

Henderson City-County
Planning Commission
February 2, 2016

The Henderson City-County Planning Commission held their regular meeting February 2, 2016 at 6:00 p.m., at the Henderson Municipal Center, 222 First Street, 3rd floor assembly room. Members present: Chairman Herb McKee, Vice-Chair David Williams, Bobbie Jarrett, Gary Gibson, David Dixon, Kevin Herron, Mac Arnold, Kevin Richard, Penny Hahn and Herb Pritchett. Dickie Johnson and Rodney Thomas were absent

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

(A summary of the minutes from the meeting on February 2, 2016. A recorded audio tape is on file at the Planning Commission Office)

MEETING BEGAN AT 6:00PM

Chairman McKee: I would like to call this February meeting of the Henderson City-County Planning Commission to order. First on the agenda is to welcome our newest member, Herb Pritchett. Commissioner Pritchett, welcome to the Henderson City-County Planning Commission.

Herb Pritchett: Glad to be here.

Chairman McKee: Would you like to say anything to your new commissioner buddies?

Herb Pritchett: Well, I used to watch a lot of television and I have tried to live by the Hillstreet Blues when they ended the precinct meeting, "Be careful out there and don't hurt yourself." Thank you, I look forward to it. I know a lot of you all by either name or reputation personally and I'm delighted to be a member of a body that has so many wonderful people on it, thank you.

Chairman McKee: We're glad to have you. Madame Clerk, would you please call the roll? We have a quorum. The chair will entertain a motion to go into public hearing.

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

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is the **approval of the January 5, 2016** minutes if you have had an opportunity to review them.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY BOBBIE JARRETT TO APPROVE THE MINUTES FROM THE JANUARY 5, 2016 MEETING AS DISTRIBUTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is the **2015 Annual Report and 2016 Program of Work** that was tabled from the January meeting, Mr. Bishop are you going to lead that conversation?

Brian Bishop: Yes, sir.

Chairman McKee: Please proceed.

Brian Bishop: If someone would please, we need to remove it from the table before we start the discussion.

MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY DAVID DIXON TO REMOVE THE 2015 ANNUAL REPORT AND 2016 WORK PROGRAM FROM THE TABLE.

ALL IN FAVOR: AYE

OPPOSED: NONE

Brian Bishop: I would just like to offer we are willing to accept any criticism, input or questions that you have for it at this time. If there is anything I can do answer questions, just let me know.

Chairman McKee: Any questions from commissioners, or comments?

David Williams: Nice job guys, looks real good. Really good.

Brian Bishop: Thank you.

Chairman McKee: Hearing none, the chair will entertain a motion to **approve the 2015 Annual Report and the 2016 Work Program.**

MOTION WAS MADE BY DAVID DIXON, SECONDED BY MAC ARNOLD TO APPROVE THE 2015 ANNUAL REPORT AND 2016 WORK PROGRAM AS SUBMITTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is **Hoge Farm Division**, Mr. Bishop are you going to lead that conversation?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: This is submitted by the City of Henderson (PID# 56-6) containing 411.01 acres, being a portion totaling 281.272 acres located on Rocks Road. This property is the property the city owns behind the existing Newman Park and Rocks Rd. They would like to request this be subdivided in order to sale, if this had not been in the floodplain, staff would have approved this division in-house. We are required to bring it to the Planning Commission because our Flood Damage Prevention ordinance requires that you approve it.

Chairman McKee: Questions for staff, comments? Hearing none, the chair will entertain a motion.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY BOBBIE JARRETT TO APPROVE THE HOGE FARM DIVISION SUBMITTED BY THE CITY OF HENDERSON (PID#56-6) CONTAINING 411.01 ACRES, BEING A PORTION TOTALING 281.272 ACRES LOCATED ON ROCKS ROAD.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: That's all the items in the public hearing so the chair will entertain a motion to go out of public hearing.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY KEVIN RICHARD TO GO OUT OF PUBLIC HEARING.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is the **Best One Tire Addition Site Plan**, Mr. Bishop are you going to lead that one?

