

Henderson City-County  
Planning Commission  
April 6, 2021

The Henderson City-County Planning Commission held a meeting April 6, 2021 at 6:00 p.m., at the Peabody Building, 1990 Barret Ct, Suite F, *via teleconference*. Members present via teleconference: Chairman David Dixon, Vice-Chairman David Williams, Bobbie Jarrett, Dickie Johnson, Gray Hodge, Kevin Richard, Gary Gibson, Mac Arnold, and Tommy Joe Fridy. Kevin Herron, Stacy Denton, and Doug Bell were absent. Staff present: Director Brian Bishop, Jennifer Marks, Theresa Curtis, and Heather Lauderdale. Chris Raymer was absent.

***MEETING BEGAN AT 6:03 PM***

Chairman Dixon: I would like to call this Tuesday, April 6, 2021 regular meeting of the Henderson City-County Planning Commission to order, and read this familiar statement;

***“Due to the emergency resulting from the Coronavirus (COVID19), and to help protect the community from the spread of COVID19 by limiting in person contact, this regular April 6, 2021 meeting of the Henderson City-County Planning Commission is being held by video teleconference.***

***This video teleconference meeting is being telecast live on Facebook at [www.facebook.com/HendersonPlanning/live/](http://www.facebook.com/HendersonPlanning/live/) page and elsewhere for the media and the public to view. During the public hearing segments of the meeting, the public may offer evidence, comments, positions, suggestions and questions in accordance with the meeting rules.***

Madame Secretary could you please call the roll?

Chairman Dixon: Very good, do we have a quorum?

Heather Lauderdale: We do have a quorum.

Chairman Dixon: I want to thank everyone for joining us by whatever means, a good size crowd of interested citizens and we have some public hearing items.

I'll entertain a motion to go into public hearing.

***MOTION WAS MADE BY MAC ARNOLD, SECONDED BY GARY GIBSON TO GO INTO PUBLIC HEARING.***

Chairman Dixon: We have a motion and a second; any discussion? All in favor say aye.

***AYE: ALL***

Chairman Dixon: Any opposed?

We're in public hearing.

The first item of business is the approval of the **minutes from the March 2, 2021 Planning Commission meeting.** I think those minutes have been distributed, do we have a motion to approve?

***MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY KEVIN RICHARD TO APPROVE THE MINUTES FROM MARCH 2, 2021 AS DISTRIBUTED***

Chairman Dixon: Any discussion? Any additions or corrections?

Very good, all those in favor of approving the minutes say aye.

***AYE: ALL***

Chairman Dixon: Any opposed?

***NAY: NONE***

Chairman Dixon: The minutes are approved.

The next item on the public hearing is the **Henderson County Solar Site Plan.** I think Mr. Bishop is going to begin.

Mr. Bishop, I need your full name.

Brian Bishop: Brian Bishop.

Chairman Dixon: Address?

David Williams: Mr. Chairman, point of order. Have we gone to public hearing yet?

Chairman Dixon: Yes, we voted to go into public hearing.

David Williams: Ok, thank you, sorry.

Chairman Dixon: I think you voted for it Dave. (Laughter) Well, you didn't vote against it at least.

We are in public hearing and the next item is the Henderson County Solar Site Plan; once again your name sir?

Brian Bishop: Brian Bishop, 1990 Barret Court, Suite C, Henderson, KY 42420.

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

Brian Bishop: I do, sir.

Chairman Dixon: Very good, please proceed, thank you.

Brian Bishop: The first item on the agenda is the Henderson County Solar Site Plan submitted by Community Energy Solar, LLC and Chris Killenberg, Regional Development Director for the properties located in Henderson County on Wilson Station Rd; Hwy 41A; Hwy 425; and Old Corydon Road. The applicants are requesting site plan approval for a solar farm.

Folks, if you would bear with me one minute while I share the screen so we can all see the exact, same document.

This is a large project so I will need to zoom into a specific area if you would like.

Can everyone see the site plan on the screen?

Gary Gibson: Yes.

Brian Bishop: The area is made up of five (5) distinct areas covering approximately 141 acres as shown on the site plan. The project is defined as a Level 3 Solar Energy System by the Henderson County Zoning Ordinance.

Some things to remember is that the applicant will be required to post a 1% surety bond that ensures that the decommissioning can be secured if the project does not last as expected.

The County Zoning Ordinance requires that the solar arrays be a minimum of one hundred (100) feet away from any existing residential structures. This project will not have that issue, they are at least 750 feet away from any existing structures.

The maximum height of any solar array is twenty-five feet, which again will not be an issue for this site but I just wanted to give you guys a reminder because it's been a while since we've dealt with solar farms.

Staff recommends approval, subject to bonding that we previously addressed. That will be presented at the time of the building permit and final site plan approval.

