, Bob Mayes and Brian Nolan and they are here asking to rezone 313 Yeaman Avenue but to keep it residential, simply changing the zone from R-2 to R-4.

The property around this is Highway Commercial. This is on the Green Street side of the intersection of Yeaman and South Main. In fact, there

is an old garage there that I think, at one time, was a butcher shop or paint shop that was probably grandfathered in. As you go toward Green Street, there is more and more commercial property but this request is to keep this location residential.

The reason it's going from R-2 to R-4, as I understand it is from the height requirements that are necessary to build this many units in a residential zone it must be R-4.

As you've seen on the design plan, this is a conceptual design and as Mr. Bishop stated, you'll have the opportunity, if this rezoning is granted to then do a full and thorough review of a detailed site plan if this is granted.

So, there will be another day to talk about the details of what you have in front of you. But the conceptual plan is to have eight (8) units, three (3) high; two (2) buildings. So, twenty-four (24) in each building. Primarily two (2) bedrooms, they can't rule out ones (1) or three's (3) but the bulk of what my folks understand in the market is for two (2) bedrooms.

There is no low-income housing. This is all standard, non-subsidized housing so, this will be no Section 8, no low- income housing.

Like is said, if the zone if approved, you will still have the opportunity to approve a detailed site plan. As I indicated, this is simply trying to keep this area residential but in keeping with the concept in the city we're getting more and more (inaudible) to have multi-family this corner, this more commercial corner of Yeaman and South Main.

If there are any questions, my gentlemen are here and we'll be glad to answer any questions you have.

Chairman Dixon: What's in the little notched out part there?

Chris Hopgood: The City owns that. I think when the road was relocated, I think that was taken for the road relocation and apparently

wasn't needed. So, the city actually has that little corner; it's my understanding.

Kevin Richard: Mr. Hopgood, you mentioned conceptually, probably on the average two-bedroom apartments, conceptually is there a rough square footage on the apartments?

Bob Mayes: (Speaking from audience) 1150.

Chairman Dixon: Any other questions for this gentleman?

A question for staff: this is a current zone of R-2. What is allowed there now in terms of...is multi-family development allowed there now?

Brian Bishop: Mr. Chairman, I believe duplexes are allowed as a permitted use. Multi-family would be allowed as a conditional use which would require approval from the Board of Zoning Adjustments but I would like to defer to Mr. Steve Davis who is the Codes Administrator to answer that question for certainty.

Chairman Dixon: Thank you. Thank you, Mr. Hopgood, we're probably going to need to you again.

Your name sir?

Steve Davis: Steve Davis.

Chairman Dixon: Your address?

Steve Davis: 1990 Barret Court, Suite B.

Chairman Dixon: Do you promise to tell the truth, the whole truth and nothing but the truth?

Steve Davis: I do.

Chairman Dixon: Thank you. Can you address what is allowed there under the current zone?

Steve Davis: Absolutely.



Permitted uses, we have two (2) family dwellings like Mr. Bishop said and/or single-family units, townhouses and with conditional uses we do allow multi-family up to eight (8) units, Bed and Breakfast and that's all under conditional use.

Chairman Dixon: Is there some kind of height restriction?

Steve Davis: Yes, there is a height restriction in R-2. The height restriction is thirty feet (30').

Chairman Dixon: So, in the current zone a thirty-foot (30') structure could be put there now?

Steve Davis: Yes sir.

Brian Bishop: Mr. Davis, what is it in R-4?

Steve Davis: R-4, the height is 45'.

Kevin Richard: So, another fifteen feet (15')?

Steve Davis: Yes, another story.

Chairman Dixon: Any other questions for this gentleman? Thank you.

Is anyone else here would like to speak in favor of this zoning change?

Is there anyone here how would like to speak in opposition to this zoning change or who might have questions?

Please.

Carol Williams: Hello, thank you, my name is Carol Williams. I live at 242 Fairview Drive here in Henderson.

Chairman Dixon: Do you promise to tell the truth, the whole truth and nothing but the truth?

Carol Williams: I do.

Chairman Dixon: Thank you very much.

Carol Williams: If I could, I just want to read this letter. I have twenty (20) signatures and this was just collected today.

It just says,

*“To those concerned,*

*We are writing this letter to make known our concern and opposition to a proposal that will change zoning to allow an apartment complex to be constructed at the corner of Yeaman and Main St.*

*At already dangerous intersections between Main St. and the side streets Janalee Dr., Yeaman Ave, and Fairview Dr., our concern is that the additional traffic will only increase the risk of danger and likelihood of accidents. We have many school age children, walkers and bike riders in the area who will be affected. There would be many more with the inclusion of an apartment complex.*

*The principal use of land is for two-family and single-family dwellings. We would like to protect the area residential character of the district by prohibiting commercial activities, to encourage a suitable neighborhood environment for family life, and preserve the openness of the district.*

*Please consider the move to rezone this area.*

*We the undersigned agree with the above statement:”*

Carol Williams: And like I said, there are twenty (20) signatures from Main Street, Fairview Drive, Janalee Drive.

Our main concern is traffic. If you have ever traveled on Main Street at the three (3) way stop where Janalee intersects, you cannot get off of Janalee onto Green Street during the morning rush-hour commute or the afternoon. You cannot turn left, if you go down there now in the morning, they're doing the sewer construction on Main Street and Main Street is closed, that is one of the most dangerous intersections in Henderson coming off of Yeaman.

So, if you add ninety-six (96) potential parking spots, which could be ninety-six (96) more vehicles in this small area, I can't imagine what that's going to do to traffic.

Any time the traffic on Green Street is re-directed onto Main Street because of accidents which happen in front of Rural King all the time, I can't even get out of my street; Fairview, unless someone is kind enough to stop and let me through because that three-way stop at Yeaman.

So, it affects that whole neighborhood. We're not against duplexes, it's zoned for duplexes, duplexes would add very little to the traffic but an apartment complex with ninety-six (96) more parking spots, ninety-six (96) possible drivers; I just don't think, we don't think that area can handle that and we're concerned for our families, we're concerned for our children and we're concerned for traffic and noise and would like for...have there been studies done for that? Has that been looked at? Is that something that would come later if this was approved?

Chairman Dixon: Thank you, ma'am. Please stay right there.

Carol Williams: Okay.

Chairman Dixon: My question has to do with this letter signed by twenty (20) other people. Are those twenty (20) people in this room tonight?

