

Henderson City-County
Planning Commission
April 4, 2017

The Henderson City-County Planning Commission held their regular meeting April 4, 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, Gary Gibson, Kevin Richard, Dickie Johnson, David Dixon, Kevin Herron, Herb Pritchett, Gray Hodge, and Attorney Tommy Joe Fridy. Mac Arnold, Rodney Thomas 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 April 4, 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 April 4, 2017 meeting of the Henderson City County Planning Commission to order. Welcome to all of you in the audience, we're glad you're here. Madame Clerk will you please call the roll?

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

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

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Madame Clerk, we have a quorum. The Chair will entertain a motion to go into **Public Hearing**.

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

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be. Have you had an opportunity to review the March 7, 2017 minutes of our last meeting?

MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY BOBBIE JARRETT TO APPROVE THE MARCH 7, 2017 MINUTES AS DISTRIBUTED.

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

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote that be. Next on the agenda is **Rezoning # 1065 with a Development Plan**, Mr. Bishop are you going to lead that conversation?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: Rezoning #1065 with Development Plan is submitted by Grace Point Baptist Church, Inc., (David McGan, Treasurer), for the property located in the City of Henderson at 3440 Hwy 351, and it is the Northwest portion of (Parcel ID#66-33) which is this portion you'll

notice here. This is the existing driveway that comes in and the property line would follow the existing ditch and then it would run up in a Northeast direction behind the existing residence. It should be noted that the church currently exists in an R-2 zone with a conditional use permit. The applicant is requesting a zoning-classification from Medium Density Residential District (R-2) to Multi-Family Residential District (R-4) with a development plan.

The applicant is proposing the construction of four (4) apartment buildings that will house a total of thirty-six (36) units. Eight (8) units of that, which is the larger structure you're going to see here on the drawing, this structure here; those will be three (3) bedroom units, the rest of the units will be two (2) bedroom units.

Appeal #1065 should be subject to the following; it should be subject to the subdivision approval and recording which will be done at a later point; it should also be subject to a written ingress/egress easement for the proposed shared entrance that you see in the drawing here.

Staff has prepared, with the help of counsel, a proposed findings of fact. Once we hear all public testimony, and if you would like us to we can read that into the record for you so that way you can have information to base your findings for or against.

Chairman McKee: Thank you Mr. Bishop. Are there any questions for staff to begin with?

Brian Bishop: Mr. Chairman if you would allow me, can I show you some aerial photography that was provided by Mr. Branson?

Chairman McKee: Please do.

Brian Bishop: Mr. Branson feel free to comment on these since you actually took the photographs if you would like.

Chairman McKee: Before we begin would you please state your name and address?

Dennis Branson: My name is Dennis Branson; I live at 916 Kelly Court.

Chairman McKee: Do you swear the statement you are about to make is the truth to the best of your knowledge?

Dennis Branson: I do.

Chairman McKee: Thank you sir, please proceed.

Dennis Branson: This image was taken above what would be about the center of the development looking back in a southerly direction towards where the drainage is going to be. (REFERRING TO PHOTOS PRESENTED ON PROJECTION SCREEN)

This is taken from about the center of the development looking towards the school which is on the adjacent property. (REFERRING TO PHOTOS PRESENTED ON PROJECTION SCREEN)

That is about from the center of the development towards Hwy 351 looking at the single family dwelling that is on Hwy 351. (REFERRING TO PHOTOS PRESENTED ON PROJECTION SCREEN)

That's just giving a better image of the developed area and you saw the development plan. It's going to go back to the ditch on the left hand side of the image, out to the road on the right hand side, and to the entrance road down at the bottom of the screen. You can kind of make out the farm line on the top of the image there which would be the western limits of the development. (REFERRING TO PHOTOS PRESENTED ON PROJECTION SCREEN)

That's not a good one, that's the church. (REFERRING TO PHOTOS PRESENTED ON PROJECTION SCREEN)

This image is looking east towards Zion and it kind of gives you a perspective of the surrounding area and the video, the motion video will give you even a better perspective of the surrounding area and the nearby uses and their proximity. (REFERRING TO PHOTOS PRESENTED ON PROJECTION SCREEN)

This is just a higher elevation view looking back in towards town showing Chase and them's office on the right and the school on the left hand side; and this is taken almost directly above the project site. (REFERRING TO PHOTOS PRESENTED ON PROJECTION SCREEN)

That's just an image of the current rental house in front. (REFERRING TO PHOTOS PRESENTED ON PROJECTION SCREEN)

The same thing. (REFERRING TO PHOTOS PRESENTED ON PROJECTION SCREEN)

That's for our use. (REFERRING TO PHOTOS PRESENTED ON PROJECTION SCREEN)

This is the entrance, we are going to be widening that entrance and improving it based on criteria, engineering design criteria, it will become a two-way road. Right now it's a one way; the church utilizes that, they've got two (2) entrances and they are both one way. One (1) in to the far east, and one (1) way out which is this one which would be our combined entrance and we're going to widen that on the east side to accommodate two lane traffic or two way traffic which will be better for both parties. (REFERRING TO PHOTOS PRESENTED ON PROJECTION SCREEN)

That's just the same. (REFERRING TO PHOTOS PRESENTED ON PROJECTION SCREEN)

That's just the drainage area; I wanted to get a picture of that. I probably copied too many photos. (REFERRING TO PHOTOS PRESENTED ON PROJECTION SCREEN)

Go ahead, that's just drainage structures. I took those for our engineer. (REFERRING TO PHOTOS PRESENTED ON PROJECTION SCREEN)

That should be all the photographs, if you want to go to the...

Brian Bishop: Denny the video is not working just right so we'll probably not use that and just use the photographs.

Dennis Branson: Ok, it just gives a better feel for the surround area is all, a whole lot better.

Chairman McKee: Mr. Branson did you have anything you would like to add before you rest?

Dennis Branson: No. The one (1) comment to make on the three (3) bedroom units; the number of units will stay the same but depending on the total construction cost, the three (3) bedroom units could change to two (2) bedroom units depending on market demand and construction cost when we get underway.

Chairman McKee: Before you rest, do the commissioners have any questions for Mr. Branson? You'll be around, thank you sir.

Are there any other presentations that need to be made before we take public comment?

Brian Bishop: Not by staff sir.

Chairman McKee: How about from the developer, or the property owner? Very good. Is there anyone here who would like to speak for or

against this application #1065? Mr. Bailey? Will you allow me to swear you in sir?

Brian Bailey: Yes sir.

Chairman McKee: Please state your name and address.

Brian Bailey: Brian Bailey, my residence is 4020 Denise Drive, Henderson, Ky. 42420.

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

Brian Bailey: Yes sir I do.

Chairman McKee: Thank you sir, please proceed.

Brian Bailey: Thank you Mr. Chair and members of the commission. My name is Brian Bailey, and like I stated I'm a residence of Deepwood Estates which is just on the other side of the proposed development. Without knowing more about the development, I would like to pose some concerns on behalf of myself and some members that also reside in the community that I reside in.

One, the safety concern that comes to my attention first and foremost is the narrowing of 351 right there where the entrance is; so I would like to know what would be done to address that.

I am also interesting in understanding more about the civil engineering behind the project to insure that our community, our residential area does not get imposed upon more water than we already incur; we are in a lower lying area and are subject to higher water levels at times, so we want to insure that will be taken care of and for the record, as a resident and concerned with my property values I oppose this.

Chairman McKee: Any questions for Mr. Bailey? Thank you sir, will you still be available for comment if needed?

Brian Bailey: Yes sir.

Chairman McKee: Thank you very much.

Brian Bailey: Thank you.

Brian Bishop: Mr. Chairman may I address one of Mr. Bailey's comments?

Chairman McKee: Mr. Bailey would you like to remain at the podium?

Brian Bailey: Yes sir.

Brian Bishop: Staff sent this development plan to KYTC and Evansville Metropolitan Planning Unit, which is basically our traffic engineer, and neither party saw an issue with the entrance or the narrowing of the road. Neither party made a recommendation other than what is shown on the drawing; so I can at least address that concern.

Chairman McKee: Is that helpful Mr. Bailey?

Brian Bailey: Yes sir it is.

Chairman McKee: Thank you sir.

Brian Bailey: Thank you.

Chairman McKee: Would anyone else like to speak for or against this proposal? Please come up. Will you please raise your hand, and give your name and address?

Jonathan Bonds: Johnathon Bonds, 4 Sycamore, Newburgh, Indiana.

Chairman McKee: Do you swear the statement you are about to make is the truth to the best of your knowledge?

Jonathan Bonds: Yes sir.

Chairman McKee: Thank you sir, please proceed.

Jonathan Bonds: So I'm co-owner in the company that just acquired the single family residence, I think within the past month and a half. We weren't aware that there was a project in the works, and we were mostly seriously concerned about the value, the de-valuing of the home. We don't necessarily have any other issue with it, it obviously does change the landscape of the area and the natural beauty of the home as well is going to be diminished but the majority of what we're worried about is simply the devaluing of it.