We have received all necessary approvals from the technical staff and we also have Mr. Killenberg on and he has a presentation that he would like to present and I think it would give a lot of detail and perhaps answer a lot of questions.

That is in your packet if you would like to follow along.

So Chris, if you would, bear with me for one moment and I'm going to pull your presentation up and I believe Mr. Dixon will want to swear you in and I will give your control to move the slides as you see fit.

Chairman Dixon: Question first; we are considering all these shaded areas, correct?

Brian Bishop: Correct. I'll kind of give you guys a brief overview. This is area E, which you'll notice is near Lovers Lane which is near 41 A, Collier Road intersection.

Chairman Dixon: Question on that, you said that all homes are 750 feet away from this?

Brian Bishop: From the solar arrays themselves, yes.

Chairman Dixon: Including the Lovers Lane section?

Brian Bishop: Yes, there is a drawing in the presentation that will show that.

Chairman Dixon: Very good.

Chris Killenberg: If I could just jump in real quick, that's not quite correct but I'll correct that when I talk in a minute.

Brian Bishop: I apologize Chris, I misinterpreted the drawing.

Chris Killenberg: That's ok.

Chairman Dixon: Do you mind to switch his presentation and I'll swear him in.

Brian Bishop: Give me one second.

Chairman Dixon: Mr. Killenberg, I need your full name.

Christopher Killenberg: Christopher Killenberg.

Chairman Dixon: Your address?

Christopher Killenberg: 15 Albert Lane, Adamsville, Rhode Island, 02801.

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

Christopher Killenberg: I do.

Chairman Dixon: Very good, thank you sir, I appreciate it.

Christopher Killenberg: Thank you.

Brian Bishop: Chris would you prefer to lead the meeting or do you want me to move the slides when you're ready?

Christopher Killenberg: If you're able to let me move the slides it might be more efficient.

Thank you for letting me present to you tonight, and Brian how many minutes would you like me to keep my comments to.

Brian Bishop: Whatever the Planning Commission wants.

Chairman Dixon: We have no time limit.

Christopher Killenberg: Ok, I'll try to go through the high points and then leave time for questions thereafter.

So as Brian introduced, this is a large-scale solar farm located on either side of the By-Pass roughly between Old Corydon Road and across the By-Pass where the old driving range used to be, and across the old rail road tracks over to that parcel over by Lovers Lane.

Brian had misspoken earlier, that's ok, it's for 541 acres, not 141 acres in total. The purpose of this is Henderson Municipal Power and Light had run a competitive bid for the purpose of buying solar electricity under a long-term contract to serve the City of Henderson, and we, among other people, bid on that and ultimately they chose our proposal for a combination for reasons but partly in that it's cost effective. Solar energy is cost effective these days compared to other sources.

So, the good news, I would say for the citizens of Henderson is this will be a long-term project at a fixed price that will deliver very cost effective energy reliably to the city.

So, this is a slide presentation as part of a State permitting process that we posted on a website specifically for this project and it's available to the public, has been available to the public. It was also always presented at a virtual public meeting that we held in early March, late February.

So, some of these slides are more than you need to see tonight. I'm not able to advance the slides...hmm, I can't seem to advance the slides, Brian.

Brian Bishop: You just tell me when you're ready and I'll do it.

**(THE SLIDE PRESENTATION MADE BY CHRIS KILLENBERG ON BEHALF OF COMMUNITY ENERGY SOLAR, LLC IS ATTACHED TO THIS DOCUMENT FOR REFERENCE)**

Chairman Dixon: Thank you sir, how can we get access to this complete presentation?

Chris Killenberg: I will be sure to get that information to Brian but essentially it's Community Energy Inc. / Henderson County Solar but I'll be sure to get to Brian.

The website has been up, it's got more information on it and of course you can contact us, me, contact Brian and he'll lead you to me anytime with any questions.

Chairman Dixon: Thank you. Does any member of the Planning Commission have any questions for Mr. Killenberg?

David Williams: Mr. Killenberg, just as out of curiosity is there a lifetime limit to these farms? I think we're saying twenty years but is there any reason for this to actually end in twenty years?

Chris Killenberg: Not necessarily. Again, I said before these are kind of old style solar panels, we know how they're going to behave and what we know is, and this is a thirty year project. In year thirty, they're going to produce about 75% of what they did in year one but they're fully paid for.

So, if the price of power at that point is enough to pay the taxes, the rent, and mowing the grass we and the landowners might agree to keep going. There is no reason not to.

Or, they may say we've had enough. The nice thing about solar is that because it's not brick and mortar we can unbolt everything, pull those posts out of the ground and the landowners have their farmland back and can resume farming or do whatever they want with it.

To answer your question the only reason we have thirty years right now is that is sort of the investment horizon that most investors are looking for and that's what we've agreed to with the land owners.