Carol Williams: Some of them are, yes.

If you signed this letter, will you raise your hand please?

Chairman Dixon: Thank you.

Counselor?

Tommy Joe Fridy: Would you like to submit that letter as an exhibit?

Carol Williams: I would.

Tommy Joe Fridy: Please give it to the clerk.

David Dixon: I would like to see it.

Okay. Do we need addresses for this to be properly placed into the record? We've got them, generally, yes.

Okay.

Is this satisfactory?

Tommy Joe Fridy: Yes.

Chairman Dixon: Thank you, ma'am.

**(EXHIBIT "A" WAS INTRODUCED BY CAROL WILLIAMS)**

Dickie Johnson: Well, she does have a legitimate point. Has there been any traffic studies done in regards to this intersection?

Brian Bishop: I would like to refer to Mr. Doug Boom, who's our City Engineer, who has been looking into this and is the best source to answer that question.

Chairman Dixon: I need your name, sir.

Doug Boom: Doug Boom, 222 First Street.

Chairman Dixon: Do you promise to tell the truth, the whole truth and nothing but the truth?

Doug Boom: I do.

Chairman Dixon: Thank you, thank you. Can you help us with this?

Doug Boom: There have not been any studies done in this area. There have been traffic counts taken, I think Brian is pulling up the accident reports.

Brian Bishop: This is pulling up collision reports.

Doug, go ahead and address the traffic study.

Doug Boom: Typically, in a case like this you're only adding ninety-six...you could ask them to do a traffic study but it's not going to generate anything different than it is now because the thresh-hold for a traffic study is a hundred vehicles per hour at peak time. In this case, there are only ninety-six (96) parking stalls, that would be your maximum number in and out.

Dickie Johnson: Yeah, but that's just at this particular project.

Doug Boom: Yes, the traffic study for that area...

Dickie Johnson: But you have ninety-six plus all the residential property around her, you're going to have more than a hundred (100).

Brian Bishop: But Doug you're saying for individual projects...

Doug Boom: For individual projects, you have to have more than one hundred (100) vehicles.

Dickie Johnson: Oh, okay, I misunderstood you, I'm sorry.

Doug Boom: But yes, you're correct. In the neighborhoods, yes.

Dickie Johnson: One other question and you may be able to answer and you may have to defer it someplace else; she brought up another project, the sewer project on Main Street, you know, construction projects don't last forever. How much longer do you think this project might last?

Doug Boom: I can't answer that, I don't know.

Dickie Johnson: I didn't figure you would.

Brian Bishop: Mr. Johnson, that's an HWU project and we would need to reach out to them.

Dickie Johnson: Okay. Well, she brought it up and it's a legitimate question, so.

Brian Bishop: Mr. Mattingly, do you have any idea?

Warner Mattingly: I don't have one. I wouldn't imagine it taking too, terribly long.

Chairman Dixon: Your name sir?

Warner Mattingly: Warner Mattingly.

Chairman Dixon: Your address?

Warner Mattingly: 230 N. Alvasia Street.

Chairman Dixon: Do you promise to tell the truth, the whole truth and nothing but the truth?

Warner Mattingly: I do.

I don't have a specified amount that I can give you as far as date. I wouldn't imagine it would take significantly long. They're moving pretty quick. I can go back and ask and kind of get an idea and I can report back but as of right now, I don't want to set a specific date.

Brian Bishop: Mr. Mattingly, would you give us your title too, please?

Warner Mattingly: Yes, I'm a Project Engineer for Henderson Water Utility.

Chairman Dixon: Okay. Any other questions for either of these two (2) gentlemen?

Thank you.

Would the applicant like to address this traffic question?

Brian Bishop: Mr. Chairman, may I add something real fast?

Chris was kind enough to go in and pick the collision reports which is coming from the Kentucky Transportation Cabinet and HPD. So, these four (4) dots represent any accidents that have happened in the last five (5) years.

Dickie Johnson: On Main Street?

Brian Bishop: On Main Street.

Dickie Johnson: Okay.

Brian Bishop: And we can click on the attributes if you would like more information on that but these are the number of documented wrecks just near that intersection in the last five (5) years.

Chris Hopgood: We have one (1) about every two (2) months at 318 Second Street because people think you can pass on the right when somebody is pulling into our office. I wish we had that few.

This will be a question for Mr. Boom. Main Street is a city-controlled street?

Doug Boom: Correct.

Chris Hopgood: So, it would not need any state approval to put a traffic light in.

Doug Boom: They would recommend a study be done.

Chris Hopgood: Okay, but a traffic light could address any traffic concerns?

Doug Boom: It probably could.

Chris Hopgood: Okay, that's all.

Chairman Dixon: What would have to be done before a traffic light was installed?

Doug Boom: The City would request a study be done by the EMPO and they would prepare information and submit it back to us.

Brian Bishop: Doug, explain what EMPO is please.

Doug Boom: Evansville Metropolitan Planning Organization in Evansville, we're under their jurisdiction. They do traffic engineering work for us.

Chairman Dixon: Thank you.

Would anybody else like to speak this evening?

Yes sir?

Mark Horton: My name is Mark Horton; I live at 205 Fairview.

Chairman Dixon: Do you promise to tell the truth, the whole truth and nothing but the truth?

Mark Horton: Yes, I do.

Chairman Dixon: Thank you.

Heather Lauderdale: I didn't get his name.

Chairman Dixon: We didn't catch your name. I'm sorry, we didn't catch your name.

Mark Horton: Horton, Mark Horton.

Heather Lauderdale: Thank you.

Mark Horton: What I would like to point out to you gentlemen is that there are five (5) stop signs within a one (1) to three (3) car-length distance there. I don't see how we can manage the people.

The other point I want to make is that it seems like we're getting a lot of excess traffic on Main Street to avoid the traffic on Green Street because they have fewer stop signs and stop lights, whatever. So, the traffic has been picking up.

The other thing I noticed the other day is the school bus stops there at the corner to let children out. I can't begin to tell you.... this is the first I've seen this. We, in the neighborhood, have known nothing about what was coming here until just recently. I see it was just posted today which it wouldn't matter anyway because you can't get by to see it but the main point I'm trying to make out here is it is a very dangerous intersection. We call it the malfunction junction there. When you come



out of Fairview, the traffic coming from downtown, coming from east to west, that stop sign is a blind spot. So, when you try to pull out, we've had several near incidents. Now, they say they don't have very many recorded incidents there, well it's mainly because it's a slow-moving area. There are some people that don't necessarily completely stop there, they just move through.