Brian Bishop: Yes sir.

Chairman McKee: Please do.

Brian Bishop: The area that we are going to look at is on Garden Mile Road and across from Kmart and this is the County High School here. What they are proposing is constructing a 6,000 square foot addition to their existing building. They have purchased the adjacent lot which you will see here and they have consolidated that to their existing lot. They will be adding a new entrance and related sidewalk. We have received approval from all appropriate utilities we just request that this site plan be subject to bonding. The total for that will be \$18,930. \$9,100 of that will be for the proposed entrance, \$5,500 of which will be for the proposed sidewalks and \$4,330 will be for the erosion control that will be needed during the construction process. I will do my best to answer any questions you may have about the project.

Chairman McKee: Questions for staff?

David Dixon: The proposed entrance that lines up with the existing entrance to Kmart? Is that Kmart?

Brian Bishop: I believe so. That is the existing entrance and the new one will be across, roughly in this area. They are going to extend the parking lot and the building to the South. This is the addition to the parking lot, this is where it currently ends and this will be added and this will be the building itself, this will be

the new entrance with the sidewalk running parallel to Garden Mile (referring to the map). I believe Doug is here and Ken if you have any technical questions we will do our best to answer.

Chairman McKee: Developer here?

Brian Bishop: They are.

Chairman McKee: Would anyone like to hear from the developer or technical? Would the developer like to make a statement, any further questions or comments? Hearing, none the chair will entertain a motion.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY GARY GIBSON TO APPROVE THE BEST ONE TIRE ADDITION SITE PLAN, SUBMITTED BY SHEFFER CONSTRUCTION AND DEVELOPMENT, LLC FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON AT 141 N. GARDEN MILE RD (PID#66-64.8), SUBJECT TO BONDING FOR THE ENTRANCE \$9,100.00; SIDEWALKS \$5,500.00; AND EROSION CONTROL \$4,330.00 FOR A TOTAL AMOUNT OF BONDING \$18,930.00.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is **U.S. 41 & Paul Drive Retail Site Plan**, Mr. Bishop.

Brian Bishop: Yes sir. This is submitted by Hogan Holdings 47, LLC for the property located in the City of Henderson at 2600 US Hwy North (PID#64C-6). This is the parcel that we are going to be looking at, it's the old Bobo's Restaurant some of you may remember that. The site consists of approximately 1.36 acres. They are proposing a new building that will consist of 7,930 square feet which will house two (2) spaces for restaurants and one space for retail sales. We have received all appropriate approvals from the local utilities and we request the site plan be subject to a copy of the State Encroachment permit, a copy of the NOI which is Notice of Intent that would cover storm water discharge and bonding which will total \$29,615; \$8,515 of which will be for erosion control during the

construction process, \$12,100 will be for the proposed entrance and that is all. That total is actually wrong, that should be \$20,615, I'm sorry.

Mac Arnold: \$20,000?

Brian Bishop: There is a type-o on the sheet. It's actually \$20,615 which I'm sure the applicants are happy with that.

Chairman McKee: Are there height restrictions on this building?

Brian Bishop: Just what would be restricted by the zoning ordinance, that is zoned Highway Commercial. I do not know that off the top of my head, I can look it up. If you give me one second I'll grab the zoning ordinance and I can tell you. I want to say thirty (30) feet off the top of my head but I want to double check that.

Chairman McKee: I thought I remembered a covenant in the subdivision that had height restriction for the benefit of Sureway Grocery Store.

Brian Bishop: That I am not sure. The applicant may be best to address that.

Mac Arnold: Was that brought up before with that other development that came in on the corner?

Chairman McKee: I didn't ask the question back then, I don't remember.

Mac Arnold: Ok.

Chairman McKee: I thought of it later. When we built that branch on the corner, it had a height restriction on it.

David Williams: The O.V. Bank?

Chairman McKee: First National Bank.

