

Henderson City-County
Planning Commission
February 7, 2017

The Henderson City-County Planning Commission held their regular meeting February 7, 2017 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, Dickie Johnson Gary Gibson, David Dixon, Kevin Richard, Mac Arnold, Rodney Thomas, Herb Pritchett, and Gray Hodge. Attorney Tommy Joe Fridy participated via speaker phone. Bobbie Jarrett and Kevin Herron were absent.

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

(The following minutes were transcribed from an audio tape recording of the meeting on February 7, 2017. The audio tape recording is on file at the Planning Commission office and will be retained for 30 days after the minutes are approved)

MEETING BEGAN AT 6:00PM

Chairman McKee: Let's call this February meeting to order of the Henderson City-County Planning Commission; Madame Clerk will you please call the roll?

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

MOTION WAS MADE BY MAC ARNOLD, SECONDED BY RODNEY THOMAS TO GO INTO PUBLIC HEARING.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be. First on the agenda for the public hearing is the approval of the **January 3, 2017 minutes**. Have you had an opportunity to review those, and do you have any additions or corrections?

MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY RODNEY THOMAS TO APPROVE THE JANUARY 3, 2017 MINUTES AS DISTRIBUTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is **Sugg & Nunn Subdivision and Consolidation**, Mrs. Wayne are you going to lead that conversation?

Claudia Wayne: Yes sir.

Chairman McKee: Please proceed.

Claudia Wayne: Submitted by Dennis & Judy Nunn, and Mary Ann Sugg for the property located in Henderson County on Ky. Hwy 1299 (PID# 60-57). Applicants are requesting division of property, which is located in a Special Flood Hazard Area. The total acres is 99.79 acres, there's only 1.39 acres that's in the flood area, and because the Flood Damage Prevention Ordinance requires us to bring this before the Planning Commission otherwise it could have been approved in-house; Staff recommends approval.

Chairman McKee: Any questions of staff? Any questions at all? Hearing none, the Chair will entertain a motion.

David Williams: Do you need to call for anyone for or against?

Chairman McKee: Would anyone like to speak for or against this request? Seeing none, the Chair will entertain a motion.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY DICKIE JOHNSON TO APPROVE THE SUGG & NUNN SUBDIVISION & CONSOLIDATION SUBMITTED BY DENNIS & JUDY NUNN, AND MARY ANN SUGG FOR THE PROPERTY LOCATED IN HENDERSON COUNTY ON KY. HWY 1299 (PID# 60-57). APPLICANTS ARE REQUESTING DIVISION OF PROPERTY, WHICH IS LOCATED IN A SPECIAL FLOOD HAZARD AREA.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote that be. The Chair will entertain a motion to **go out of Public Hearing.**

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY RODNEY THOMAS TO GO OUT OF PUBLIC HEARING.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: We are out of public hearing. The first item on the non-public hearing agenda is the ***Finance Report for January 2017***, Mrs. Curtis are you going to lead that conversation?

Theresa Curtis: Yes.

Chairman McKee: Please proceed.

Theresa Curtis: Everybody received a copy of the Finance Report. We are sixty (60) percent of budget, and just need a recommendation for approval.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY MAC ARNOLD TO APPROVE THE JANUARY 2017 FINANCE REPORT AS SUBMITTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be. Next is the **Bond Report**, Mrs. Wayne will you lead that conversation?

Claudia Wayne: Yes sir.

Chairman McKee: Please proceed.

Claudia Wayne: It's Gray Stone Subdivision sidewalks extended one (1) year, and the amount the same. There is plenty of money there to install the sidewalks, need a recommendation.

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

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is **Wings Etc. Site Plan**, Mr. Bishop are you going to lead that conversation?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: This is submitted by Regency Commercial Associates, LLC for the property located in the City of Henderson at 401 Walker Drive (PID# 65B-58.) Applicants are requesting site plan approval.

This is the location of the proposed site. You will notice this is the Showplace Cinema building here; this is the existing Burger King, and the existing KFC. This is the old Wal-Mart shopping center, so this is the area they are looking to construct.

The applicant is looking to construct a 4,498 square foot building, which you will see as this rectangle, and this is the patio area. There's existing sidewalks along Walker Drive, and the applicant is proposing sidewalks that connects to the existing sidewalks and will extend to the existing parking lot for overflow parking. There are two (2) proposed entrances, the first is on Walker Drive, and then the second is into the existing driving aisle.

Staff would like to recommend that it be subject to bonding. The first bonding amount will be \$9,055 dollars and that will be for erosion control. The second bonding amount will be \$17,455, and that will be for the bonding of the two (2) proposed entrances.

Staff recommends approval, and I will do my best to answer any questions you may have.

Chairman McKee: Questions for staff?

Gray Hodge: What was that bonding amount for the erosion control?