But if we're all happy in year thirty, we may just keep going.

Chairman Dixon: Very good, any other questions from the Planning Commission?

Dickie Johnson: Chairman, can you hear me?

Chairman Dixon: Yes.

Dickie Johnson: Dickie Johnson. Mr. Killenberg, is that your correct name, Killenberg?

Chris Killenberg: Yes sir.

Dickie Johnson: You said the majority of this work, a lot of the workers don't have to have certain skills. You said everybody is available, let me rephrase that, anybody that's wanting to work there would be available or available...would have an opportunity to go to work and I'm not opposed to that but I want to, I guess, emphasis that a lot of transient type contractors, they bring in undocumented workers. Hopefully your company is not going to allow that to happen.

Chris Killenberg: I'm not the ultimate general contractor of the construction but the kind of companies that do this construction are reputable, national quality firms. So, it's not worth their reputation to do

things illegally or improperly and the kind of people we work with, we've worked with before.

So, typically what they do is they'll bring in their own people as foreman and they'll run a Job Fair often times at the local Community College or Henderson Economic Development or somewhere a weekend or two and open it up to locals to come sign up and that's typically how it works. You're right that it doesn't include a lot of skill at the same time experience is valuable and what I'm hoping that will happen in Kentucky is happening in North Carolina is people that gain experience on our project, because it's one of the first, will then move to another project. Maybe another project in the south of the county or vice versa, and then the next time they'll do one in Daviess County, and the next time... so we can kind of develop a local workforce that has some experience in these things even though the work is simple.

That's typically how these hires are made, it's not people coming from far away to do this work, and it's generally local folks that do it.

Dickie Johnson: Thank you.

Chairman Dixon: Any other questions from the Commission?

All good questions.

Any of our other participants this evening have any questions for Mr. Killenberg? Members of the public? I see nothing on Facebook.

Would anyone else like to address this issue?

All your questions have been answered?

Very well, we'll entertain a motion in regard to the Henderson County Solar Site Plan as presented. What is the pleasure of the Commission?

***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY DICKIE JOHNSON TO APPROVE THE SITE PLAN AS SUBMITTED BY HENDERSON COMMUNITY SOLAR, LLC. AS SUBMITTED.***

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

Madame Secretary, please call the roll.

***AYE: ALL***

***NAY: NONE***

Chairman Dixon: Very good, the motion passes.

Thank you Mr. Killenberg for your presentation, very educational.

Chris Killenberg: Thank you all.

Chairman Dixon: Next on the agenda is **Rezoning #1117**. Ms. Marks, are you going to lead this discussion?

Jennifer Marks: Yes sir.

Chairman Dixon: I need your full name please.

Jennifer Marks: Jennifer Marks.

Chairman Dixon: Address?

Jennifer Marks: 1990 Barret Court, Suite C, Henderson, KY 42420.

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

Jennifer Marks: I do.

Chairman Dixon: Thank you very much. Please proceed in regard to Rezoning #1117.

Jennifer Marks: Rezoning #1117 was submitted by Yoga Here and Now, LLC for the property located in the City of Henderson at 419 Powell Street (PID #2-5-1-17), containing approximately 0.19 acres. Applicants are requested a zoning change/map amendment from Medium to High City Residential (R-3) to General Business (GB) to

consolidate with adjacent parcel (PID # 2-5-1-2) for the placement of a Taco Bell.

As you can see here...can everyone see that consolidation plat?

As you can see here (referring to the projected map on the screen), the front two spots are fronting on Green Street, those are current buildings and they are already zoned GB. The applicant is requesting to rezone the parcel to GB so that we are able to consolidate it with the front two parcels.

As you go down your agenda, we will be discussion the site plan for the location later on but right now we're just discussing the rezoning.

Does anyone have any questions in regards to that information thus far?

Chairman Dixon: What we're proposing here is the proposed consolidated site.

Jennifer Marks: Yes, so it would be the total, darker outlined area would be the site once consolidated.

Are we good with that?

Chairman Dixon: Does anyone have any questions, any commission members have questions for staff in this regard?

David Williams: Mr. Chairman, just for the record I think that we should also put in what the other adjacent properties are zoned to this site.

Chairman Dixon: Good question.

Jennifer Marks: So, as you can see R-3 is the tan/taupe color, General Business is the red, and Brian, you're going to have to tell me that one because I cannot see that far.

Brian Bishop: That one is Audubon Residential District. Commissioner Williams, did that answer your question?

David Williams: The brown colors are R-1 is that correct?

Jennifer Marks: R-3.

Brian Bishop: Then you have General Business and Audubon Residential, here.

David Williams: Alright, thank you Brian.

Mac Arnold: Mr. Chairman?

Chairman Dixon: Yes sir?