Brian Bishop: Herb if you give us a second we're going to go to the city's website and download the zoning ordinance.

Penny Hahn: Brian, is it supposed to have an entrance from 41?

Brian Bishop: It will.

Penny Hahn: I thought we were supposed to limit and decrease?

Brian Bishop: The KYTC has approved it, it's an existing entrance that they are going to improve so they are not creating a new entrance, and that's why we want a copy of the encroachment permit.

Chairman McKee: It does have a rear entrance though doesn't it?

Brian Bishop: It does.

Chairman McKee: That's Sureway Drive is that called back there, I forget?

Brian Bishop: It is, you have three (3) roads intersecting actually. You have Hwy 41N, Paul Drive and then Sureway Drive.

Chairman McKee: Ok. Please come to the podium. Please state your name and address for the record?

Mike Leonard: Mike Leonard with Hogan Real Estate at 9300 Shelbyville Rd in Louisville, Kentucky, Suite 1300.

Chairman McKee: Thank you sir.

Mike Leonard: If you don't mind, I can address the height restriction question that was raised.

Chairman McKee: Will you please?

Mike Leonard: There was a height restriction; actually there was a deed restriction against the property for a certain height which we have been able to get signatures on to release.

Chairman McKee: You extinguished them?

Mike Leonard: Correct, that's how we have addressed it.

Chairman McKee: Thank you sir.

David Dixon: I've got another question. This plan entails a restaurant and two (2) retail locations or two (2) restaurants and one (1) retail or?

Mike Leonard: The one in the center is anchored by Starbucks, the middle piece is going to be a mattress type store and on the other end we are still trying to finalize whether it ends up either restaurant or retail.

David Dixon: So it could be either one, ok, thank you.

Mike Leonard: You're welcome.

Chairman McKee: Mr. Bishop is there anyone else here to speak for?

Brian Bishop: The developer is represented, his engineer is here and if you have any questions of him, he can answer those.

Chairman McKee: Are there any other questions?

Kevin Richard: I just have a comment, maybe to save Theresa and Chris some time; I think maybe the question was answered, no need to look it up.

Brian Bishop: Here is the entrance off Paul Drive and then you have Sureway which will have two (2) entrances and then the 41 entrance is there, its cut off a little bit (referring to the projected image on the screen).

David Dixon: You said there's already an existing entrance there?

Brian Bishop: There is.

Chairman McKee: Any other questions or comments?

Mac Arnold: Yes sir, I was curious, they indicated they have gotten the deed restrictions removed. Is there any reason we would need to have proof of that in our paperwork if anyone else would ever come up and have a question for that, would that be verification that it was taken care of.

Chairman McKee: My knee-jerk is that is a civil matter but counsel can probably answer that question if he's on the line.

Brian Bishop: (SPEAKING TO MR. FRIDY VIA PHONE) Mr. Fridy, can you hear that question? Apparently the reception in Florida is not too good. We could request a copy of that I don't think that is out of bounds.

Mac Arnold: I also wondered if anyone would come up and have a question about that and asks, "How come they can do it and we can't?" we have verification.

Claudia Wayne: They said they would get it recorded.

Mac Arnold: They did? Ok.

Mike Leonard: We will record that document if that helps.

Mac Arnold: Yes, good.

Chairman McKee: Thank you, any other comments or questions? Hearing none the chair will entertain a motion.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY MAC ARNOLD TO APPROVE THE US 41 & PAUL DRIVE RETAIL SITE PLAN, SUBMITTED BY HOGAN HOLDINGS 47, LLC FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON AT 2600 US 41 NORTH (PIDN#64C-6); SUBJECT TO A COPY OF THE STATE ENCROACHMENT PERMIT, COPY OF NOTICE OF INTENT (NOI) AND BONDING FOR EROSION CONTROL \$8,515, ENTRANCE \$12,100 FOR A TOTAL AMOUNT OF BONDING \$20,615.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Starbucks huh? That will be nice, will compete with the hospital. Next on the agenda is the Planning Commission **Finance Report for January 2016**, Mrs. Curtis are you going to lead that conversation?