So, what I'm saying here is that is a dangerous intersection, if you're going to proceed with something that massive, there has to be some changes made to that intersection. You cannot begin to do it with five (5) stop signs in that small area. I don't see how a traffic light would be a big help but I suppose it would help, but still, it would probably cause the traffic to back up more.

So, my concern is that many units, ninety-six (96) cars plus as that gentleman said, there will be more cars than ninety-six (96) cars in there because there will be visitors. And we're already having trouble in the area with the rentals down the street dumping debris on the street so, that's another area of concern for us residential people. The main issue here is the traffic and the danger, that is on the minds of...there were several people unavailable to come tonight because we had such short notice.

Brian Bishop: Mr. Chairman, may I address...

Chairman Dixon: Yes, I would like to know about the notification process.

Brian Bishop: We're checking for two (2) things; Heather, do you remember when you put the signs out?

Heather Lauderdale: There were two (2) signs posted, one on Main and one on Yeaman.

Theresa Curtis: The rezoning signs were put up on February 23.

Brian Bishop: The signs were posted by our staff on February 23. The letters that go out to the adjoining property owners; anyone who touches and across the road went out February 20.

Chairman Dixon: Would anyone else like to address this matter?

Mark Horton: If that's the case sir, I didn't see it, okay? I travel that street all the time.

Chairman Dixon: Thank you.

Mark Horton: My case in point is that it may have been there and if it has, we didn't notice it. I just noticed it today for the first time. So, I can't attest the fact it's been there for three (3) weeks, three (3) days or whatever but I have not noticed it until today.

Heather Lauderdale: I can say that the day they were posted, the street was closed.

Mark Horton: Yes.

Heather Lauderdale: So, I had to go around working vehicles that were working in that part of the area.

Mark Horton: I think I mentioned that the streets have been closed and it's hard to get down there.

Chairman Dixon: Thank you, sir.

Would anyone else like to address this issue? Yes sir?

Derek Mullins: Derek Mullins, 1553 S. Main.

Chairman Dixon: Very good, do you promise to tell the truth, the whole truth and nothing but the truth?

Derek Mullins: I'll do my best.

Chairman Dixon: Good, good.

Derek Mullins: Yes, the traffic is a big issue because I face Main Street right there before you get to Yeaman. Last night with all the sewer construction going on, people come up and down doing about 50-55 up and down main and this truck, you know, being gravel now nearly lost control last night. So, the traffic is a big problem.

Now, I want to know if anyone can address what these apartments are going to do as far as property values around the area.

No?

Chairman Dixon: Is that within our purview?

Brian Bishop: That is not within our purview. We are not the Property Valuation office or real estate appraisers.

Derek Mullins: Uh huh. Can anyone address, I know the attorney mentioned that none of these will be low income but I thought it was Federal Law that a certain amount had to be regulated as low income.

Dickie Johnson: Maybe their attorney can address that but I've never heard that and I've been around here a long time but you may know something I don't.

Chairman Dixon: Do you have other questions, sir?

Derek Mullins: Uh...I would just like to say that this an excessive amount for this lot. Have any of you been down to this lot lately?

Chairman Dixon: I have.

Derek Mullins: Yeah? Does that look like it's a big enough lot for forty-eight (48) apartments and ninety-six (96) parking spots?

Chairman Dixon: It's in excess of two (2) acres, is it not?

Brian Bishop: 2.5.

Derek Mullins: Uh huh. The lot at the end of main would have been much more suitable.

No, I don't have anything else.

Yes, it was Todd Meats, the old building that was there and Dickie, if you've been around here a long time, what was the Country Club?

Dickie Johnson: What was the old...

Derek Mullins: Where was it?

Dickie Johnson: There in that area.

Derek Mullins: No, it was down where Chapelwood is. Everybody thinks it's the old Clark house but it wasn't.

So anyway, thank you.

Chairman Dixon: Thank you, sir.

Mr. Hopgood, can you address this low-income housing question, please?

Chris Hopgood: I represent the largest owner in Henderson who has five (5) times, maybe ten (10) times as many and has zero (0) low-income housing.

Chairman Dixon: Very good. Thank you for your help.

Yes ma'am?

Ramona Hillenbrand: My name is Ramona Hillenbrand, I live at 101 Janalee Drive, down at the very end where the cul-de-sac used to be.

I agree with everything...yes?

Chairman Dixon: Do you promise to tell the truth, the whole truth and nothing but the truth?

Ramona Hillenbrand: I do. Yes, I do.

Chairman Dixon: I know you do, thank you.

Ramona Hillenbrand: I agree with everything these people have been saying. My major concern is this; living on the end of that street of Janalee Drive, it is continuous trespassing, most of the time it comes down from Chapelwood so, now if we're going to have an apartment building right down on the end of that street...we've had tires cut, things stolen, people who want to argue when you say, "Hey, you're on private property." We have a right for people to stay off our property. How is that going to add to this if you're adding that many apartments?

We are not the only family that faces that. Just because our land goes to the river, everyone thinks that gives the right to come down there and it doesn't. I'm sure there's nobody here who thinks it's okay for anybody to just come up on their property.

Chairman Dixon: Anything else, ma'am?

Ramona Hillenbrand: No, that's it.

Chairman Dixon: Are there any questions for this lady? Thank you.

Mark Horton: I have one (1) more question.

Chairman Dixon: Yes, by all means.

Mark Horton: I don't understand what the size of this lot is. Is it 2.54 acres that we're going to put this on? Is that what I'm hearing?

Brian Bishop: That's correct.

Mark Horton: My house sits on 2.8 acres; I don't see how you can put ninety-six (96) units there. I mean that's ludicrous in my opinion, I'm sorry but that's upsetting when I sit here and I think what you're trying to do. Three (3) stories, with ninety-six cars and visitors and the potential risk of what we're going to have down there, it's mind-boggling to me how we're even thinking about this.

Chairman Dixon: Thank you.

If this should proceed any further to a site plan proposal, we're going to be addressing setbacks and more technical...