From what my partner says it could be from anywhere from twenty thousand to twenty-five thousand dollars (\$20,000 to \$25,000). Obviously it's the closest home to the area and it's a big concern of ours, so that's pretty much all I have.

Chairman McKee: Any questions?

David Williams: Did you say that you're partner estimated a twenty thousand to twenty-five thousand dollars (\$20,000 to \$25,000) devaluation?

Jonathan Bonds: She said around twenty thousand dollars (\$20,000) would be about what it would devalue as, that's a pretty serious chunk of money.

David Williams: How did she reach that number?

Jonathan Bonds: Her name is actually Patty Bugg, and she is a local real estate broker here, and she has been doing this for I think thirty (30) years or something like that so I trust what she says. If there is anyone around here that knows what they are talking about I think Patty does.

Chairman McKee: Any other questions or comments? Will you be around sir?

Jonathan Bonds: Yes sir.

Chairman McKee: Thank you very much. Would anyone else like to speak for or against this proposal? Please come up. May I swear you in sir?

John Scott Major: Yes you may.

Chairman McKee: Please raise your hand and tell me your name and address.

John Scott Major: John Scott Major, I go by Scott, I live at 4008 Denise Drive, Deepwood Estates.

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

John Scott Major: Yes I do.

Chairman McKee: Thank you very much, please proceed.

John Scott Major: I'm a recent, we just moved in. Me and my family just recently moved into Deepwood Estates in early November. We looked high and low to try to find a nice home in a nice area, big backyard in Henderson and pickings are slim right now. I'm also going to add that I'm a new real estate agent for ReMax Realty, I work with Patty Bugg, she's my mentor. I'm fairly new to the area but I was never aware of this possible development going on and to be honest if I would have known about that before I bought this house, more than likely I probably wouldn't have bought this house. One reason why we picked this house out is because we had a nice view, even though there is a church over there and a school, we still have a nice view and it's kind of

like a country setting. I'm all about growth and development, everybody getting ahead, progress; but I'm not for progress when it's going to affect my property value.

I really feel that these apartment complexes are going to bring our property values down, I don't know how much but I've got a question I would like to ask about the apartment complexes. We all know there are different qualities of apartment complexes out there. We have your lower/middle class, you have your upper class, you have your nice, more elegant apartment complexes. Do we know exactly what type of complex they are wanting to build here as far as the quality of them? That is something I would like to have answered. We got here a little late; we didn't get the brochure or anything. That really doesn't; I guess I would have to see some more realistic pictures of that. They don't look bad but like I said I would really think that they are going to affect our property values.

Something else Mr. Bailey said, he's a neighbor of mine, I haven't had the pleasure of meeting everybody yet; but everybody has been there, from what I can tell, quite a long time. I also heard through the grapevine, I don't know if it's true or not, that whenever they built the houses, a lot of them have been there since the houses were built. They built their houses themselves. They were more or less told there was never going to be anything built like that, I don't know if that's in writing or not, I have no idea about that.

Mr. Bailey said something about the flooding issue. We do have a lot of water because as we all know; I think there is a natural spring up on top of our residence, on top of the hillside. We have a little bit of flooding problem on the backside of it, and I walk my dogs over there in that field a lot and I notice a lot of water over there. I don't know how they are planning on raising all of this up and where this water is going to go but

that's another major concern of mine about the water, the flooding issues.

I'm just here to say on record that I am opposed to this development.

Chairman McKee: Thank you Mr. Major, any questions for Mr. Major?

Herb Pritchett: Mr. Major can you see the plans there, do you see the two (2) things called basins?

John Scott Major: Yes sir.

Herb Pritchett: Those are temporary retention basins that will catch the water that comes off the pavement and the roofs and hold it so that the aggregate run-off during a storm will not appreciably exceed the run-off that is there now.

John Scott Major: Is that going to be part of the natural ditch that goes back there in that area, am I looking at the right picture here?

Herb Pritchett: Yes, yes.

John Scott Major: There is a natural ditch way that runs through there and I just notice they just got finished irrigating a lot of that field back there towards that ditch, that's even going to add more water run-off there. I don't know, I see what you've got there but, you know, I guess that's an improvement there on it, I haven't really go to look at everything on it.

I had another question but I can't remember what it was.

Chairman McKee: If you stay, we will let you ask it.

John Scott Major: Ok, thank you.

Chairman McKee: Thank you Mr. Major. Would anyone else like to speak for or against? Please proceed; may I swear you in sir?

Harold Melton: My name is Harold Melton, I live at 4015 Denise Drive.

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

Harold Melton: I do.

Chairman McKee: Thank you Mr. Melton, please proceed.

Harold Melton: As you've heard there is a water issue out there, bad. I've seen it flood all the way up to the trees in front of the Baptist Church, or Grace Point Church now. It's bad, something will have to be done there.

But my concern is not that. My concern is that you're building a forty (40) unit beside of a playground on East Heights School. You can't monitor everybody that goes in and out of that unit. You can try and I hope it never happens but we know that pedophiles are out there, and to build that beside a playground of an elementary school, I cannot see it at all.

Chairman McKee: Questions for Mr. Melton, Mr. Melton thank you for your input. Would anybody else like to speak for or against this proposal? May I swear you in ma'am?

Debbie Gish: Yes my name is Debbie Gish, I live at 4026 Denise Drive, I've lived there twenty (20) years I think.

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

Debbie Gish: To the best of my knowledge, yes sir.

Chairman McKee: Thank you Mrs. Smith, please proceed.

Debbie Gish: Gish, Gish.

Chairman McKee: Gish, I'm sorry my hearing, excuse me.

Debbie Gish: As I said, I live at 4026 Denise Drive. We were probably one of the last to build there, I'm an original builder. We did build there because we thought there would be nothing built because the church was there, the school was there and there were houses around us, that was the main reason we decided to build our home there. There are homes out there worth over two-hundred thousand dollars (\$200,000). We do all, most of us, have a sump pump under our house. I have a swimming pool that I have to pump on days that it's warm in the winter to keep my pool from floating. So, there is a water problem there. I don't know what the ditch or retaining whatever basin will do, but there is a water problem. The people behind us are higher than us, we are down lower, the church is lower, and then that area is lower. It's kind of like a little small hill there. I am opposed to this, I do not want this to bring down my property value, I'm close to retirement age and will probably be downsizing and I don't think I'll get my money out of my house. I've worked hard, I have a swimming pool, I'm a little nervous and I am very opposed to this.

Oh, the fence. There is a fence I believe on one (1) side but it does nothing to our side of the property. Is there going to be a fence if this does go through or? They had stated that there was a fence somewhere going up but there is nothing, there is a parking lot and then there's us, the church and us. So, I would like to know something about the fence.

Brian Bishop: On the current development plan you would see the fence along this property line to secure the property from the school, then there you will see tree plantings here.

Debbie Gish: Trees.

David Williams: Tree planting where Brian?

Brian Bishop: The circles here represent trees; here and then here.

Debbie Gish: So all the kids from this apartment building will be playing in the church parking lot which leads to our subdivision. If you've got a three (3) bedroom home, there's going to be some kids and there have been police cars in my subdivision because they were watching the church for drug dealing that I have noticed. I went out and knocked on his window and asked him what he was doing; we're a very close neighborhood out there and look out for each other. We had a drug dealer in our neighborhood on our block, and we got rid of them. She's in jail now to the best of our knowledge. We don't want that in our neighborhood, and I'm afraid if this goes up that's what's going to happen. So I am very opposed, thank you.

Chairman McKee: Thank you Mrs. Gish.

David Williams: Mrs. Gish, excuse me...

Chairman McKee: Please come back to the podium Mrs. Gish, you're still under oath.

David Williams: The backyards along yours and your neighbor's lots, are they fenced or open to the church parking lot?

Debbie Gish: My backyard?

David Williams: Yes.

Debbie Gish: No theirs is not, there's not; we've got one (1) fence over there and that's Bill Markwell's house.

David Williams: Your house is the one in the corner I guess with the pool that shows... (REFERRING TO AERIAL MAP ON PROJECTION SCREEN)

Debbie Gish: My house is; I'm not on the church side I'm on the opposite side.

David Williams: You're on the opposite side, ok.

Brian Bishop: Ma'am there is a laser pointer if you would point on the screen. Push the button, right there, your thumbs on it.

Debbie Gish: That do it, oh there it is; where's the laser? Ok, I'm new at this. Ok let's see, there's our street, I am right here; there's my pool see? There's my fence.

David Williams: Ok, you're on the far side.

Debbie Gish: Yes.

David Williams: Alright.

Debbie Gish: Bill Markwell has a pool also and his is right there. (REFERRING TO PHOTOS PRESENTED ON PROJECTION SCREEN)

David Williams: He's on the other corner, ok.