Brian Bishop: Bonding for erosion control is \$9,055, and that is provided by Henderson Water Utility, Mr. Hodge.

Chairman McKee: Any other questions for staff; any comments?

David Williams: Brian, you don't have to bond the sidewalks?

Claudia Wayne: It's included in the entrances because they will have to take up some of the sidewalk for the entrance, and that is also to replace that; Doug put that inside of the entrance.

David Williams: Ok.

Brian Bishop: Commissioner Williams, it's hard to tell because the line is skewing it, but the sidewalk extends along this portion of Walker Drive, right here. The sidewalk on their property is part of their construction that we will not bond because it's not a public improvement.

Chairman McKee: Other questions or comments? Is there anybody that would like to speak for or against this request?

Brian Bishop: Matt from Morley and Associates is here if you guys have any questions from a technical nature that I didn't explain or you would like any further detail.

Chairman McKee: Hearing none, the Chair will entertain a motion.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY GARY GIBSON TO APPROVE WINGS ETC., SITE PLAN AS SUBMITTED BY REGENCY COMMERCIAL ASSOCIATES, LLC FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON AT 401 WALKER DRIVE (PID#65B-58); SUBJECT TO BONDING FOR EROSION CONTROL FOR \$9,055 AND BONDING FOR ENTRANCES FOR \$17,455.

Chairman McKee: Just because, Madame Clerk will you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Site plan application is approved. Next on the agenda is **Administrative Business**. The Chair distributed to each of you the old list of committees, and asked if you would like to be considered for another committee or a different committee. Only got one (1) response which was from Commissioner Pritchett, who said do with me whatever you want to do and you are on the LDC Committee Mr. Pritchett, and will be glad to put you on any other committee if you would like to be on it.

Having distributed that to you in your packet, the committees are listed and if at any time you would like to have a change made, I would certainly entertain that. That doesn't need to be approved does it, no?

Brian Bishop: I don't believe so.

Chairman McKee: Next on the agenda is **Other Business**, update on TWS Design Group, Development Process Analysis, Mr. Bishop are you going to lead that conversation?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: Thank you. We are in the home stretch of the Development Process Analysis and Community Perception Study. One of the final pieces of the puzzle is for the Planning Commission itself to meet with Mrs. Williams and her staff from TSW.

What Staff is proposing is that we schedule our meeting with Mrs. Williams prior to our next scheduled meeting, which will be March 7. Our recommendation is that we start at 5p.m. and then we would go to either 6 p.m. or 6:30 p.m., or whatever the Planning Commission feels is necessary. What we would like to do is have input from the Planning

Commission itself, and invite the City Commission and Fiscal Court so that way we have input into the process as well.

Mrs. Williams has met with representatives from KYNDLE, Audubon Area Home Builders so we are near the end of the process. What we would like to do is have our last public meeting next month, and then we will present the presentation at the April meeting.

Chairman McKee: Are you suggesting the full City Commission and the Fiscal Court attend the meeting with us?

Brian Bishop: I'm going to invite them, it is their prerogative if they attend or not.

David Williams: What date is that Brian?

Brian Bishop: March 7, it's our next regular meeting.

David Williams: Actually that would work out well for me.

David Dixon: We would have a draft in hand before that meeting then?

Brian Bishop: We can if you would like.

David Dixon: If we are going to react to something, I think we ought to.

Brian Bishop: How much time; is two (2) weeks enough for the commission to review the document?

Kevin Richard: Oh yeah.

Chairman McKee: Do any of us or them need to be concerned about notice to the press and all of that?

Brian Bishop: I am going to address that with each board's representative.

Chairman McKee: So what are your feelings? Does that method and that group suit you for that meeting at that time? Does anyone object or have additional comments?

Brian Bishop: Is an hour to an hour and a half enough time in the commissions eyes, or should we have a longer window to discuss?

Mac Arnold: To me, it would be more up to them and how long they think it's going to take to make their presentation.

Kevin Richard: But I think getting this material ahead of time too will help us kind of...

Brian Bishop: Well, and this is...

Kevin Richard: Prepare...

Brian Bishop: This could be part presentation...

Kevin Richard: And it wouldn't have to take as long.

Brian Bishop: I'm sorry. It's part presentation but it's also input for the Planning Commission, if you guys have any questions or comments. Amy, most likely, will not want a lot of time to present, she will probably want to do that at the April meeting which she can certainly answer questions; but I wouldn't imagine she would have a formal presentation. We can request that. We are actually going to have a conference call with Mrs. Williams tomorrow to start discussing how that meeting will take place, and let her know the times that you have decided. So, it's really the pleasure of the commission, whatever you guys would like to do.

Chairman McKee: Have you seen the output yet?

Brian Bishop: I have seen a draft version of it.