Mac Arnold: This is Mac Arnold, the alley that was to the northwest of that property there, was that a private alley or a City alley?

Brian Bishop: Let's let...Mr. Branson, are you on to answer that question?

Or would Mr. Boom be able to answer that?

Chairman Dixon: Is there anyone available that can discuss this indication of an alley?

Doug Boom: It was actually a private alley for the use of 132...

Chairman Dixon: Excuse me sir, I need your name please.

Doug Boom: I'm sorry, Doug Boom.

Chairman Dixon: Your address?

Doug Boom: 222 First Street.

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

Doug Boom: This is true.

Chairman Dixon: Very good thank you. I'm sorry for the interruption, go ahead.

Doug Boom: Originally that alley was a private alley for the use of 132 South Green and I'm assuming it was for the use of the adjacent Yoga lot as well but I don't know if that was true or not.

That consolidation plat was actually done by Branson and they had indicated it was a private alley at the time... well all the deeds indicated it was a private alley.

Chairman Dixon: So, is the alley included in this lot we're talking about?

Jennifer Marks: Yes. It will be consolidated together.

Chairman Dixon: Any other questions of staff from the commission?

David Williams: Are there any existing utilities or other easements on this alley?

Brian Bishop: Commissioner Williams I don't believe the alley has any easements that encumber it.

David Williams: Ok, thank you.

Chairman Dixon: Any other questions from the commission?

Do we have the applicant or their representative available to us tonight?

Kyle Hittner: This is Kyle Hittner, I'm here.

Chairman Dixon: Kyle would you like to discuss this or...

Kyle Hittner: I don't really have anything to add honestly.

Chairman Dixon: Ok good, then I don't need to swear you in unless someone has a question for you.

Does anyone have a question for the applicant?

Ok, we don't have anyone on Facebook. Do we have anyone available on Facebook, ZOOM or otherwise who would like to speak in favor of this rezoning?

Is there anyone who would like to speak in opposition to this rezoning?

Does anybody have any questions for staff, for the applicant, for any of the representatives?

Ms. Marks, you have a proposed motion?

Jennifer Marks: I do.

I'm going to read this proposed motion, findings of facts as my testimony into the record.

*Again, this is Rezoning #1117- Submitted by Yoga Here & Now LLC, for the property located in the City of Henderson at 419 Powell Street (PID #2-5-1-17), containing approximately 0.19 acres. Applicants are requesting a zoning change/Map Amendment from Medium to High City Residential District (R-3) to General Business (GB) to consolidate with adjacent parcel (PID #2-5-1-2) for a Taco Bell.*

*I move that the Planning Commission recommend that the Henderson Board of Commissioners (the "City") APPROVE Rezoning Application # 1117 changing the zoning classification from Medium to High City Residential District (R-3) to General Business (GB) for the subject property, subject to the consolidation being finally approved and recorded and, I leave the motion open for other members of the Planning Commission to add findings of fact in support of this motion, because;*

*The subject parcel PID 2-5-1-17, located at 419 Powell Street, zoned High City Residential District (R-3) and the adjoining property, PID # 2-5-1-2, zoned General Business (GB) and cannot be consolidated unless the two parcels have the same zoning classification.*

*The proposed zoning classification is in agreement with the Future Land Use Map of the Comprehensive Plan, which shows the area developing Commercial.*

***The existing High City Residential District zoning classification is inappropriate and the proposed General Business (GB) zoning classification is appropriate, because:***

- ***The subject property is adjacent to other parcels that are currently zoned General Business (GB) and occupied by fast-food restaurants such as McDonald's.***
- ***The Applicants have indicated that they intend to use the consolidated property for a commercial use by constructing a Taco Bell restaurant.***
- ***This recommended General Business (GB) zoning classification of the subject Parcel will not adversely affect the other properties in the area.***
- ***The new consolidated lot will front on Green Street, which is a state road.***
- ***The property is served by adequate infrastructure/utilities.***

Chairman Dixon: Very good. I understand that these are factual statements you would like to enter into the record?

Jennifer Marks: Yes.

Chairman Dixon: We do have a FACEBOOK comment coming from Annette Garrison. She indicates her support for the rezoning but says she does have concern about traffic on Green Street and signage for Taco Bell.

Can anyone speak to those matters?

Jennifer Marks: With regards to traffic, this rezoning and then later site plan, have been reviewed by the Kentucky Transportation Cabinet since Green Street is a state road, and they have no issues with the way the entrance and exits are laid out there for traffic. So, they do not see any issues, as of right now with that.

Brian Bishop: Chairman Dixon, if it's appropriate, if everyone is ok with it I can give a brief presentation on the site plan so that way they're heard simultaneously but we can take two separate votes if that's allowable, if Mr. Fridy is ok with that.

Chairman Dixon: Are you proposing we go ahead and talk about the site plan?