Debbie Gish: Yes, we're across.

David Williams: The cul-de-sac I was talking about. It's on a corner, not a circle but you know what I mean I think?

Debbie Gish: Yes but there is a water problem out there. There is a spring under my neighbor's house; there are natural springs out there and when the water table comes up the water gets us and I'm afraid of the water. There is water that gets in that ditch all the time when it rains, there's water in it right now.

Chairman McKee: Any questions for Mrs. Gish, any more Dave?

David Williams: I can't really tell. Can anyone tell me whether those houses on the church side, that the backyards face the church, are they fenced or opened up to the church?

Debbie Gish: They're all open except for Bill Markwell's.

Dickie Johnson: That one there has some shrubs, some evergreens.

David Williams: Thank you Mrs. Gish.

Debbie Gish: Thank you.

Chairman McKee: Thank you Mrs. Gish. Would anyone else like to speak for or against this development? Please come forward. May I swear you in sir?

James Tutt: Yes sir.

Chairman McKee: Please state your name and address.

James Tutt: James Tutt, T-u-t-t, I live at 4027 Denise Drive. I live at one of the houses that is abutting the church parking lot.

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

James Tutt: Yes I sure do.

Chairman McKee: Thank you Mr. Tutt, please proceed.

James Tutt: First of all my wife and I are retired, we've lived at this house for about twelve (12) years. I've lived in apartments before, when you bring in more people and you put them together I don't care what you say there is going to be some crime. I've had my car, I've had a lot of things but I won't go into the details.

I have seen the water problem. Can I point out my house to you?

Chairman McKee: Sure, can you find the pointer?

James Tutt: Where do I point?

Chairman McKee: Over here. (REFERRING TO AERIAL MAP PRESENTED ON PROJECTION SCREEN)

James Tutt: Over here, somebody will probably have to show me how to use this.

Theresa Curtis: There you go, just hold it down.

James Tutt: Let's see, this is Mr. Markwell's house, this is my house right here. (REFERRING TO AERIAL MAP PRESENTED ON PROJECTION SCREEN)

Incidentally, do you see where my pointer is right now? That is a dumpster the church put there, if you guys could help me get rid of it I would appreciate it.

Ok, I have seen in this area, I have seen it wet enough that; I'm retired, I stay home, I'm pretty much there all the time. In this area I have seen one tractor pull another tractor pull out that was marred in the mud. I have seen the church flood, water all in this area right here, all in there. (REFERRING TO AERIAL MAP PRESENTED ON PROJECTION SCREEN)

Of course my biggest concern is I'm fixed income and I would hate to see my property values go down, and they are going down. You know it, I know it, everybody knows it and I'm not going to kid anybody.

Anything else?

Chairman McKee: Any questions for Mr. Tutt, thank you Mr. Tutt. Would anybody else like to speak for or against this development? Mr. McGan, will you please let me swear you in?

David McGan: Please do.

Chairman McKee: Your name and address please.

David McGan: David McGan, 53 Dorsey in Corydon.

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

David McGan: I do.

Chairman McKee: Thank you sir, please proceed.

David McGan: I'm representing Grace Point Church and we were approached probably toward the end of the year about buying the property. The church looked at what was proposed and basically that blank, that empty piece of property does not do anything to fulfill our mission, which our mission is to reach people for Christ. So we looked at it as an opportunity to have more people coming to our area for the things that the people on Denise were talking negatively about, we looked at it as a positive thing.

Yes, I'm sure that we were aware that sometimes when you have multiple apartments in the area the potential is there, that is something that happens anywhere. We look at, again, it's people that we can reach. It's almost like God sending a mission field to us instead of us going somewhere else to a mission field. That piece of property is not something that we can ever use basically for anything else. It is not using what God has given us for the best use of that property. So the church voted in, I think it was either December, I think it was December we voted to sell the property for this purpose.

As far as the property values are concerned, I don't know again, if no one was aware that there was the potential for this property to be sold. It

was certainly no secret within our church, we didn't tell anyone that it was a secret. I'm sure there were people in the community that heard that it was being sold so I can't say whether or not it was kept secret, I would be surprised that it was. But we didn't intend to keep anything hush-hush or secret or anything else.

As far as the dumpster, nobody had come to us about the issue that I'm aware of, and if that is a problem for somebody we can certainly re-located the dumpster.

As far as property values, I understand their concern. But also I think it's unrealistic to expect that we would never do anything with that property to keep the good view or whatever. Again, our mission is to use what God has given us for his kingdom, and that property is never going to be used by us for anything else. The rest of our property, there is always the potential for other things, especially in the back part. We have no plans for it at this time but there are no plans to sell it. I had someone call me saying I see you're selling that, would you be interesting in selling the back part and no we are not.

As far as water, admittedly I come from the IBT congregation so I haven't been out there until last November but I haven't witnessed water issues like we've heard about tonight so I can't say whether there are water issues or not; we haven't seen them ourselves. Yes there is water in the ditch today but it rained a few days ago too, and that is a natural drainage area. I was always under the impression that Denise was on a higher elevation than us, and I think someone said that a while ago. So again, I don't spend much time on Denise Drive so I don't know what there issues are but we haven't experienced that kind of issues.

So again, if we are unable to sell that property then our property values are devalued, and we're unable to fill a mission that we feel we have. That is all I have to say.

Chairman McKee: Questions for Mr. McGan.

David Williams: Yes if you would Mr. Chair. Mr. McGan you say you just recently joined the church, can you enlighten as to why the church bought such a large parcel of land in the first place then if you had no plans for...

David McGan: First of all, IBT and Audubon Baptist Church merged and we worshipped for a while as a joint congregation at IBT while we were doing some remodeling work. In November, or October, I think it was October we moved out there. So I didn't recently join the church I just recently started worshipping at that location.

As far as why the church bought that much property, I have no idea that goes back to the 80's. The motivation for buying that property I don't know, I can't say.

David Williams: So you don't know if you bought that large lot because your expected to expand your facilities on the lot, you needed more parking and more draining space or...

David McGan: At the point it was purchased, that was all agricultural land and I imagine that was a natural lot size. I doubt, again the people who were involved in that decision, none of them may still be there I don't know but if they had the opportunity or whoever they bought that from, that might have been the amount of property they were wanting to sell for whatever reason. We would think that, again, the property behind the parking lot, we could see that for being utilized for expanded parking. We have intentions of building another building in the parking

lot area for expanded fellowship hall, Sunday school rooms and things like that. So that might need to expand parking into that back section but that section across the ditch, we in our discussions for whether to sell it or not, no one really saw that there was any potential to utilize that portion of the property basically because of the ditch.

David Williams: Ok so is it your opinion then that the church will eventually sell this lot whether it is now or later; are your intentions to invest in this part of the property?

David McGan: I can't speak for the church in that regard, we have one of our elders here, he might have something to say about that. We look at that portion of the property as something that we can't utilize for our primary mission, and it's something that we spend spring to fall, several hours a week mowing. There is nothing positive about having that part of the property.

Chairman McKee: Mr. McGan could you please hang with us; Counsel did you want to ask him a question?

Tommy Joe Fridy: David Major asked a question, did you hear his question, did you answer it?

David McGan: Who?

Tommy Joe Fridy: One of the people that approached and made a comment. He asked the applicant a question...

David McGan: No I didn't hear it.

Tommy Joe Fridy: Would you like...

David Williams: It was Scott Major wasn't it?

Tommy Joe Fridy: Scott, I thought it was John Scott Major.

David Williams: He goes by Scott.

David McGan: I didn't hear it, maybe they didn't either.

John Scott Major: What was my question?

Tommy Joe Fridy: Well if you don't want a question answered, then you don't need to answer it.

David McGan: Ok.

John Scott Major: I can't remember the question I asked though.

Dickie Johnson: You were talking about the water retention and the devaluation of your property, those were two (2) of the questions.

John Scott Major: Yes sir, do I need to come back up front?

Chairman McKee: Yes please, we can't record your comments if you don't get up to the podium please. For your record, you're still under oath.

John Scott Major: Yes sir.

Chairman McKee: Go ahead.

John Scott Major: Do I need face you all with the question?

Chairman McKee: Face the microphone.

John Scott Major: Ok, you're talking about property, the size of the property and you just said something that brought something else to my mind; the possibility of adding more buildings back there in the back. To me, they're going to have to build up there because there is a lot of water back there, it's not real visible because we haven't had a whole, whole, whole lot of rain like we have in years past. But, with you having to build back there, it's my understanding and my belief that

you're going to have to build up a little bit. Even the neighborhood over there where they are building the apartments, I would think they are probably going to have to build up there a little bit. All that water that we're talking about, we live in a little higher elevation going downhill, that water is stopping somewhere. There might be a retention pond back there; that brings up another thing. Is that retention pond going to be standing water all the time, there is a mosquito issue on that. I don't know if anybody has thought about that or not but that is something else we've got to think about, mosquitos and stuff. I haven't lived back there long enough to really know what the flooding issue is, my great neighbors have. I believe everything they say with all of my heart about how the flooding issue there because no longer time than I've lived there we've had quite a bit of water in our back yard. I live on the same side of the street at Mrs. Gish lives on, 4008.