Chairman McKee: Is there anything in that draft version that you think we, as commissioners would be interested in speaking directly to the consultant about before the meeting?

Brian Bishop: Not directly regarding the Planning Commission, a lot of the things we will be addressing will be things like our website, some of our forms, some things like that. There are also comments about some of the utilities and Codes Department, so, which it's not directly affecting us but it does affect us indirectly, so.

David Dixon: So based on what transpires at that meeting, then the report would be amended as necessary or added to...

Brian Bishop: Correct, it can be amended...

David Dixon: To reach a final form.

Brian Bishop: Correct.

David Dixon: And then the final form would be presented to everybody?

Brian Bishop: It would be presented at our public meeting, at our April meeting.

Rodney Thomas: On this final one, is that their recommendations?

Brian Bishop: That will be their recommendation.

Rodney Thomas: Ok.

Chairman McKee: The draft that you send us a couple of weeks before the meeting in March, will it have their recommendations in it?

Brian Bishop: It will have some of the recommendations. It could possibly be added to if other needs or suggestions arise at our meeting in March.

David Dixon: Once we have a final report I think we need to do everything in our power to make it accessible to as many people as possible.

Brian Bishop: We can certainly do that.

David Dixon: If, and including, having a meeting just for the public.

Brian Bishop: We can do that.

David Dixon: That's down the road, we don't have to deal with that.

Chairman McKee: Commissioner Dixon do you think it will be appropriate for the April Planning Commission meeting to give as much exposure to the public as possible, letting them know that this is going to happen on that meeting date?

David Dixon: Yes, I think that would be good.

Rodney Thomas: I think the more people that know, the better off we are. At least they see we are addressing it, and trying to do something about it.

David Dixon: If we're talking about perceptions; this is a survey of perceptions, then as many people who have a concern about this issue as possible need to understand what those perceptions are. All we can do is invite people.

Brian Bishop: Would it be beneficial for us to invite civic groups such as Rotary, Lions Club? I can request that staff go on WSON's Speak Up, things like that to get the word out. Are there any other applications you would like to see us...

David Dixon: We're talking about when the final version is presented.

Brian Bishop: Yes sir.

David Dixon: It might become a space issue, I don't know.

Brian Bishop: Is there any suggestions or comments?

Chairman McKee: What if the space was an issue after you did all that, what would you do?

Brian Bishop: That's a good question, we've not had that problem yet. We could have our meeting in the Fiscal Court room, it has access to GIS and a larger seating capacity.

Chairman McKee: But it doesn't have the; it has the streaming possibilities but not the...

David Dixon: Maybe we would be in a better position to make that decision after we see the draft, and after we talk to the consultant directly.

Brian Bishop: So would you like to cross that bridge after the March meeting?

David Dixon: That's what I'm suggesting.

Brian Bishop: Is everyone ok with that? Is there anything specifically you would like for us to address at the March meeting or would you just like the opportunity to see the rough draft, and then formulate questions from there?

Chairman McKee: Can you tell much about the activity for the Planning Commission to be discussed on the March meeting?

Brian Bishop: As far as proposed action items?

Chairman McKee: Yes.

Brian Bishop: There are some things...

Chairman McKee: No, no; regular meeting items.

Brian Bishop: Oh, I'm sorry. No, we do not know what's going to be on the agenda yet. We have not had any applications yet or anyone suggest an application, not officially.

Mac Arnold: Now, would we provide rough drafts to any of the City Commissioners or County Magistrates if they come?

Brian Bishop: We can, we certainly can do that.

Mac Arnold: If there here, and to add their input I think it would be good for them to have some preliminary knowledge of it too so they can have a chance to...

Brian Bishop: We can do that, we can send it out to everyone at the same time so they have enough time to review it as well.

David Williams: I'd recommend that.

Herb Pritchett: Are you going to send it out via email to everyone or?

Brian Bishop: That's an option. I would like to probably hand deliver it to each body, or at least the office representing whether it be the City Manager or the County Judge, I think that would be a more personal way to address it. It's a sizeable document, I think it would be best for us to print copies and deliver it by hand.

Herb Pritchett: How many pages is it, that's what I'm thinking.

Brian Bishop: Is it sixty (60) to seventy (70) if I remember correctly.

Claudia Wayne: Yeah.

David Williams: How many extra copies would that be then?

Herb Pritchett: Killing a bunch of trees.

David Williams: I think email it out, and if anyone wants to see it print, let them print it.

Brian Bishop: Ok.

David Williams: I think that would be the most efficient way to do it.

Brian Bishop: We can do that.

Chairman McKee: Everybody agree with that? Does legal counsel have any objections?

Brian Bishop: Mr. Fridy, did you hear that question?

Tommy Joe Fridy: I did not.