Brian Bishop: Yes. We will look at things more detailed in nature such as drainage; they will be required to show the size of the detention. Lighting; we typically require night-sky friendly lighting which means no light can escape the site, where trash receptacles will be and things of that nature. Everything that an engineer would design. So, slopes on roads and things like that.

Chairman Dixon: Setbacks?

Brian Bishop: Setbacks will definitely be addressed.

Mr. Chairman, they're already showing on this to show that the property will fit. It's probably a little hard to see with the color but if you'll notice here, this dashed line....setbacks are shown here. Can you see the blue line here?

So, as it is shown in a conceptual nature, this will fit on the site and I will ask Mr. Davis to let us know what the maximum lot coverage is for that zone, please?

Steve Davis: The maximum coverage is forty-five percent (45%) for an R-4.

Chairman Dixon: Which means that the structure can take up no more than forty-five percent (45%) of the lot, is that what that means?

Steve Davis: Yes.

Chairman Dixon: Does anyone else want to address this matter?

Yes ma'am, please.

Lisa Jones: My name is Lisa Jones and our property is 245 Fairview and, again, I know...

Chairman Dixon: Excuse me ma'am. I'm sorry but we have to go through this.

Do you promise to tell the truth, the whole truth and nothing but the truth?

Lisa Jones: I do.

Chairman Dixon: I know you do, thank you.

Lisa Jones: Some of the sweetest people represented here today and you know, one of the things that I wanted to mention and reiterate is the concern with traffic.

Our property, when the driveway is right at the corner of South Main and Yeaman and it definitely would be infringed upon by this additional traffic because even at this time with the population density as it is, as it stands today, it is hard to exit our driveway on any given day.

So, if we see that type of increased traffic, it could render us homebound, you know? There are times, you know, we just can't get out, even now. So, I can't comprehend that increased traffic and I wanted to reiterate what several, different people have said; we're right there, people do not stop. Not only do they not stop, they speed. I mean, there is like one type of big truck that just goes straight by constantly, every time.

The reason for the signs, again because we're right there, the signs were taken down, they were there but then they were doing all the construction and they took them up and then they leaned them and they were just everywhere but it's my understanding the majority of the neighborhood had no idea that this was even being contemplated. So, it's kind of blindsided a lot of people.

Again, with our property, in particular, it would be a direct infringement not to mention the nuisance that would be generated there because we would be right in the middle of it all and might not be able to leave.

Anyway, thank you.

Chairman Dixon: Thank you, ma'am.

Yes, please?

Cheyenne Leavelle: I'm Cheyenne Leavelle, I live at 209 Fairview Drive.

Chairman Dixon: Once again...

Cheyenne Leavelle: Yes, I swear to tell the truth.

So, on the back of the building facing Main Street, are those going to be patios? Are there three (3) stories of patios to where if you're walking by on the sidewalk, are you looking at forty (40) patios? Is there going to be any outside living areas that are going to be facing Main Street if they're entering from the inside?

Brian Bishop: Mr. Hopgood, would you mind addressing that please?

Chris Hopgood: I brought with us a picture of what my client's...where they got this idea from the apartments over in Newburgh that are three (3) stories high and they have balconies.

Now, obviously this is very early in the stage, there you go (referring to a photo of the building projected on the screen).

Brian Bishop: Mr. Hopgood, is that...?

Chris Hopgood: That's it, thank you.

So, this was the inspiration for this. This type of apartment that you see over in Newburgh which is in the Burkhardt area in Evansville; those high-end apartments over there and my clients point out the rents on these are probably in the neighborhood of one-thousand dollars (\$1,000) a month. So, you've got three hundred (300) people coming in here from Pratt that will be making good wages so, these are going to be



rented by people that obviously have means and the ability to pay the rent.

Cheyenne Leavelle: So, are those patios facing towards the parking lot or are the patios facing the Main Street?

Brian Bishop: Ma'am, can you come to the microphone please.

Cheyenne Leavelle: Oh, sorry. So, I'm like envisioning when you drive in, that's your front door right? And your walk up to the patios will be facing towards the lot or will the patios be on the back side facing Main Street?

Chris Hopgood: Well, again, we're here just for the preliminary part so there is no...don't hold me to this but the way I understand there will be...you guys tell me Robert, front and back?

Bob Mayes: Front and back.

Chris Hopgood: Front and back.

Bob Mayes: Both sides will have patios. Both sides of the building.

Chris Hopgood: So, both sides will look like that?

Bob Mayes: So, this is facing one side, the other side will...

Brian Bishop: Mr. Mayes, come to the microphone please.

Chairman Dixon: I need your name, sir.

Bob Mayes: Bob Mayes, 6082 Peters London Road, Reed, Kentucky.

Chairman Dixon: Do you promise to tell the truth, the whole truth and nothing but the truth?

Bob Mayes: Yes sir.

Chairman Dixon: Thank you.

Can you help us with the patio location?

Bob Mayes: So, basically both buildings would look similar to this and this would be the view from both sides. So, you would have a total of twelve (12) patios on one side of the building and twelve (12) patios on the other side. So, you're just mimicking both sides of the building on both sides. Then, we would repeat that with the second building.

Chairman Dixon: Okay, thank you.

Cheyenne Leavelle: The reason I was asking is just for me, I have little kids, I love our area and I like to be able to take walks down that street and I'm all about, like you said, duplexes and homes but just as far as quality of life with all the cars, with all the people I do need to think that needs to be taken into consideration because I do think it's a very special area of the town. So, I was curious if I am walking by, are there going to be multiple, multiple people outside...strangers? Or is it going to feel more inclusive?

Chairman Dixon: Thank you.

Yes sir?

Mike Wilson: My name is Mike Wilson, I own property at 250 Fairview Drive; at the corner of Main and Fairview.

Chairman Dixon: Do you promise to tell the truth, the whole truth and nothing but the truth?

Mike Wilson: I do and I will.

Chairman Dixon: Good, thank you.

Mike Wilson: I was a little concerned about out of town ownership that is developing this and I found out it was local people. They live here locally and they're going to be answering to us locally.

I'm also happy to find out that this is not going to be "affordable housing", I think that's a big plus and that eliminates some of our concerns.