Brian Bishop: Can you point it out?

John Scott Major: Yes. My backyard does not face the field like this right here does. I live right here, the Gish's live right here, Markwell, Poncho lives right here but I live right here in this house right here. All back through here is where we get a lot of water at and it just goes this way. But if they have to build up over here and back on the other side, it just seems like it's going to compound it. (REFERRING TO AERIAL MAP PRESENTED ON PROJECTION SCREEN)

David McGan: If there is that water issue, like I said, I haven't seen it. If maybe the drainage is going to the highway and across into the ditch, I don't know I haven't experienced that.

Dickie Johnson: Mr. Chairman?

Chairman McKee: Yes sir.

Dickie Johnson: Could I ask that Mr. Branson come up to the podium; and Brian can you bring up the topo elevation map on this one?

Brian Bishop: We can show what we have in GIS.

Chairman McKee: Thank you Mr. Branson, you're still under oath.

Dickie Johnson: He may be able to answer some of the questions and concerns about the water issue.

Dennis Branson: I think so.

David McGan: Well and too, retention ponds aren't normally; they're out there to retain water all the time, they are there to temporarily retain water.

Dickie Johnson: Slow it down, that is correct.

Chairman McKee: I am aware of your questions over here and we'll get them, we'll get them. Mr. McGan and Mr. Major can you see what is going on, on that screen? If you go back and rest or you're welcome to stay up there.

John Scott Major: I'm going to go back and sit, I can see over there.

Chairman McKee: You're welcome to stay.

John Scott Major: That's ok, I don't want to be in anybody's way.

Brian Bishop: It's taking a while, we're going through several firewalls.

David Williams: Yours goes as slow as mine does Brian. (laughter)

Herb Pritchett: Those daggum Russians are making us throw up all these firewalls. (laughter)

Dennis Branson: Amen brother. (laughter)

Dickie Johnson: I didn't realize it would take this long, I apologize. I think it may answer some questions about the flow of the water here.

Brian Bishop: Let me change the color so they are easier to see.

David Williams: Do you have index values on them Brian?

Brian Bishop: I'm sorry?

David Williams: Do you have index values on some of them so we know which way it's going?

Brian Bishop: Let me see if I can label it.

Dennis Branson: It's flowing from the road back south.

David Williams: So the road is high?

Dennis Branson: Yes.

Herb Pritchett: So you say the drainage is going from the road south?

Dennis Branson: South. There is about eight (8) to ten (10) feet of relief from the road back to the south part of the project site.

Dickie Johnson: Does any of that water going toward the residential area from this project?

Dennis Branson: Let's just take a look at it; no.

Herb Pritchett: Denny I'm on Google Earth and it looks like, I mean there are drainage rivulets...

Dennis Branson: These are two (2) foot contour images?

Brian Bishop: They are.

Herb Pritchett: Ok, so it's going down that way and that way.

Tommy Joe Fridy: Commissioner Pritchett, unless you can introduce that into this record, I'm going to suggest that you close your screen.

Herb Pritchett: Alright.

Tommy Joe Fridy: And not use it to make your decision with.

Herb Pritchett: Alright, the screen is closed.

Chairman McKee: Now can you see it?

Dennis Branson: Does that answer your question Dickie?

David Dixon: Where is the low point on that image? (REFERRING TO AERIAL MAP PRESENTED ON PROJECTION SCREEN)

Dennis Branson: The low point would be the ditch that flows through the church property back to the Lambert property line. Right there would be the low point. (REFERRING TO AERIAL MAP PRESENTED ON PROJECTION SCREEN)

Brian Bishop: Commission Dixon, according to these topo's it drains southwest, this direction.

Dickie Johnson: It would be going from Zion Road toward, well yes southwest, toward the agricultural ground, hit the ditch, and goes in toward...

Brian Bishop: I believe that's Tiger Ditch.

Dickie Johnson: Yes.

Chairman McKee: What is elevation difference between Mr. Markwell's corner and the end of the ditch?

Dennis Branson: Herb are you talking about the end of the ditch there?

Chairman McKee: Yes sir, yes sir.

Dennis Branson: Eight (8) to ten (10) feet relief.

Brian Bishop: That appears to be 416 and just guessing this is 402, so fourteen (14) feet of elevation difference from Mr. Markwell's property to this.

Chairman McKee: I normally don't do this but that's a lot of relief.

Dennis Branson: It is.

David Williams: Denny, what's the depth of that ditch?

Dennis Branson: It varies from the road back. We haven't completed our topographic survey, we're not at that stage but I would say it's probably three (3) or four (4) feet deep.

David Williams: Brian, don't leave that yet.

Dennis Branson: There you go. So from the top...

David Williams: Ok, you can go back for Mr. Branson but I would like to go back to this contour map.

Dennis Branson: So from the top of the side slope down, I would say you're looking at four (4) to five (5) feet.

Chairman McKee: Yes counselor?

Tommy Joe Fridy: (Addressing Dennis Branson) For the record would you say whether Mr. Markwell's property is higher or lower than the other point you were talking about.

Dennis Branson: Can you go back to the; Mr. Markwell's property, I'm not sure what other point you're talking about. The project site or...

Tommy Joe Fridy: The other point..

Dennis Branson: Right here?

Tommy Joe Fridy: Was there; and next I'm going to ask you to define where that is because the record is not going to be able to see what we can all see on the screen and where the pointer is going.

Dennis Branson: Mr. Markwell's elevation is going to be, in his pool, about 412; the elevation of the low point on our property is going to be...

Tommy Joe Fridy: But you were discussing the point where the ditch intersects the farmland and someone testified that was Lambert's property.

Dennis Branson: That looks like...

Tommy Joe Fridy: So is Markwell higher or lower?

Dennis Branson: Higher.

Tommy Joe Fridy: Ok, you've already talked about the difference, so I'm just trying to get the record so it's understandable.

Dennis Branson: I understand. Markwell is about eight (8) to twelve (12) feet.

Chairman McKee: And what about Poncho's house to that same point at the agriculture...

Dennis Branson: Here?

Chairman McKee: On over to the right, Poncho's house is the first...

Dickie Johnson: First house off Hwy 351.

Brain Bishop: Here Denny let me zoom in so that way you can...

Chairman McKee: Right there. (REFERRING TO AERIAL MAP PRESENTED ON PROJECTION SCREEN)

Brian Bishop: Since I can probably read it better, it looks like the contour intersecting this gentleman's house is 412...

Tommy Joe Fridy: Is that the Poncho Lambert house?

Brian Bishop: I believe that is correct, I think someone described it that way. The ditch...

Dennis Branson: That is not the ditch that is on our property Brian, we are way over to the west.

Chairman McKee: Just a moment please. You say it's 412 at Poncho's house?

Brian Bishop: It is sir.

Chairman McKee: And at the intersection of the ditch?

Brian Bishop: The contour intersects the northern portion of Mr. Lambert's house, and then the elevation of the ditch that I believe Mr. Branson is referring to, this one, looks to be 404. So it appears to be eight (8) feet of elevation difference.

Chairman McKee: On back to the agricultural property is even more?

Brian Bishop: It's even more dramatic.

Chairman McKee: Go ahead and say what it is please.

Brian Bishop: That would be 400. So twelve (12) feet of elevation difference from the Lambert property to the agricultural property which is southwest of this development.

Chairman McKee: Was there a question you wanted to ask Mr. Branson about the topo? Somebody said...

Dickie Johnson: Yes, the guy in the green shirt had a question.

Claudia Wayne: His name is Mr. Lambert.

Dennis Branson: If I may regarding...

Chairman McKee: Please come up. Mr. Lambert if you don't mind state your name and address again for me.

David Lambert: David Lambert, I'm at 5555 Crimson Court in Newburgh, Indiana.

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

David Lambert: I do.

Chairman McKee: Please proceed Mr. Lambert.

David Lambert: My brother is Poncho Lambert, Rick Lambert, and for the record I would like you to know that it does flood, and his....Quite often, right here next to his house on Zion Road, and also all on this side of the driveway, I mean it's a lake back here. The water has come up to the back of his house and I don't know what's backing this water up but if this; I just want to make sure when they put this in that they get all the water going this way and that the water isn't going to be shoved more up on this house. So, it looks like you're saying there is a twelve (12) foot drop from here to here, just make sure it doesn't go back up here because this is flooding right now in heavy rains. I can't speak for back here in these homes, I'm not sure what's causing that because this all has a natural flow of water down through this ditch. I own this farm right here too, we used to own this. So all of this is Hillwood Drive runoff, comes through here; this is a heavy traffic of water through here. So if they could just get that water going this way, it's got a lot of relief here.