Theresa Curtis: Yes. The finance report for January 2016, we're within 51% of our budget and we have five (5) more months to go. If you have any questions I'm here to answer them, if not I think Bobbie has a recommendation.

Chairman McKee: Any questions for Mrs. Curtis? Hearing none, the chair will entertain a motion.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY GARY GIBSON TO APPROVE THE FINANCE REPORT FOR JANUARY 2016 AS SUBMITTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is the Bond Report, Mrs. Wayne can you speak to that?

Claudia Wayne: I think you all have a recommendation.

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

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda under Administrative Business is the **Planning Commission Reserve Fund** (the creation of a Money Market Account), Mrs. Curtis are you going to lead that conversation too?

Theresa Curtis: If you all can recall back to November 3, 2015 when we had our Planning Commission meeting, the Planning Commission approved the June finance report and after the audit adjustments were made and we had a surplus of \$143,205. We would give each the City and County back \$71,602.50. I have the minutes from that meeting and in the minutes we stated the City and the County both wanted us to keep some reserve which would total \$25,000. \$12,500 from the County and \$12,500 from the City.

The Executive Committee met with Brian and me on January 21, 2016 to discuss opening a Money Market Account for the reserve money with interest bearing at 0.10APY. We have spoken with Field & Main Bank and we would like the board's approval for the recommendation to transfer \$25,000 from the HCCPC checking account into the new Money Market Account and to do that we have to have stated in the minutes to take to the bank and that is what we would like to do.

Chairman McKee: You need a Commission Resolution, does it need to include the amount of the transfer and the amount and the authorized signatures?

Theresa Curtis: They stated as long as we have the letter stating the authorized signatures and the amount that we want to transfer and the copy of the minutes would be good.

Chairman McKee: And the authorized signatures are?

Theresa Curtis: Herb McKee, Bobbie Jarrett, David Williams, Brian Bishop, Claudia Wayne and myself.

Chairman McKee: Any one (1) or two (2)?

Theresa Curtis: Two (2) signatures.

Chairman McKee: Two (2) signatures. Have you heard all you need to know or do you have any questions? All of our other banking relationships are with Field & Main, is that correct?

Brian Bishop: Correct.

Chairman McKee: Keeping it there would greatly simplify matters?

Theresa Curtis: Yes.

Chairman McKee: Ms. Jarrett, would you like to make a motion.

Bobbie Jarrett: Yes sir I would.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY GARY GIBSON THAT WE AUTHORIZE OUR PLANNING COMMISSION STAFF TO TRANSFER \$25,000 OUT OF THE HCCPC CHECKING ACCOUNT INTO A P.C. RESERVE MONEY MARKET ACCOUNT AT FIELD & MAIN.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda are the committees. The Bond and Finance Committee; Bobbie Jarrett- Chair, David Williams, Mac Arnold, Penny Hahn, Dickie Johnson and Herb McKee.

Budget Committee; Herb McKee- Chair, Bobbie Jarrett, David Williams, Rodney Thomas, Gary Gibson and Penny Hahn.

Executive Committee; Herb McKee-Chair, David Williams and Bobbie Jarrett.

Land Development Committee: Herb McKee- Chair, Kevin Richard, David Williams, Mac Arnold, Gary Gibson, David Dixon, Kevin Herron and Penny Hahn.

GIS Advisory Committee; Brian Bishop, Chris Raymer, Bill Hubiak, David Williams, Buzzy Newman and Owen Reeves. The last member of that committee is a rotation between the utilities annually. This past year was occupied by Owen Reeves and are we suggesting it would be somebody from HMP&L this time and you all will find out who that is and add that name to this list of committees?

Brian Bishop: Yes sir.

Chairman McKee: Is there any other business to come before the Planning Commission? The chair will entertain a motion to adjourn.

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

ALL IN FAVOR: AYE

OPPOSED: NONE

MEETING ADJOURNED AT 6:25P.M.