Brian Bishop: If everyone is ok with it and Mr. Fridy has no issue I will show the site plan but I believe we will require a second vote for that when it comes up later on the agenda.

Tommy Joe Fridy: I agree but to do that we need a vote from the Planning Commission to allow them to be heard at the same time, presented together.

***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY BOBBIE JARRETT TO ALLOW A CHANGE TO THE AGENDA TO ALLOW FOR THE REZONING #1117 AND THE SITE PLAN FOR TACO BELL TO BE HEARD AT THE SAME TIME.***

Chairman Dixon: We have a motion and a second on this adjustment to the agenda.

All in favor?

***AYE: ALL***

Chairman Dixon: Any opposed?

***NAY: NONE***

Chairman Dixon: Mr. Bishop you can proceed.

Brian Bishop: Thank you. To address Ms. Garrison's concern the entrance that is showing on Green Street, and Mr. Boom please jump in here if I misspeak please is shown as a two-way allowed ingress and egress traffic onto Green Street, and then a second entrance onto Powell Street which also allows ingress/egress vehicular traffic have both been approved. The Powell Street entrance would be approved by Mr. Boom and the entrance on Green Street would be approved by KYTC, and we

have received both necessary approvals so we believe that the technical advisors have given their approval for that.

So hopefully Ms. Garrison, that will address your concern but we'll keep an eye on Facebook to see if there's anything else you would like to talk about.

Mr. Boom, is there anything that I'm forgetting as far as entrances?

Doug Boom: No, you pretty much have it all covered.

Brian Bishop: Are there any questions from the Planning Commission to myself, Mr. Boom or Ms. Marks regarding the brief site plan?

Chairman Dixon: What about her question about signage?

Doug Boom: It's outside the site triangle.

Brian Bishop: Doug, we're having a hard time hearing you.

Doug Boom: The sign itself is outside the corner site clearance distance of thirty feet on either side of the property line or right of way. Do you see the proposed sign on there?

So, it's outside that corner clearance distance for site triangle.

Brian Bishop: Chairman Dixon, Ms. Garrison has placed another comment on Facebook; "My only concern is entering onto Green Street from Powell Street.

Mr. Boom, do you care to address that?

Doug Boom: I believe the speed limit is posted at 35 MPH, I think it has proper site distance for the corner clearance on that drive as well.

It meets our requirements for a driveway on the downstream side of a non-signalized intersection being Powell.

It meets the access standards manual on that portion as well as the entrance on Powell Street. Since it's a local roadway, it's a downstream drive in from the major arterial being Green Street. So there, we have a smaller distance shown.

Chairman Dixon: Ms. Garrison has pointed out that she is aware of a lot of accidents at this intersection and that there is a blind spot there.

Brian Bishop: Ms. Garrison, which area blind spot are you referring to? Is it on this property or another property in particular? Because this property will be razed and built back.

Doug Boom: I think she's referring to the trees that are on the other side of the intersection; on the south side right before you get to Powell on the right; on Green if you're heading north.

Brian Bishop: She says, "I am diagonal on Powell; 334."

But Doug did you say that you think she's referring to the trees across the street which are not part of this project?

Doug Boom: That's correct.

Brian Bishop: We can't ask the applicant to address that. Is there anything perhaps the City can do about that?

Doug Boom: I think the City has approached KYTC on that and they have neglected... not neglected, I can't speak for the State but we have addressed it with the State and they've indicated it was not their responsibility.

Brian Bishop: Mr. Boom, from Ms. Garrison's concern would you mind reaching out to KYTC and asking about that again?

Doug Boom: Sure. I've got some documentation on it and I'll have to pull it back up; I don't have it with me right now.

Brian Bishop: Ms. Garrison, does that help?

Chairman Dixon: Ms. Garrison has had excellent questions, she now indicates she wants to make it clear she has no objection to this rezoning. I share that for the benefit of the Commission and others.

We just heard a suggested motion, including findings of fact that have been put into the record, any other discussion on this matter?

David Williams: Mr. Chairman, I would like to ask T.J. Fridy if he is alright with the findings of fact in this particular issue.

Tommy Joe Fridy: I am.

David Williams: Thank you, that's all I have Mr. Chairman.

Tommy Joe Fridy: You need two, separate motions.

Chairman Dixon: If we're ready, if no one has any further questions...

Brian Bishop: Ms. Garrison, we will ask Mr. Doug Boom to reach out to you. If you have a pen handy, please call 831-1200 and ask for Doug Boom, City Engineer.

Chairman Dixon: 831-1200.

Brian Bishop: Correct.

Chairman Dixon: Very good. So in regard to the rezoning, any further discussion from any party?

I'll entertain a motion in regard to the Rezoning #1117.

***MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY MAC ARNOLD TO ENTER INTO THE RECORD THE MOTION THAT JENNIFER READ AND THE FINDINGS OF FACTS ACCORDINGLY.***

Chairman Dixon: A motion and a second, any further discussion?

Madame Secretary, please call the roll.

***AYE: ALL***

***NAY: NONE***

Chairman Dixon: Very good, the rezoning passes.

Now we will consider the **Taco Bell Site Plan** that Mr. Bishop began a discussion on.

Brian Bishop: Chairman Dixon, if it's allowable by the Planning Commission I would like to get back on track with that later in the

meeting because there are more items we need to discuss on that site plan unless the Planning Commission would like me to go ahead with the rest of the presentation now.

Chairman Dixon: I thought we voted to do so.

Brian Bishop: We voted to hear, not to...is that adequate for everyone to do that?

Kevin Richard: It's on the table, I say we go ahead and finish.

Brian Bishop: Ok, I just wanted to make sure everyone was ok with it.

Back to the site plan, the applicant is requesting the demolition of three (3) different structures and the construction of a 1,968 square foot Taco Bell restaurant.

There are two (2) entrances that we addressed; one on Green Street and one on Powell Street. Both will allow ingress/egress on to these streets that were mentioned.

There will be bonding for erosion control, there will be bonding for screening which is for the adjacent residential property and there will be bonding for the proposed entrances and I will give you those amounts in one second.

Staff has received all necessary approvals and we recommend approval subject to the necessary bonding. Those amounts are \$5,000 for screening, \$6,250 for erosion control and \$15,500 for entrances and sidewalks.

Mr. Chairman that is all I have for this. Again, staff recommends approval.

Chairman Dixon: Any questions for staff from the commission?

We're considering the Taco Bell Site Plan.

Mac Arnold: Mr. Chairman, this is Mac Arnold. Do we not need to back out of public hearing to do this because this was in a non-public hearing?

Tommy Joe Fridy: You can do it in public hearing.

Mac Arnold: Ok, just double checking.

Chairman Dixon: Yes, good question.

Do we have any questions regarding this site plan?

Any comments? Very good, I'll entertain a motion in regard to the Taco Bell Site Plan as presented.

***MOTION WAS MADE BY BOBBIE JARRET, SECONDED BY MAC ARNOLD TO APPROVE THE TACO BELL SITE PLAN SUBMITTED BY AUSTEN M. TRACEY (OWNER), AND BELL AMERICAN GROUP, LLC, (DEVELOPER) FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON AT 132 SOUTH GREEN STREET. SUBJECT TO BONDING OF \$5,000 FOR SCREENING, \$6,250 FOR EROSION CONTROL AND \$15,500 FOR ENTRANCES AND SIDEWALKS.***

Chairman Dixon: Very good, we have a motion and a second, any further discussion?

Madame Secretary please call the roll.

***AYE: ALL***

***NAY: NONE***

Chairman Dixon: Very good, the site plan is approved. Chairman Dixon: Very good, the rezoning passes.

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Any comments? Very good, I'll entertain a motion in regard to the Taco Bell Site Plan as presented.

***MOTION WAS MADE BY BOBBIE JARRET, SECONDED BY MAC ARNOLD TO APPROVE THE TACO BELL SITE PLAN SUBMITTED BY AUSTEN M. TRACEY (OWNER), AND BELL AMERICAN GROUP, LLC, (DEVELOPER) FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON AT 132 SOUTH GREEN STREET. SUBJECT TO BONDING OF \$5,000 FOR SCREENING, \$6,250 FOR EROSION CONTROL AND \$15,500 FOR ENTRANCES AND SIDEWALKS.***

Chairman Dixon: Very good, we have a motion and a second, any further discussion?

Madame Secretary please call the roll.

***AYE: ALL***

***NAY: NONE***

Chairman Dixon: Very good, the site plan is approved.

We have no further hearing items so I'll entertain a motion to leave the public hearing.

***MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY GARY GIBSON TO GO OUT OF PUBLIC HEARING.***

Chairman Dixon: Very good, we have a motion and a second, any further discussion?

All those in favor say aye.

***AYE: ALL***

Chairman Dixon: Any opposed?

***NAY: NONE***

Chairman Dixon: Very good, we are out of public hearing.

The next item is the **March Finance Report**.

Mrs. Curtis, can you help us? Do I need to swear her in, T.J.?

Tommy Joe Fridy: No, you do not.

Chairman Dixon: Ok thank you, go ahead.

Theresa Curtis: Ok, the March Finance Report; we're at 75% of budget and we have three (3) months left to go in what's left of this budget. We just need approval, unless you have any questions.

Chairman Dixon: Does anyone have any questions concerning the Finance Report? I'll entertain a motion in that regard.

***MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY MAC ARNOLD TO APPROVE THE MARCH FINANCE REPORT AS PRESENTED.***

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

All in favor say aye.

***AYE: ALL***

Chairman Dixon: Any opposed?

***NAY: NONE***

Chairman Dixon: Very good, the Finance Report is approved.

The next item is the **Kentucky Fried Chicken Site Plan**, who will lead that discussion?

Jennifer Marks: I will.

Chairman Dixon: Very good Ms. Marks, go ahead.

Jennifer Marks: Kentucky Fried Chicken Site Plan was submitted by JRN, Inc., and Clay M. Neal, EUP for the property located in the City of Henderson at 2236 US Hwy 41 N. Applicants are requesting Site Plan approval.

As you all can see the site plan is now up, what they are doing is more or less extending their parking area and they're queuing. They are not building, it's just adding more to their parking.

They are adding roughly sixty-eight feet (68') to the back of their lot which is going to be directly behind the current lot, I believe that's right in front of Wings Etc.

They are wanting a larger stacking area as well as employee parking in the back. We have received all of the proper approvals on this site plan and they do currently have a lease to own the property.

Do you all have any further questions on this one?

Chairman Dixon: Any questions for staff on this project?

Kevin Richard: So if I'm understanding correctly, there is no change to the existing building or dimension changes to the entrances and exits of the parcel?

Jennifer Marks: Correct.

Chairman Dixon: Any other questions?

Does the commission have any questions we need to direct to the applicants or their representatives?

If there are no questions, I'll entertain a motion in regards to the Kentucky Fried Chicken Site Plan as presented.

***MOTION WAS MADE BY DAVID WILLIAMS AND SECONDED BY BOBBIE JARRETT TO APPROVE THE KENTUCKY FRIED CHICKEN SITE PLAN AS PRESENTED.***

We have a motion and a second, any discussion?

Madame Secretary, please call the roll.

***AYE: ALL***

***NAY: NONE***

Chairman Dixon: Very good, the site plan is approved.

The next item is another site plan, this in regard to the **Henderson Water Utilities (New Facility)**, Mr. Bishop?

Brian Bishop: This is submitted by Henderson Water Utility, we have Mr. Bart Boles representing that project here.

This is an existing building with existing parking, as you'll see on the site plan. They are proposing to expand parking in the shaded area shown; two new entrances on Commonwealth Drive, they will connect this to the City's existing property here so that way they will have access to gas pumps. There are three new buildings proposed. Here, which is 25'x100', 50'x160' and then four rock bins for gravel storage that they use on their construction projects, and then this is a mechanic's garage.

Staff has received all necessary approval. Staff recommends approval subject to bonding in the amount of \$53,000 which will cover the proposed entrances.

With that, I will do my best to answer any questions you may have.

Chairman Dixon: Does everyone know where this location is, where this site is?

Do you have something a little larger to show?

Brian Bishop: I know Commissioner Williams recognizes this site, he's been by there a few times.

This is Commonwealth Drive, this is Corporate Park here. This is the City's new operation center for maintenance. Sand Lane is this way, you can see it on the map here.

X.R. Royster: It's the old Morris Tool and Die.

Brian Bishop: You have SITEX here where the hand is shown, and then Pittsburg Tank and Tower is here.

I think Mr. Tim Skinner is on the call as well to answer any questions.

Chairman Dixon: Ok, does the Commission have any questions for staff on this site plan?

Does the Commission have any questions for the applicants or their representatives?

Would the representative like to speak to the Commission on this matter?

Bart Boles: I would like to say a few words.

Chairman Dixon: Yes sure. Let me get you sworn in, I need your name.

Bart Boles: My name is Bart Boles.

Chairman Dixon: Address?

Bart Boles: 199 State Route 147, Slaughters, Kentucky, 42456.

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

Bart Boles: I do.

Chairman Dixon: Very good, thank you.

Bart Boles: Originally we looked and proving our current location at 330 N. Alvasia St, as you guys know it's an old location, it's really confined, there's no room for growth, and it's also in the floodplain.

So when this became available on Commonwealth Drive, we decided to jump on it and it's got room for growth and you can see the buildings there; there is a lot of road for us to do what we need to do. It's a perfect fit for us, we've been working with Arnold Consulting on a Civil Site Plan and then Tim Skinner is the architect for the project and they're both here to answer questions too.

That's kind of the jest of it and I'll be happy to answer any questions.

David Williams: Will all of the Water Department's operations be here or are you keeping the place on Merritt Drive?

Bart Boles: We'll still have our two wastewater plants, our two water plants. Our plan is to have everybody downtown on Fifth Street to move to this facility as well. There will be approximately sixty people at this location.

David Williams: It's the offices you're referring to, I don't reckon we can move the water plant can we?