Dickie Johnson: Didn't your parents own the ground where the church is too?

David Lambert: We owned the school, and donated the property to the school.

Dickie Johnson: Yes.

David Lambert: I don't remember how this got, I'm not sure, I just can't...I would have to guess.

Chairman McKee: I'm not sure if we got all of your testimony or not because you're away from the microphone, but if you wouldn't mind to please get back there, thank you.

David Lambert: So like is said, Rick Lambert has this corner house and it floods here very often behind him, all on this side of the drive, and along Zion Road. I don't know if it's damming up here, I don't know if the water is being forced up there from back but I just request that when you do this development don't just be concerned about your ditch next to the church, all of this has to flow back to the big ditch in the back on the farm. So this is a major water retention area here and this culvert, I don't know if it's bringing water back and dumping it here but this water needs to be...if you would just make sure you're water goes south. I'm sure you can do it that way. That's all I have.

David Williams: Brian just leave it zoomed in there because I'm curious about that. Now that looks to me like the contour down there where they're talking about the flooding, right there where your cursor is (REFERRING TO AERIAL MAP PRESENTED ON PROJECTION SCREEN) if I read that right, that is a closed basin right in there alright.

Brian Bishop: It appears to be.

David Williams: Yes, so I'm not sure how this original place was designed but that may actually have been designed as a retention area for this subdivision, which would have been designed to flood during heavy rain events.

Dickie Johnson: My personal knowledge of this area; it's got some grating over some of those culvert pipes that have a tendency of getting debris on them and the water starts backing up, I've seen it happen several times. So there may be a reason that we need to emphasize it be opened up better to allow that water to flow out of there easier.

David Lambert: Yes, if all of this could flow south I think you'll be fine; at least for our side.

Chairman McKee: Thank you Mr. Lambert.

David Lambert: You bet.

Chairman McKee: Mr. Branson would you like to comment?

Dennis Branson: Regarding the drainage; none of the water produced or generated by the development will flow in the direction of the residential area. But in addition to that, I believe we are required to reduce the runoff by about twenty (20) to thirty (30) percent over what it is now, isn't that right Ken? We're actually required to reduce the total runoff? So it should help....during the engineering process I'm sure Mike Vickers with QK4 who is here with us too, he's not really prepared to address engineering issues because we haven't done any engineering; but I'm sure that he's going to be looking at those structures and their capacity of the structures. They will not be wet basins, they will be dry basins, we always try to do that. The drainage should, they should experience some improvement in the drainage up at the road because

we're detaining our storm water for a period of time and letting it out more slowly and reducing the total.

Regarding the history of the property; I knew but I'm not sure. I know Bill Deep and Bill Branaman bought that, the church property and subdivision property as a tract in probably 1976 or 1977, 1978. Then they developed Denise Drive which is named after Bill Deep's daughter who passed away in 1964 I think that was in the late seventies or early eighties. That's the best history...I don't remember who they bought it from, Brian?

Brian Bishop: I would like to inject that based on the conditional use permit that we have a copy of, the church was built in approximately 1987, if that helps. I would also like to add that if this rezoning is approved, the more detailed engineering work will be done on the site plan that will also come back for the Planning Commission's approval.

Dennis Branson: We really have quite a bit of detail just on this development plan. We tried our best to provide enough detail for the Planning Commission to make an educated decision. During the search process, we looked all over the city, the perimeter, and inner city for a site that would accommodate this development. We worked closely with the staff and government agencies in helping us try to find a site. We looked at several sites seriously before this site became available, and it was as David said kind of a God send; a multi-family development right between a school and a church seemed to be a perfect fit for the development. If we can go to the photograph that I took that you were looking west towards the development, we felt like when we started looking at this site that there was a large enough expanse of land between the residential area and the school; which is one thing that we always try to look at is the impact of anything that we try to do just like you do on what we're proposing because we don't want to waste a lot of

time on something that may not be successful. So if you could go on through, yes back there. (REFERRING TO AERIAL MAP PRESENTED ON PROJECTION SCREEN)

We looked at distance from the residential area and it was roughly a city block between the residential area and this proposed development, and then the distance from the school to the development is probably about the same; it just looked like there was a lot of space that would act as a natural buffer. We included in the development plan a six (6) foot privacy fence on the school side to try to provide that safety barrier between the residents and the school. We looked at what was to happen probably, and this is something that we are always considering is, what is the developmental health of Henderson? We don't feel like we are going to see any single family development in the near future. The trends not only locally but nationally seem to be towards inner city living, population density increases towards the inside of the city rather than the suburban areas and creating sprawl has become a real bad word in this country finally, thankfully. We see the younger generation is more focused on concentrating their lifestyles towards recreation and enjoying life rather than committing to thirty (30) year mortgages; but enjoying their income. They are trying to stay more mobile so they can move with their jobs, move in advancement of employment; so apartment living follows those trends. We don't think, and I'm not an expert by any stretch of the imagination but I'm on lots of committees and we do a lot of talking and theorizing. We think when I-69 comes in we're going to see naturally, and I think this is a given, an explosion in development in this area of our community, we don't believe it's going to be single family dwelling we think it's going to be commercial and multi-family. We don't think there is going to be a lot of, like I said, typical conventional subdivisions like we are historically accustomed to here.

We tried to provide some softening buffering along the ditch on the church side; we can densify that if it will help with the visual negativity for the Denise Drive residents. I can't think of anything else, if you have any questions about any concerns that were raised; we tried to think of everything. The staff has helped us greatly, the government agencies have been right in there with us and tried to help us find a site for this development, and helped us work through all the details and problems with this with the Kentucky Department of Transportation and Metropolitan Planning Organization; ingress/egress was an issue and we addressed that.

We were approached by the owner of the rental house in front. When we first started the project and started having meetings with the staff, we gathered all the property owner information naturally around the surrounding area, which we were going to have to have to look at their deeds; between that time and the time we made the formal submittal, Patty Bugg and her partner bought the property and my client was approached to buy their property at a profit which we didn't want to do because we couldn't use it. So if it had been part of the property to being with we would've been able to use the area but we couldn't afford to buy the house at ten thousand dollars (\$10,000) more than they paid for it.

Chairman McKee: Mr. Branson would you entertain a question from Commissioner Herb Pritchett?

Herb Pritchett: Mr. Branson I just want to make sure I'm clear on everything and with proper engineering which is mandatory, if this rezoning is approved and the development goes through as part of the plan the existing drainage that is on the property will not be worsened, it may well be lessened because of the appropriate engineering and basin related structures that will be a part of this. Am I correct?

Dennis Branson: I will say this; I will say you are correct in that it will not be worse. But it will be improved, I think is true but that is a function of HWU and their control over the engineering aspects of the property. We haven't done any engineering on it yet; we just haven't gotten to that phase.

Herb Pritchett: Got it.

Dennis Branson: It's quite expense and this is the first step.

David Dixon: I have a quick question.

Chairman McKee: Yes sir, please.

David Dixon: Where does this fence start and end?

Dennis Branson: Where does what?

David Dixon: The fence, where does it start and end?

Dennis Branson: We've got a six (6) foot privacy fence all the way around here; back to right in here I would say. This design may change some based on our storm water requirements. We could actually lose units; we have to maintain the prescribed amount of storage.

One thing that I did want to tell you about is, not that it needs to be a big issue now it will come up with the site plan but we would like to leave access here to the school property for pedestrian access into the school property. The school is being contacted on that, I'm not sure what their position is on it, we're just not quite there yet.

Chairman McKee: Any more questions for Mr. Branson? Mrs. Gish, you would like to ask a question of Mr. Branson? You're still on the record under oath, please proceed.

Debbie Gish: I guess my question is who is building this? Are you?

Dennis Branson: No.

Debbie Gish: And you are who?

Dennis Branson: This is Donna Li.

Debbie Gish: Donna Li.

Dennis Branson: She is going to be the developer.

Debbie Gish: So that's who you sold the property to?

David McGan: We're in the process of selling it to.

Debbie Gish: And then your part of it is?

Dennis Branson: I'm a surveyor.

Debbie Gish: How do you know about all the...?

Dennis Branson: I've been here a few years.

Debbie Gish: I mean, how do you know about what's good for the area and all that?

Dennis Branson: I can't say what's good for the area; I'm not trying to tell you what's good for the area. What I'm testifying to, or speculating about is what I think is going to happen in this area. No one has that crystal ball but and I can't say that good and I don't know about property values...

Debbie Gish: Well, I know what happened up the street where, by what's the subdivision?

UNKNOWN: Highlander Acres?

Debbie Gish: Yes, Highlander Acres, up in there. No, it's not Highlander Acres, what is it? Where the other apartments are, the other apartments down the road?

Chairman McKee: Mrs. Gish, I'm sorry but we can't get you on the record if you're not looking at the microphone.

Debbie Gish: I'm sorry.

Dennis Branson: By Kmart?