The other concerns that were brought up I think do have merit; traffic. One thing that wasn't mentioned is the intersection at Yeaman and Green Street. That is a real tough intersection to get out on. I hate to see a light there but what could happen, and this would be not very expensive for the city to do this would be to put a lane a little bit going left and one going right. That would mean it would need to be moved just a little bit but it is wide enough to do that. Right now, you've got one (1) lane coming out onto Green Street from Yeaman for left and right turns. That is a little difficult to get out there and I understand the concerns of what the neighbors are talking about but I also want to give the fella's credit that are developing this. Number one (1), it's for profit and not non-profit and it also is going to be using market rents.

Thank you.

Chairman Dixon: Thank you, sir.

Would anyone else care to speak?

Do we have any questions from the commission for anyone?

Mark Horton: I have one last request.

Chairman Dixon: Yes sir?

Mark Horton: I'm a retired engineer. I know that when you look at drawings that's one thing and when you're in the real, it's another thing. When I look at this thing I think about the property in the area, I'm still extremely concerned about the traffic situation. All I'm asking and pleading with you gentlemen is to think about if you were living in that area, would you want to expose yourself and your family to the risk factors and what could be coming there? We do know that we have multi-family units like this, it does bring problems. There is no way around it, there will be some issues and that is an awful big complex there to be managed from that standpoint. But we already hear sirens

two (2) and three (3) times every day practically going to Chapelwood, I guess.

So, our main concern is what could we end up with there in time. I don't really see that development as being something that is overly attractive to me, which would be compelling to bring in, you know, wealthy people. That's my comments and I'll leave it at that. But I do ask you people to think in the terms of we the people that are going to be left with your decision, whether it's good or bad. Thank you.

Chairman Dixon: Thank you, sir.

Would anyone else like to share anything with us?

Nancy McKinney: My name is Nancy McKinney, I live at 1569 S. Main Street, which is directly across the street from where they're going to build the property and I swear to tell the truth.

That is a very bad three-way stop because people do not stop there. Even though the street is torn up and there's gravel there, that didn't slow them down all weekend.

As far as the water thing, the guy told me yesterday it would be at least two (2) months that the street is going to be that way.

So, the traffic is really bad.

Chairman Dixon: Thank you, ma'am.

Once again, would anyone else like to share anything with us? If you've spoken before, you can speak again. Yes?

Your name sir?

Michael Hillenbrand: My name is Michael Hillenbrand; I live at 101 Janalee Drive.

Chairman Dixon: Do you promise to tell the truth, the whole truth and nothing but the truth?

Michael Hillenbrand: I do.

Chairman Dixon: Thank you.

Michael Hillenbrand: Mine is more questions, I guess, more than anything else. I would say I do appreciate the posting of the signs but the difficulty in that is that also came at a time when there was all that construction going on, which the same place you were posting signs we've got construction machinery staged and equipment staged which makes it kind of difficult to see. Even though you went through those motions and did those things, I'm sure you did that to the best of your ability but the reality is that it is true; we didn't get very much notice.

I know somebody said something about property values and I am curious, I understand that it is not a concern for here but what is a concern? People are bringing up traffic issues, people are bringing up property issues; what are the things this group is looking at to say yeah, it's a good idea or no this isn't a good idea based on what we're hearing. We have some opposition from some folks here, what do you use as that criteria?

I know that we're talking about zoning and not what the actual building is going to be but once you get over this hurdle then you come back in...if they get past this hurdle, they're going to get past the next hurdle and the next hurdle and the next hurdle.

So, this is the first place for opposition to be actually be brought up, at least the way I look at that and I hope that's (inaudible). Even if this starts out being a for-profit and stuff, my understanding and I've not been a lifelong resident of Henderson but my understanding is when Chapelwood was built it was a really nice, it was a really nice apartment complex. It is not so much now.

So, as you look at this zoning and what's going to happen with these buildings three (3) years from now, five (5) years from now, ten (10) years from now, is this still going to be what they proposed it to be to

start with and what are the assurances that it stays that kind of a neighborhood? That's our concerns.

We brought up traffic, tried to figure out what the things are to say to get the people on this board to say, hey, you know, that's a good idea but I, for one, don't have any idea looking at you, what are the things that you would look at and say, these people have a point, this shouldn't be here or maybe it's unfair. With all due respect is it something that you pretty well already ready to rubber stamp?

Those are my questions, thank you.

Chairman Dixon: Thank you.

I would like to assure everybody that I'm interested and I think everybody else on this board is as well, in hearing everything that's been said tonight.

Nancy McKinney: I will say, those signs were moved because, like I said, I live right across the street. The sign was there for a little while, they were gone... I don't know if those construction people moved them or what but I went walking yesterday and they were not there. Last night someone moved it out, not on that property but out in the front because I walk after dark too and I was on the phone with my daughter and I said, what is this sign over here? I walked all the way over there and they had moved it right to the concrete then.

Chairman Dixon: Yes?

Mike Wilson: I forgot to ask a question. It seems like one of the concerns of most people here is the occupancy load on that small of a footprint and also it being on a corner.

My question would be, would the owners consider a lower occupancy, lower apartments? That may have some affect on whether this would be able to work or not with me and the other homeowners around there.

The other thing too, at the time Chapelwood was built, it was built with HUD financing and there were a certain amount of low-income rents available to people, that was part of the deal. We're going back a number of years but I guess my question here is would a lower number of apartments ease the concerns for all of us? That would be something whether it would be a financially doable, I don't know.

Chairman Dixon: Thank you, sir.

Would the applicant like to address that question?

Chris Hopgood: Sure.

That would have to be addressed at the next stage, at the site plan stage. The problem you've got, this is their money, this is private capital, this money they're either borrowing or coming up on their own so, they can't come in here and say this is exactly what it's going to be until they know if it's rezoned or not. We'll come back another day with a more detailed site plan that will address all of these concerns but until we get it rezoned from R-2 to R-4 all residential, we can't address any of that because you just can't simply decide, unless you're a massive corporation and you're just going to pour a lot of money into a project unless you know you can go forward on it.

Brian Bishop: Mr. Chairman, can I elaborate?

One thing to add to Mr. Hopgood's testimony is that the rezoning is not complete until the Planning Commission approves the site plan. This rezoning would be subject to that. So, to reenforce that, it gives more reassurance to the applicants that those improvements that will benefit the community will be made.

Chairman Dixon: Even at that point, it still goes to the City Commission.

Brian Bishop: Yes. This might be a good time to address that.

The rezoning process typically works pretty quickly so, we the city have adopted what's called an expedited rezoning process. So, we go through this rezoning process and if no one objects, which means there is no one in the community that requests that the City Commission hear the rezoning, it's typically approved within twenty-one (21) days if there are no other subject-to's connected to that.