Chairman Dixon: Any other questions for Mr. Boles? Does the Commission have any comments in regards to this project?

If there are no more comments or questions, if everyone has the information they need then I'll entertain a motion in regard to the Henderson Water Utility (New Facility) Site Plan.

***MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY MAC ARNOLD TO APPROVE THE HENDERSON WATER UTILITY (NEW FACILITY) SITE PLAN LOCATED IN THE CITY OF HENDERSON AT 1383 COMMONWEALTH DR.***

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

Madame Secretary, please call the roll.

***AYE: ALL***

***NAY: NONE***

Chairman Dixon: Very good, motion passes.

Moving out of the non-public hearing items section; administrative business, Mr. Bishop?

Brian Bishop: Yes sir, just a quick reminder, we have the Division of Water presentation for tomorrow evening. Mr. Carey Johnson will be giving us a preview of new flood maps and how they are created, that will cover a large portion of Henderson County, west Hwy 60 and 425; that general area. I think you guys will be very impressed. The technology for flood mapping has come a long way, it's very interesting and we will use that for continuing education.

The second item is that we will be addressing our budget at next month's meeting. Typically we give the Planning Commission two weeks to review the budget so I want to verify that is enough time for everyone to look at the budget.

Theresa will be sending that out two weeks before our next meeting in May, which I believe is May 4.

So, is that enough time for you guys to see the budget?

Chairman Dixon: Is everybody ok with that time schedule?

Mac Arnold: Fine with me.

Kevin Richard: I'm good.

Gary Gibson: Good.

Chairman Dixon: Very good, thank you.

Brian Bishop: The last item and I know we talked about in person meetings or a type of hybrid of in person meetings, Jennifer and I have talked to Sam Lingerfelt who is the Safety Coordinator for the City of Henderson and I believe we are going to meet with him next week to lay out what that would look like. Are there any objections or concerns with proceeding down that path?

Chairman Dixon: Ok, I'm hearing no objections so I've asked Brian to continue to investigate that possibility. I am, personally in no way committed until we get questions answered and I want to make sure everyone is feels comfortable in whatever setting they choose to conduct these meetings.

Very good, thank you.

We do have one other item, right?

Who will present on that?

Jennifer Marks: I will.

Chairman Dixon: We're dealing with the last item I believe, **Revised Lot 2 Woodrow and Virginia Cooper Subdivision.**

Jennifer Marks: Thank you, I will make this quick guys I promise.

This is in regards to our 3:1 ratio rule, based on the length versus the width of the proposed lot; this is out 41 N and I believe you should have had a picture of it in your packet but we do just ask for approval from the Planning Commission since it is somewhat of a flag lot is how we would describe it.

Chairman Dixon: Can we show this?

Brian Bishop: Yes, sorry.

David Dixon: I think its 41 S, not 41 N right?

Jennifer Marks: Oh it is, I'm so sorry. Hwy 41 South is the location.

Kevin Richard: That's like a golf flag lot.

Brian Bishop: Can everybody see that now?

Chairman Dixon: Could you explain the 3:1 ratio?

Jennifer Marks: When we get requests for subdivisions similar to this one where the length of the lot is significantly more than the width so even at the widest part it's still significantly more. We currently require that it come to Planning Commission for approval because we are ideally strongly discouraging flag lots and I will say this is not an anomaly in this area so it's not something new to right there but that is why we ask for your approval.

Chairman Dixon: That is your recommendation?

Jennifer Marks: Yes, we would recommend to go ahead and approve this since it's not (inaudible).

Chairman Dixon: Any further questions for staff on this matter?

I'll entertain a motion in regards to this revised lot.

***MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY  
MAC ARNOLD TO APPROVE REVISED LOT 2 OF THE  
WOODROW AND VIRGINIA COOPER SUBDIVISION.***

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

Madame Secretary, please call the roll one more time.

***AYE: ALL***

***NAY: NONE***

Chairman Dixon: Very good.

Any other issues Mr. Bishop?

Brian Bishop: No sir.

Chairman Dixon: Ms. Marks?

Jennifer Marks: No.

Chairman Dixon: Any member of the Planning Commission have something they would like to bring forward for discussion?

Anyone else joining us this evening have anything they would like to bring forward for discussion? Anything for the good of the cause?

I'll entertain a motion to adjourn.

***MOTION WAS MADE BY MAC ARNOLD, SECONDED BY DAVID WILLIAMS TO ADJOURN.***

Chairman Dixon: We have a motion and a second, all in favor say aye.

***AYE: ALL***

Chairman Dixon: Any opposed?

***NAY: NONE***

Chairman Dixon: Very good, we stand adjourned.

***MEETING WAS ADJOURNED AT 7:27 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, April 6, 2021 to the best of my ability.**

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**Heather Lauderdale, HCCPC Clerk**

**X**

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