Debbie Gish: By Kmart! You know, those are, it's just... I want to know what kind of apartments these are going to be? What's the rental price, what kind of people? Is it single families, single parents, Section 8, I guess that's my question. I need to know that.

And the school, what about the school? You know the school is low, I know he's talking about he's going to fix it but nobody's fixed it so far out there. On the pictures you show, the brown areas; that's where the water lays. Where there is no grass, that's where the water lays. The school is low, that school was built, I mean you can see it.

Dennis Branson: On the school side you're talking about?

Debbie Gish: Yes. So you put more concrete out there, and these little patterns here is that the flow of the water?

Dennis Branson: That is the contour of the ground that is how the ground slopes.

Debbie Gish: Ok, well it looks to me like they are going to get the water.

Dennis Branson: The water is going to go to the ditch and then the ditch is going to take it all the way back.

Debbie Gish: Is there going to be something around this ditch that the kids can't fall in and drown?

Dennis Branson: Actually there will be no more water in it after development then there is today.

Debbie Gish: Ok, I don't see it but I'm not a...But yeah, I would like to know what kind of families. Is it going to be...?

Chairman McKee: Are you going to speak?

Huidan Li: Yes.

Chairman McKee: Please state your name and address.

Huidan Li: Huidan Li, and what else?

Chairman McKee: Your address, where you live.

Huidan Li: 795 Woodspoint Drive and I am the developer.

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

Huidan Li: Yes I do.

Chairman McKee: Thank you, please proceed.

Huidan Li: Ok, yes I work for my family...

Dickie Johnson: You have to speak into the mic ma'am.

Huidan Li: to do a development in this area. So we are going to be putting quite a bit of money so we want it to be a well built, and we won't do Section 8 because it's, for us, a very good location to do the development.

Debbie Gish: It's two (2) story, I mean is it two (2) story?

Huidan Li: It is two (2) stories, and then it does have the picture showing on there, then they are going to be the brick and vinyl mixed. We are going to do all those bushes.

(INAUDIBLE: CANNOT TELL WHO IS SPEAKING AND WHAT THEY ARE SAYING)

Huidan Li: That will be what the bushes look like, what is shown on the pictures.

Debbie Gish: There is nowhere that is not residential you can build this? I mean this is a residential district and I don't see why you would want to rezone to put apartment buildings up.

Huidan Li: There are a lot of apartments in the area, and I don't think they will decrease the value....

Debbie Gish: Where they're sitting, they are not in two hundred thousand dollar (\$200,000) neighborhoods.

Chairman McKee: Mrs. Gish?

Debbie Gish: Yes?

Chairman McKee: Would you please address your questions to me at the microphone so I can then...

Debbie Gish: I'm sorry; I don't know how to do this.

Chairman McKee: I understand. I want you to be as comfortable as I can in order to keep this working correctly for the record, we need to...

Debbie Gish: I guess I just don't understand why it's got to be there you know? There are apartments up the road you know; in front of... the one set of apartments up there, there is more than what you're going to

get at this place you know? There is more acreage up there. I just, I don't understand why it's got to be here.

Chairman McKee: So can you answer the question, why this property rather than some other property?

Dennis Branson: I can help with that. I've been involved with Donna in her site search process for quite a few months. Like I said, we did look at a lot of other sites around town, on all sides of town. Southside, midtown, everywhere that we could look to find a site that was suitable. Demographics is an issue when you're developing anything, any kind of development. This seemed like a perfect fit, between a church and a school, for that multifamily development. It became available, it was perfect and we couldn't imagine a better site for a multi-family site.

Chairman McKee: Thank you Mr. Branson. Any more questions Mrs. Gish?

Debbie Gish: Yes I have one more question. Have you thought about East Heights School? That school is, what I have heard, is at its full capacity. Where are you going to put all these kids? Are you going to rezone and move people out of the district so you can put an apartment building up?

Brian Bishop: We have spoken to Mrs. Stanley, the Superintendent and she is aware of this. We actually spoke to her about several things; the proposed sidewalk that Mr. Branson spoke of. They said it depends on the timing of the development and they are also planning an expansion. So it really depends on the timing of this project as to how it's impact their school. They would like to know the timing so they don't have to re-district, but they are aware of it and they are planning an expansion.

Debbie Gish: So they're ok with it?

Brian Bishop: I didn't say that, I just said they are aware of it and they...

Debbie Gish: So everybody's life has to change because she wants to put an apartment building up? Sorry, who do I talk to?

Chairman McKee: Thank you Mrs. Gish.

Debbie Gish: Alright, I'm done.

David Dixon: Was the school system invited to be at this meeting and speak to this?

Brian Bishop: They were notified I believe.

David Dixon: Thank you.

Chairman McKee: Yes sir, will you please stay with us in case...

Harold Melton: I've heard quite a bit of conversation as it is. What is the plans for the separation between the play yard for the school and this housing development?

Dennis Branson: As I said before, we are going to have a six (6) foot privacy fence that will begin...if you can see, this is at the road; it will begin and wrap around the property all the way to the back side of the development and the school.

Harold Melton: It will completely seal the school off?

Dennis Branson: Depending on what the school wants, we may put an opening for access for the kids to get to school from the project development site.

Harold Melton: Well they can go down the sidewalk now.

Dennis Branson: It depends on what the school wants.

Harold Melton: Yeah, they go down the sidewalk now. That's why I was wondering because my concern for these kids is I've done seen too much in my life and if we don't safeguard them here, they're not safeguarded.

Dennis Branson: Agreed.

Brian Bishop: Mr. Chairman may I address that?

Chairman McKee: Mr. Bishop?

Harold Melton: My house is the third house from the thing that you all looked at the back of with that storage building, and I've looked at this lake out across there many times. I've got a utility pole in my backyard about half way up that bank, and the water has been up to the bottom of that utility pole more than once. It's a terrible, terrible situation out there.

Chairman McKee: Would you like for Mr. Bishop to respond to your question about the fence.

Harold Melton: No, I...he said he was going to put a six (6) foot fence, I hope that works.

Chairman McKee: Thank you sir, thank you. Is there anyone else that would like to speak for or against this proposal? Please come up Mr. Bailey. Mr. Bailey you are still on the record and under oath.

Brian Bailey: Yes sir I understand that, and thank you again for having me up. Final thoughts on this from me; members of the commission I would like for you to respectfully request that you strongly consider the same protection that would be afforded by the six (6) privacy fence mention by Mr. Branson, the safety barrier, be afforded to the residents of Denise Drive and any final approval of any site plan for this

development. I would strongly request your consideration for that before anything.

Chairman McKee: Thank you Mr. Bailey.

Brian Bailey: Thank you.

Chairman McKee: Yes sir? Tell me your name again sir.

Jonathan Bonds: Jonathan.

Chairman McKee: Jonathan, you're still under oath.

Jonathan Bonds: I understand the concept of investment, that's why I own a company that buys houses. Yes we did buy it as a discount, that house, just about a month and a half ago. Our intent was to resell the house at a higher value, that's what we do, we flip houses. With this apartment complex that...and some of the facts that this gentleman said were absolutely true, except for the few that were in relation to our house. Our house is not a city block away from this development, it's kind of a serious issue, it's true; it's right there. From what I can tell I can't see exactly how far we have in between one of the buildings but it looks like it's no more than about thirty (30) feet away from our house, that's really close. It's like you're going to build a city around our house basically. Honestly if it came down to it and the property value wasn't an issue, I wouldn't have an issue with it. The reason that we are doing what we do is to make money. With a twenty thousand dollar (\$20,000) difference between what we bought it for and what we sell it for, we're not going to be able to make any money on this house. So it's obviously going to be an issue for us. Really that house has been a rental for the past few years, we've actually managed it for a few years for the lady that used to own it but our intent was to sell it to a single family. We were not planning on holding on to it; we were going to sell it as quickly

as we could. So, that kind of puts us in a bind. Again if the property value wasn't affected then I would understand and it wouldn't be an issue.

Chairman McKee: Question?

David Williams: Jonathan?

Jonathan Bonds: Yes sir?

David Williams: You bought it as an investment?

Jonathan Bonds: Yes sir.

David Williams: So you realize that investments have up risks and down risks?

Jonathan Bonds: Absolutely.

David Williams: Ok, thank you sir.

Jonathan Bonds: Absolutely. I mean it's just one of these deals where we did not know anything about this project and for it just to pop up out of nowhere like that is obviously... I know, I understand things happen so if it happens ok but we would prefer not to lose twenty thousand dollars (\$20,000).

Chairman McKee: Any other questions for Jonathan? Yes sir Mr. Pritchett.

Herb Pritchett: Jonathan are you a real estate appraiser?

Jonathan Bonds: Am I an appraiser?

Herb Pritchett: Yes.

Jonathan Bonds: No sir.

Herb Pritchett: You are not certified to appraise property in the State of Kentucky?

Jonathan Bonds: No sir.