The City Commission has a couple of choices. They can review it themselves or they could say the Planning Commission did their job, we don't have any need to look at this and let it move on. If an aggrieved party, which is anyone in the community requests that the city review this, the ball automatically goes to the city and then they can make the same decision. They can say the Planning Commission did their job or we would like to hold our own public hearing and the process starts over with the board of commissioners themselves; which is a really quick version of that, I apologize if I missed anything.

Chris Hopgood: The point being that I think this mess with the sewer project is going to be a couple of months, this is not going to be near over for two (2) months much less starting for two (2) months.

Chairman Dixon: Thank you.

Kevin Richard: Just to elaborate on what Brian said, all public testimony is then forwarded on to the city for their review.

Brian Bishop: That's correct.

Kevin Richard: I want to add to David's comment to Mr. Hillenbrand's question. Our duty here is to look at facts. So, that's why we want as much public testimony as possible because it gives us more facts to look at. It's our duty to make decisions based on facts not pre-conceived bias or political affiliation, solely facts. So, that's we want the comments.



As far as what we look for, we look for all things. Traffic, drainage, all the different regulations that are required and we try to weigh all the facts we can before we make our decision.

So, I hope that maybe answers your question.

Brian Bishop: Commissioner Richard, can I add to that?

Kevin Richard: Yes.

Brian Bishop: I think one thing to add to that is the Comprehensive Plan is the document that the Planning Commission uses to help makes decisions like this. So, for example the main component, in my opinion of that document is the Future Land Use map which we make an educated guess on what we anticipate land developing as in the future. We have multiple sections in there so like housing would be in one of the sections. We have Goals and Objectives, which if you go back and look at the application they have to prove that they meet those requirements for the rezoning. If they don't meet those requirements set out in the Comprehensive Plan, which is adopted every five (5) years, they have to prove that there have been changes in a social, economic or physical nature.

That's a really quick overview to Mr. Hillenbrand's question.

Did that kind of get you in the ballpark to your question?

Michael Hillenbrand: Yes, thank you.

Chairman Dixon: If we should recommend approval this evening, then the site plan of the development comes back to us once again for consideration before it goes to the City Commission, is that correct?

Brian Bishop: Site plans do not go to the City Commission. That is the sole approval of the Planning Commission.

Chairman Dixon: Okay, okay.

As far as notification, the folks that might be interested in what that site plan looks like, is there a way they can be notified?

Brian Bishop: We are not required to send letters to property adjoiners for site plans because it's a non-public hearing item but the Planning Commission has directed staff, in the past to send those letters as if it's a rezoning process which the staff would not have a problem with whatsoever.

Chairman Dixon: Can they call and request that then or how would you like to gather that?

Brian Bishop: What I would request is that anyone who would like notification come see one of us and we will write down your name and address and we'll add you to the list.

Chairman Dixon: Would anyone else have anything they would like to add.

Brian Bishop: I'm sorry, I forgot one thing, Theresa said it and I barely heard it. if you go to our website, there is a way you can request notifications. Any time we publish anything that we do, whether it be an agenda, workshop notification or anything like that, you will get an email notification. Thanks Theresa, sorry.

Chairman Dixon: Does anyone have anything else to add?

Does the commission have anything they would like to add? Staff?

Brian Bishop: No sir.

Chairman Dixon: We have a couple of motions in front of everybody, I want to call your attention to that.

If there is nothing else, I'll entertain a motion in regard to Rezoning #1141 with a development plan.

***MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY BOBBIE JARRETT TO RECOMMEND APPROVAL OF***

**REZONING #1141 TO ALLOW STAFF TO PREPARE A PROPOSED MOTION AND FINDINGS TO BE CONSIDERED AT THE NEXT REGULAR MEETING. I MOVE THE STAFF PREPARE A PROPOSED MOTION AND FINDINGS OF FACT, BASED ON THE RECORD, RECOMMENDING APPROVAL OF REZONING #1141 WITH A DEVELOPMENT PLAN FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON AT 313 YEAMAN AVENUE CONTAINING APPROXIMATELY 2.547 ACRES (PID#56B-19) BY SMN PROPERTIES, LLC; 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. THIS MOTION IS IN REGARD TO THE APPLICANTS' REQUEST FOR A ZONING CHANGE FROM MEDIUM DENSITY (R-2) TO MULTI-FAMILY RESIDENTIAL (R-4), WITH A DEVELOPMENT PLAN TO CONSTRUCT APARTMENT BUILDINGS AND I LEAVE THIS MOTION OPEN FOR ANY ADDITIONAL FINDINGS. SUBJECT TO SITE PLAN APPROVAL BY THE PLANNING COMMISSION.**

Chairman Dixon: We have a motion, is there a second?

We have a motion and a second, is there any further discussion?

Tommy Joe Fridy: Mr. Chairman?

Chairman Dixon: Sir?

Tommy Joe Fridy: May I call the applicant and ask if they're in agreement with this rezoning being subject-to site plan approval?

Chairman Dixon: Are you aware that there would be...

Chris Hopgood: We are, to answer that simply, we are.

Chairman Dixon: Okay, very good. Thank you.

So, we have a motion and a second to recommend approval, correct?

Dickie Johnson: Yes.

Chairman Dixon: Any further discussion on this from the commission?

Madame Secretary, please call the roll.

***AYE: KEVIN RICHARD, BOBBIE JARRETT, MAC ARNOLD, DICKIE JOHNSON, GARY GIBSON, STACY DENTON, KEVIN HERRON, GRAY HODGE, FRANK BOYETT***

***NO: X.R. ROYSTER***

Chairman Dixon: The motion passes. Thank you all.

That concludes the public hearing items on the agenda, I'll entertain a motion to go out of public hearing.

***MOTION WAS MADE BY GARY GIBSON, SECONDED BY X.R ROYSTER TO GO OUT OF PUBLIC HEARING.***

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

All in favor say yes.

***YES: ALL***

Chairman Dixon: We are out of public hearing.

Yes?

Chris Hopgood: Point for scheduling; the fifth (5) of April is the first week of spring break, will we be having Planning and Zoning on the fifth (5)?

Brian Bishop: We will have our typical meeting on the first Tuesday.

Theresa Curtis: April fourth (4).