Brian Bishop: Is there any issue with us emailing out the rough draft of the study to the Planning Commission members and the members of the Fiscal Court and City Commission approximately two (2) weeks before our March meeting.

Tommy Joe Fridy: I don't see any reason you can't. It's not a confidential document.

Dickie Johnson: There you go.

Chairman McKee: Anything else?

Tommy Joe Fridy: I haven't studied on that but I'm reasonably confident there is every reason to do it.

David Williams: Now Brian if you would like to go to those bodies and introduce the report, and present it as an online document for them to look at...

Brian Bishop: I think it would be beneficial to attend Fiscal Court and City Commission, at least in person, to let them know what is going on and invite them personally.

Herb Pritchett: Will the firm make a final presentation to them or will this be the only?

Brian Bishop: According to our contract the final presentation will be here at a public meeting which the public will be freely able to attend.

Chairman McKee: So at the April meeting when the presentation is going to be made, will you again invite the City Commission and the Fiscal Court?

Brian Bishop: I will, that is my plan.

Chairman McKee: Are there any other bodies that need to be invited?

Brian Bishop: It's open to the public that was my plan about inviting civic groups such as Rotary, Lions Club, Audubon Area Home Builders and representatives from KYNDLE. It would be open to the public so anyone can attend we just have to get the word out as Commission Dixon was suggesting.

Chairman McKee: Any other concerns?

Kevin Richard: I guess back to your original question Brian, I would think if you get us the material ahead of time, an hour ahead of time should be adequate, and if we have to spill over a little bit in past six (6) to me, I think that would be better than to schedule a two (2) hour window, us get done in forty-five (45) minutes and then basically have dead time for an hour waiting for the rest of attendees to come in. That would be my recommendation, an hour.

Brian Bishop: Is everyone comfortable with an hour?

Chairman McKee: Just out of curiosity, a sixty (60) page document could have a lot of issues on it. Do you think it does or doesn't?

Brian Bishop: There are some things that we can create action items out of, that we can do. The easy things will be the website, and the forms. Basically it's just us getting a more uniform process. It's nothing drastic or bad, I don't think it's anything that's Earth shattering, just ways we could be more efficient.

Chairman McKee: So based on your experience with us, you would anticipate that an hour would be enough time?

Brian Bishop: An hour, hour and a half max, in my opinion will be enough.

Herb Pritchett: Now when this is presented to us, I'm thinking that we'll... When they present the draft, they will be presenting what they found, the findings, I mean their survey findings and that, and proposed plans of action. I would presume, or you all will be presenting action plans at some point in the future. I would not presume that in that hour that they present us that we will immediately move to action plans I wouldn't think.

Brian Bishop: No. I think we'll probably need some time to think about that, and it may be something that the Planning Commission itself would like to create a separate committee for us to create action items out of that. It's something I don't think we should rush into.

Herb Pritchett: Right. So that part of it should not take any time when they come to us to present their drafts?

Brian Bishop: I don't believe so. I think that will be something we handle at a later date.

Herb Pritchett: I agree.

Chairman McKee: Point of clarity; out of their recommendations will be action items or not?

Brian Bishop: They can be. If we decide to choose what we would like to do. For example, one of the suggestions that was made to the consultant was regarding Ag Divisions. We currently bring all Ag Divisions to the Planning Commission because they are basically allowing an applicant, or property owner not to meet the Subdivision Regulations; other communities give that power to the Executive Director or the staff. It's always been my belief that they should come to the Planning Commission so that way the Executive Director doesn't have too much power, it could go either way or the other; they could be too lenient or too strict. That would be one thing I would make a suggestion to the Planning Commission not to accept, just because it's my opinion that power should lie with the Planning Commission, and not the Executive Director. There are things like that we will need to discuss.

David Dixon: But not necessarily at the meeting where we're discussing the draft?

Brian Bishop: No, it's just something in the future.

David Dixon: Down the road. We might have questions for them about other things that their data might have found that aren't in the report.

Brian Bishop: A lot of this, I envision in my mind, was going to be a question and answer session. You guys would have time to review the document, ask Amy questions, and then maybe other things could be added to the document based on that discussion. That's my plan, that's the way I hope to see it but there's really no wrong answer here because

this is all new ground. We're plowing new ground here, we're learning as we go.

Chairman McKee: Other questions for staff; any concerns? Hearing none, the Chair will entertain a motion to adjourn.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY KEVIN RICHARD TO ADJOURN.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: See you in March.

Meeting Adjourned at 6:25 p.m.

CERTIFICATE

I, HEATHER LAUDERDALE, hereby certify that the foregoing is a true and accurate transcription of the Henderson City-County Planning Commission Meeting of, February 7, 2017, to the best of my ability.

Heather Lauderdale, HCCPC Clerk

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Herb McKee, HCCPC Chairman