Herb Pritchett: Is Mrs. Bugg a certified appraiser?

Jonathan Bonds: I don't believe so.

Herb Pritchett: She is not.

Jonathan Bonds: She's a broker.

Herb Pritchett: She's not certified to appraise property in Kentucky. If you were to opine any relation to value, could a bank use that opinion to loan money?

Jonathan Bonds: No sir.

Herb Pritchett: Ok, so we have got unsubstantiated opinions relating to what this property will do to adjoining properties by those, whom the government says is not competent to submit that opinion.

Jonathan Bonds: I would agree to that, yes sir, yes. I will also say with Patty Bugg's experience being in the real estate industry for about twenty-five (25) years she has a good idea of what things sell for; she is confident we can get about one hundred thirty thousand dollars (\$130,000) out of that house.

Chairman McKee: Thank you sir.

Jonathan Bonds: Yes sir.

Chairman McKee: Thank you. Are there any others that would like to speak for or against this application, any others....any others? Thank you. It's up to you commissioners now, would you like to ask staff or anybody else any questions?

David Williams: Brian, you're familiar with the Vision Plan for Henderson correct? Can you tell me what the overall Vision Plan for development along this corridor is, or for Henderson in general?

Brian Bishop: In general, the Second Street corridor has been envisioned to be the front door, so to speak, of Henderson from the potential I-69 route or what we knew to be the last route of I-69, and which is why you see the Gateway Zone along Second Street from the overpass to roughly Green Street. We had envisioned this eventually extending out to this portion of Second Street. The Future Land Use Map shows this being developed in a public nature. Public being churches, light commercial and things like that. Is that adequate?

David Williams: Yes. Would mixed use be an appropriate description?

Brian Bishop: Yes, I believe it would.

David Williams: Ok.

David Dixon: Just to clarify, if this moves forward from this body, we would be making a recommendation to the City Commission that would reconsider the entire matter.

Brian Bishop: It would.

Tommy Joe Fridy: Could.

Brian Bishop: Could, sorry...correct.

Chairman McKee: Could.

David Williams: Mr. Branson addressing the, for the lack of a better word, shielding of the development from Denise Drive, how dense do you expect that tree fence, so to speak, will be? Will that block most of you from Denise Drive?

Dennis Branson: We expected the expanse of space to operate as the buffer there. The trees that we put in were more for aesthetics and softening. However, we can densify those....We have to come back to the Planning Commission with the final site plan which shows all of the engineering and the final details including tree species, hydro-planning, those kinds of details. We can densify those to some extent but because of the distance between the project site and the residential area, I would hesitate to densify to the extent that we would for an immediate, adjoining property owner.

Dickie Johnson: Yeah.

Dennis Branson: But we would be happy to increase, or decrease the spacing between our plantings from what we're showing there. Those were just for softening purposes, just aesthetics to make the project look prettier. But we can add some more in at the site plan stage. I'm not willing to commit because I don't know now how many.

Chairman McKee: Any more questions for Mr. Branson? Thank you sir, any more questions for staff or anyone else? Commissioners? You have all the information you need?

Mr. Bishop, you're going to share information with the Planning Commission?

Brian Bishop: I believe Mrs. Wayne has proposed findings of facts, and a motion that she would like to read into the record.

Chairman McKee: Please do Mrs. Wayne.

Claudia Wayne: REZONING # 1065 with Development Plan – For the Western 1.9544 acres of the Grace Point Baptist Church, Inc., Parcel ID Number: 66-33, located at 3440 Hwy 351/Zion Road, in the City of Henderson.

I move that the Planning Commission recommends the assignment of a Multi-Family Residential District (R-4) zoning classification/zone map amendment to the Western 1.9544 acres of the above Parcel (PID# 66-33), with and subject to the attached Development Plan, subject to the subdivision of such 1.9544 acres being finally approved and recorded, subject to a written easement/agreement being executed and recorded for the shared entrance, 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 existing Conditional Use Church in a Medium Density Residential District (R-2) zoning classification is inappropriate and the proposed Multi-Family Residential District (R-4) zoning classification is appropriate, because:

- The proposed parcel fronts on KY Hwy 351/Zion Road which is a major four lane thoroughfare of the City of Henderson, with a traffic count of 5,047 vehicles per day, according to the Kentucky Transportation Cabinet; making this parcel suited for the increased traffic of an apartment complex.
- The Development plan provides for a shared driveway/entrance with the Grace Point Baptist Church.
- The current uses of the adjoining properties are as follows: East Heights Elementary School to the West; A single family residence (shown in PVA records to be owned by BB&G Enterprises, LLC.) and Ky. Hwy. 351/Zion Road (a four lane) on the North; and, The Applicant, Grace Point Baptist Church, Inc., on the East and South.
- The 36 unit R-4 Apartment Complex, is compatible with the surrounding uses as a School and Church, but not compatible with the adjoining residence. The Development Plan provides for screening for the residence.
- The proposed R-4 use is compatible with the Public/Semi-

Public/Office use proposed by the Future Land Use Map of the Comprehensive Plan.

- The adjoin residence is the only residence in the immediate area and the area has not developing single family residential.
- This property had a Commercial designation under the previous Future Land Use Map of the Comprehensive Plan adopted in 2006.
- The proposed to-be subdivided parcel is currently vacant.
- The parcel is within walking distance of East Heights Elementary School, the High School, churches, and commercial shopping, banking, eating; including Gardenside Shopping Center.
- The property is served by adequate utilities.
- The proposed development is contiguous to existing development thus minimizing the cost of public facilities such as water, sewer, police and fire service. (General Principle 2 under General Principals of All New Development on page 8-11 of the Comprehensive Plan.)
- Farm Bureau and the U. K. Extension Offices are located across KY Hwy 351.

The proposed map amendment (rezoning) is in agreement with the Goals and Objectives of the Comprehensives Plan, in that:

- **Identifies areas of opportunity for infill, redevelopment and adaptive reuse that respect the area's context and design features. (Balancing Land Use Objective A)**
- **Allows for connected, walkable, and bike friendly neighborhoods. (Land Use Objective E)**
- **Encourage and support efforts to construct and maintain affordable housing for elderly, handicapped and other disadvantaged persons in areas where there is convenient**

**access to recreation, commercial activity and other services.
(Housing Objective #2)**

- **Encourage innovative, safe, and sustainable design for new development and/or infrastructure. (Land Use Objective F)**

Chairman McKee: You're offering that as proposed...

David Williams: I have a correction please. I think she meant to say encourage innovative safe and sustainable design for new development.

Brian Bishop: That's correct.

Claudia Wayne: That's correct, sorry.

Chairman McKee: You're offering that as proposed findings of fact for a motion in favor of the rezoning, correct?

Brian Bishop: Correct.

Chairman McKee: If a motion is made to that effect, the maker of that motion might leave themselves open for further findings of facts to add to the motion? If the motion is against the rezoning, they will have to come up with their own findings of facts?

Tommy Joe Fridy: Or table it until the next meeting and allow staff, we could help with a motion if that was...

Chairman McKee: Are there any questions about that presented, favorable findings of facts motion? Yes sir?

Brian Bishop: This would be similar to what happened at Players Club. The Planning Commission would direct staff to come back with findings of facts in support of your decision to approve or deny the zoning request.

Chairman McKee: Let me make sure I understand. You're not offering that, what you just read up as findings of fact for a motion tonight?

Brian Bishop: We are, for approval. But if the Planning Commission chooses otherwise and deny the request...

Chairman McKee: Then we can direct to you come...

Brian Bishop: We can address it and come back.

Chairman McKee: Any questions, any comments? Would anyone like to make a comment before the Chair calls? Hearing none, the Chair will entertain a motion.

MOTION WAS MADE BY HERB PRITCHETT, SECONDED BY DICKIE JOHNSON TO APPROVE REZONING #1065 AND ADOPT AS A REASON FOR THAT APPROVAL THE FINDINGS OF FACTS AS OUTLINED BY THE STAFF (SEE EXHIBIT A); I THINK THAT THE WATER ISSUES THAT THE RESIDENTS BROUGHT UP HAVE BEEN ADDRESSED BY MR. BRANSON; I BELIEVE THAT THE VALUATION DIMINUTION ISSUES THAT HAVE BEEN BROUGHT UP WERE BROUGHT UP SECOND HAND AND THE TESTIMONY SHOWS THAT THOSE WHO OPINED THOSE ARE NOT COMPETENT TO OPINE SUCH UNDER FEDERAL LAW.

Chairman McKee: Would you entertain further findings of fact to your motion?

Herb Pritchett: I would indeed Mr. Chair. We have a motion and a second. Now we will entertain further findings of facts.

Bobbie Jarrett: I have something Mr. Chairman.

Chairman McKee: Please do.