Chris Hopgood: I'm gone for spring break and I don't get back until (inaudible).

Chairman Dixon: So, what are you asking?

Chris Hopgood: I didn't know if you were having it. A lot of stuff gets rescheduled during spring break, I didn't know if this would be rescheduled.

Chairman Dixon: We do continue to meet on the fourth (4), do we not?

Brian Bishop: Correct. We have not, typically rescheduled.

Tommy Joe Fridy: Are you asking it for it to be moved two (2) months out?

Chairman Dixon: Thank you all before we all get out of here. Thanks.

Chris Hopgood: We can hold on that, for now. I think I could ZOOM in; I can do that. I may be at an event but I can do that.

Chairman Dixon: Okay. The next item is the approval of the **February Finance Report**.

Theresa Curtis: Yes, Mr. Chairman. For the February Finance Report, we're at sixty-nine percent (69%) of budget and I just need approval. If you have any questions, I'm here to answer them.

Chairman Dixon: Any questions about the Finance Report?

I'll entertain a motion.

***MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY KEVIN RICHARD TO APPROVE THE FINANCE REPORT AS SUBMITTED.***

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

All in favor say yes.

***YES: ALL***

Chairman Dixon: Any opposed?

The Finance Report is approved as presented.

I understand we do not have a Bond Report this evening.

Jennifer Marks: Correct.

Chairman Dixon: Then the next item is the **Iron Dogs Recycling Site Plan**, Ms. Marks?

Jennifer Marks: Thank you, Mr. Chairman.

The Iron Dogs Recycling Site Plan is submitted by the Henderson County Riverport Authority for the property located in Henderson County at 1010 Port Plaza (PID# 39-1-17). Applicants are requesting site plan approval.

Brian Bishop: Mr. Chairman? Mr. Hopgood, would you mind going outside, please?

Jennifer Marks: So, again they are requesting site plan approval for property at 1010 Port Plaza.

On the screen here, you'll see the site plan they have submitted for us. You all may remember this site from a previous site plan that came to the Planning Commission in June of 2021. I believe it was a company wanting to do a salt storage development there. The site was also previously used as a junk car shredding site, I believe it was David Joseph and Company that was there previously which is a very similar operation to what Iron Dogs does and intend to do here.

The site is serviced by adequate utilities. Iron Dogs have received all necessary permits required by the Kentucky Division of Water as well as KPDES which is the authority on, similar to what we would call our MS4 recommendations for it being there in the river area.

The County Engineer has reviewed their drainage plan and is satisfied with it. Of course, if you have further questions on that, he is here and

can answer those and they have received all necessary approvals from technical advisors on our end.

If you guys have any questions I can help or the applicants are here as well.

Chairman Dixon: Any questions for staff?

Does anyone have any questions for the applicant?

No one has any questions?

I'll entertain a motion in regard to the Iron Dogs Recycling site plan.

***MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY KEVIN RICHARD TO APPROVE IRON DOGS RECYCLING, LLC SITE PLAN SUBMITTED BY HENDERSON COUNTY RIVERPORT AUTHORITY FOR THE PROPERTY LOCATED IN HENDERSON COUNTY AT 1010 PORT PLAZA (PID# 39-17)***

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

Madame Secretary, please call the roll.

***YES: ALL***

Chairman Dixon: Very good, the motion passes.

We're down to Administrative Business. We are going to revisit **Rezoning #1140 with findings of facts.**

Mr. Bishop?

Brian Bishop: Yes sir. As directed by the Planning Commission at our last meeting, the staff has provided a proposed motion and findings of facts for Rezoning #1140.

If you would like, I will read the findings and proposed motion into the record. With that, I would ask that you accept the transcript as submitted so I don't have to read all of that into the record.

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

Chairman Dixon: It's only thirty-one (31) pages. (Laughter)

Brian Bishop: I don't think you all want to hear that again in my voice.

Chairman Dixon: Okay, please proceed. (Laughter)

Brian Bishop: The motion:

I move that the actions of the February 8, 2023 meetings recommending approval be and hereby are ratified and confirmed and that the following be adopted as a motion and findings of fact and conclusions of the Planning Commission in support of such recommendations to APPROVE Rezoning #1140, *and I leave the motion open for other members of the Planning Commission to add findings of fact in support of this motion:*

**Finding of Fact and Conclusions:**

Rezoning Application #1140 is not consistent with or in agreement with the Future Land Use Map of the adopted Comprehensive Plan.

The proposed Rezoning is in agreement with the following elements of the adopted Comprehensive Plan:

*Growing the Economy*

*Objective A; Promote the continued operation and expansion of commercial activities.*

*Objective F; Plan for and enable readily available economic and industrial development land to meet the needs for jobs and enable infill and re-development that creates jobs where people live.*

*Section II, Protecting natural resources*

*Objective G; Promote awareness of un-mined coal resources.*



*Objective H; Allow coal resources of Henderson County to be removed with the least adverse impact to the environment, citizens and the resources of the county.*

### *Balancing Land Use*

*Objective A; Identify areas for infill, re-development and adaptive re-use that respect the areas context and design features.*

The existing zoning classification of **County Agricultural District (AG) Zone**, is **inappropriate** and the requested map amendment (zone change) set out above is appropriate because:

- The demand for coal production has increased due to a shortage of natural gas.
- In 2021, coal generated 71% of Kentucky's in-state electricity, a larger share than all but three other states.
- The coal industry employs approximately 8,500 individuals across Kentucky through direct and indirect coal mining jobs generating more than \$670 million in labor income in the state.
- Coal production generates an estimate of state and local tax revenues as high as \$172 million in the coming years.
- The mine will create 466 jobs with an average pay of \$85,000 per year. This expansion will add 260 jobs.
- In 2022 Riverview Coal paid over \$20 million dollars to the state of Kentucky in coal severance tax for 1.2 million tons. Riverview expects to mine 8 million tons a year.
- It is estimated that there are more than 30 billion tons of remaining coal reserves left in the Commonwealth of Kentucky.
- The Corydon Coal Reserve, which is being mined from the proposed portal, contains 133 million tons. The reserve should last 20 years.
- River View Coal plans to mine 1.2 million tons in 2023 in Henderson County.

- Residents questioned the adequacy of the roads leading to the proposed site and the Henderson County Judge/Executive assured the public that the roads would be evaluated as needed.
- The coal will not be removed or transported from this location.
- Riverview is negotiating with the City of Corydon to take the sewage.
- The Planning Commission has balanced the interests of the various parties and the community as a whole and has balanced the land uses and concluded it is in the best interest for Fiscal Court to approve this Application.
- A detailed Site Plan for this project will come back to the Planning Commission for review and staff was directed to send notice to the same parties who were notified of this hearing.

Chairman Dixon: What we're looking for is a motion to approve these findings of facts in regards to Rezoning #1140 and the attached summary as presented.

I'll entertain such a motion.

***MOTION WAS MADE BY DICKIE JOHNSON, GARY GIBSON TO ADOPT THE REZONING #1140 THAT BRIAN HAS READ INTO THIS MEETING AS FINDINGS OF FACTS AND THE ATTACHED DOCUMENTS RELATING TO THE TRANSCRIPTS OF FEBRUARY 7 AND 8.***

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

All in favor say yes.

***YES: ALL***

Chairman Dixon: Any opposed?

Very good, thank you.

We have a couple of items for other business. Mr. Bishop, do you want to share the first one?

Brian Bishop: Yes sir. We would like to check the availability of the Planning Commission members for April 14 of this year. We have been approached about a special called meeting to address the rezoning for the property located behind Wal-Mart. You may have heard that there is a proposed, three-hundred (300) lot proposed subdivision there.

The staff feels like this will be a very big rezoning with lots of interest from the public and that will require a meeting separate and to itself.

We will also check at an alternative site because we don't think this room will handle that. I think we will look at the Fiscal Courtroom so that we can broadcast there as we do in this meeting.

Dickie Johnson: Did you say the 14<sup>th</sup>?

Brian Bishop: The 12<sup>th</sup>, I'm sorry.

Dickie Johnson: I was gonna say, that's a Friday.

Brian Bishop: I meant the 12<sup>th</sup>, I apologize.

Dickie Johnson: Okay.

Brian Bishop: That is just the first date, we can try to work around that if we need to.

Dickie Johnson: I'm free that night, so.

Frank Boyett: I will not be available.

Chairman Dixon: Wednesday, April 12.

Does anybody else have a feeling one way or the other?

Brian Bishop: Commissioner Boyett, when are you out of town?

Frank Boyett: The 4<sup>th</sup> through 21<sup>st</sup>.

Brian Bishop: Is ZOOM an option?

Frank Boyett: The 14th, yeah, I can...

Brian Bishop: I mean the 12<sup>th</sup>.

Frank Boyett: I mean the 12<sup>th</sup>. Yes, I could do it by ZOOM. Let's see, there's a meeting on the 4<sup>th</sup> too, isn't there?

Brian Bishop: Our regular meeting will be the first Tuesday of the month.

Frank Boyett: I will not be able to even ZOOM that, I'll be up in the air.

Chairman Dixon: Okay, we have a regular meeting on the 4<sup>th</sup> and we're trying to nail down a special called meeting for the 12<sup>th</sup>.

Does anyone else have any issues with that date? Any kind of obstacles?

Do we need to vote to set this special called meeting date?

Tommy Joe Fridy: No but it's probably a good idea.

Chairman Dixon: Okay.

Does this rezoning have a number yet?

Brian Bishop: We have not received an application.

Tommy Joe Fridy: You can call the meeting, Mr. Chairman.

Chairman Dixon: Okay. Let's vote. I'll entertain a motion to hold a special called meeting of the Planning Commission on Wednesday, April 12.

***MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY FRANK BOYETT TO APPROVE A SPECIAL CALLED MEETING OF THE PLANNING COMMISSION TO BE HELD ON APRIL 12, 2023.***

Chairman Dixon: We have a motion and second. All in favor say yes.

**YES: ALL**

Chairman Dixon: Any opposed?

The 12<sup>th</sup> it is.

Do we have any other general business?

Brian Bishop: The timing of this is probably horrible but staff would like to address the ZOOM policy of the Planning Commission.

We understand that sometimes it's necessary but we would like to strongly encourage the members to be here in person if we can because typically when we have rezoning's with a lot of movement going on, the ZOOM makes it more difficult. We typically have delays; we have to make sure everybody's visible. Our, I guess our desire would be to not use ZOOM unless it's absolutely necessary but we also want to discuss that with the Planning Commission.

So, with that, I think our request would be to limit ZOOM unless it's absolutely necessary.

Chairman Dixon: We have a recommendation from staff. Does anybody have any thoughts on this?

Frank Boyett: Yeah. Can you hold off until after this special called meeting? (Laughter)

Brian Bishop: Is that a motion to table that request? (Laughter)

Gray Hodge: May I chime in here, just briefly? As someone who is attending via ZOOM tonight, I chose to do that because I'm not feeling well and I didn't think it was a good idea to come and infect all my fellow board members.

Dickie Johnson: Thank you.

Gray Hodge: So, it was very convenient. I would prefer to be in person but I can't, or I would prefer not to be under this circumstance.

Chairman Dixon: Thank you, thank you.

Brian Bishop: Mr. Chairman, we understand that some times there are circumstances that can't be helped. It just makes it easier, I think on the staff and the applicants for people to be here in person.

That's just something to consider and if you would think about that please and we can address it at a later date.

Frank Boyett: I'm here every time there is a meeting but I mean, I cannot be here on the 12<sup>th</sup>.

Brian Bishop: Totally understandable.

Chairman Dixon: I think we probably all agree that it's better for everyone's experience, like our friends that showed up here tonight.

Dickie Johnson: Yeah, eye contact means a whole lot.

Chairman Dixon: So, we'll just try to do that. If something arises and we don't want people to have to feel like they have to come in when your ill or change their vacation plans or anything like that.

We'll just work on that one, okay?

Brian Bishop: Okay.

Chairman Dixon: Does anyone have anything else to bring before the board?

If we have nothing else, I'll entertain a motion to adjourn.

***MOTION AS MADE BY X.R. ROYSTER, SECONDED BY KEVIN RICHARD TO ADJOURN.***

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

All in favor say yes.

**YES: ALL**

Chairman Dixon: Any opposed?

Motion passes. Thank you all very much, we stand adjourned.

**MEETING ADJOURNED AT 7:22 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, March 7, 2023 to the best of my ability.**

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**Heather Lauderdale, HCCPC Clerk**

**X**

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