ADDITIONAL FINDINGS OF FACTS SUBMITTED BY BOBBIE JARRETT AS; THIS DEVELOPMENT WILL CREATE AREAS OF OPPORTUNITY FOR ELDERLY, HANDICAPPED, AND OTHER DISADVANTAGED PERSONS IN AREAS THAT ARE NOT AVAILABLE NOW.

Chairman McKee: That is an additional finding of fact, do you accept that commissioner?

Herb Pritchett: Mr. Chair I do.

Chairman McKee: And the second?

Dickie Johnson: Yes, I do.

Chairman McKee: We have that added to the findings of fact. Any other findings of fact? Anything to be added?

David Williams: Did we have some subject to's? Those were included right?

Brian Bishop: There were subject to's. The subject to's were the subdivision application, approval, and recording. A written and recorded ingress/egress easement for the proposed access that will be shared with the church and that is also in the proposed findings of fact.

Tommy Joe Fridy: Mr. Pritchett has incorporated all of that into his motion David.

Chairman McKee: For clarity, I this is approved it goes to the City Commission and they have thirty (30) days?

Brian Bishop: It could go to the City Commission. If an aggrieved party decides to do so, they have twenty-one (21) days to request that the City Commission hear the rezoning request.

Chairman McKee: So the lack of a response within twenty-one (21) days stands?

Brian Bishop: A lack of response in twenty-one (21) days the property can automatically be rezoned.

Chairman McKee: Any other questions? Madame Clerk will you please call the roll? This is for a motion in favor of this rezoning application.

ALL IN FAVOR: DAVID WILLIAMS, BOBBIE JARRETT, KEVIN RICHARD, DICKIE JOHNSON, GARY GIBSON, DAVID DIXON, KEVIN HERRON, HERB PRITCHETT

OPPOSED: GRAY HODGE

Chairman McKee: The motion in favor of the rezoning carries. You all know what happens next so thank you for all of your input and participation in this decision. We appreciate you, there will be more to come on this project.

Next on the agenda, item B under Public Hearing items is the **Henderson City-County Planning Commission Proposed 2017-2018 Budget**, Mr. Bishop are you going to present that?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: As submitted **(SEE EXHIBIT B)** the proposed budget is for \$742,968, which is an increase of...(Large crowd leaving the room)

Chairman McKee: I think a pause is appropriate, yes sir. Alright sir.

Brian Bishop: I'll start all over just to be safe. The proposed budget is for \$742,968, which is an increase of \$56,636 more than last year's budget that is an increase of roughly 8.25%.

The increase is there for two (2) things mainly; the first is for, you'll see \$15,000 under the item 5-418 GIS NearMap (aerial photography). What we are requesting here is to lease, essentially, aerial photography from a company called NearMap. NearMap is a company that flies all metropolitan areas in the entire United States twice a year; they provide leaf on and leaf off aerial photography. This is important to the Planning Commission and the staff, and all the utilities for basically what we did tonight. When Mr. Branson was referring to the search for potential lots, we would use this to help applicants find property for development. The reason why we are asking for this is because the current aerial photography was last flown in 2009 so it is eight (8) years old. We have tried to supplement it with other, it's not aerial photography, it's called Pictometry; it's basically oblique imagery. Mr. Moran has allowed us to use that imagery, it's imagery that is taken from a low angle not an overhead, aerial photograph that we're used to seeing. We intend to try this service for one (1) year at a cost of \$9,500 for the entry level. We can upgrade it to get more areas that we may need for a total of \$12,500 with some additional upgrades as far as quality. But that is one (1) reason why we are requesting that, we think it's actually very beneficial to the staff and to other members that use GIS.

You will also see a request for \$10,000 requested for the re-design of the website. This came out of some of the input that came from the business friendly study, The Development Analysis Study. Our website has never been professionally designed, and as far as I can tell it's roughly nine (9) to ten (10) years old. So we would like to seek outside help to improve that so we can provide better communication to the public. By doing that we can provide better access to the forms and information that the general public may need.

Chairman McKee: Questions for Mr. Bishop?

David Dixon: That accounts for what...

Brian Bishop: The two (2) items together are \$25,000, the \$56,636 request which is roughly 4.6% from last years.

You're going to see some small increases in some of the line items, for example legal fees. We have asked for a little more money there because as you can tell things are not getting any easier. We're going to be seeing a lot more need for Mr. Fridy's services so we want to make sure we have enough money in the budget to cover that.

We have bumped up Capital Outlay slightly because we envision the need to purchase some new equipment. For example on thing we would need to purchase is the recording equipment in the EOC where we hold the LDC meetings. That audio equipment has finally died, we are the only one of the groups that use that room and use that equipment so it falls on us to replace that.

We envision purchasing software that will allow digital submittals, which also came out of the business friendly study.

We have added some money for classes for the Planning Commission itself because you are required to get sixteen (16) hours of training every two (2) years and we are at the beginning of that cycle. So the Planning Commission members themselves are going to require additional training which is why we have bumped that up.

We have added money for the National American Planning Association Conference. I would request that Claudia and I go to that because neither of us have gone to that and I think it would be beneficial for us to see how other communities across the country are doing things.

But that is it in a nutshell, I will do my best to answer any questions that you may have. We think it is a responsible budget that meets our needs and provides funds to, basically, take care of the Planning Commission business.

David Dixon: No increase in insurance?

Brian Bishop: Not at this time.

Chairman McKee: Of course you know that is subject to the approval of the City and County government...

Brian Bishop: I might add that we met with the Financial Committee this past week and we answered all of their questions, so I would also invite you to ask any of those members' questions as well.

Chairman McKee: I was going to get to that but if you have any questions about the budget, please, now would be a good time to ask them. You might like to know that the Budget Committee did meet and talked about the budget at great length and great detail and we recommend this approval to you. If there are no objections, the Chair will entertain a motion.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY GARY GIBSON TO APPROVE THE HENDERSON CITY-COUNTY PLANNING COMMISSION AND GIS 2017-2018 COMBINED BUDGET.

Chairman McKee: We have a motion and a second, any discussion?
Madame Clerk will you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Thank you very much. The Chair will entertain a motion to **go out of public hearing**.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY DICKIE JOHNSON TO GO OUT OF PUBLIC HEARING.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be. I have just been asked if we can move **TSW Design Group** up on the agenda so that she can get home tonight at a decent hour. Does anyone object? Would you please come forward? Amy welcome, we are glad to have you.

Amy Williams: Thanks, thanks it's glad to be back like always. Chairman do want me to go ahead and say my name and everything just for the record or do you need that; I know we're not on public hearing anymore?

Chairman McKee: Why don't you do that, that would be very helpful Amy.

Amy Williams: Just in case someone was absent last month or any other of the months I've been around the Planning Commission, my name is Amy Williams. I am with Taylor, Seeker, Williams Design Group, we are out of the Louisville area and have been working with the Commission and the City and County for a number of years for various projects. Tonight we're here to talk about the changes from last month for the, basically, the official name is The Development Process Analysis and Community Perception Survey. Should I go ahead and go through things.

Brian Bishop: Sure.

Chairman McKee: Please do.

Amy Williams: I have a PDF to pull up here as well. I'm sorry about that, I to make sure you guys are seeing what I have in front of me as well. You hopefully have either received by email or printed out or I think that a couple of hard copies were requested as well.

At the last meeting we had a good lengthy discussion on this draft, and went through a lot of questions and a lot of ideas. Also heard from a lot of different folks, Denny was one of them; and a few other folks.

Throughout that process we got some great recommendations. Since then it's also been sent out to, Brian you can correct me if I'm wrong since you sent these out, to the various departments within the City and County, and other folks who might be interested in looking through the report.

Brian Bishop: I would like to come back to the part about the City and County. I met with the Taking Care of Business Committee, a portion of KYNDLE, and they have also reviewed and provided feedback as well.

Amy Williams: Yes we did get formal feedback from the Taking Care of Business Committee, and then Denny who has just stepped out.

David Dixon: Does this report we have in front of us reflect that feedback?

Amy Williams: Yes it does.

David Dixon: Thank you.

Amy Williams: If you will notice there are yellow highlights on your copy that you guys did receive, we did that to make it easier for you all to find the changes and not have to compare various versions. We went ahead and highlighted anything that was a subjective change, if we

tweaked a word from “a” to “an” or something of that nature we didn’t worry about highlighting that but anything that actually changed content, we went ahead and highlighted that for easier review.

If you want I can go through some of those really quickly. All of the changes were in the recommendations chapter. So starting on page 48, one of the requests from the commission was to actually to do a high, medium and low priority on all these items, I think that was a great suggestion. We went ahead and did that based on a combined analysis of looking at what resources is it going to take, is it something quick and easy that can be done in an hour and by staff? Versus some things that are a little bit longer and more expensive, also based on the feedback that we had received through the stakeholder interviews, focus groups, staff, and others; so that’s how those were formed. We did do that for every one of your recommendations throughout that chapter, so you will notice it has red for high priority, yellow for medium priority, and then the bluish color for low priority. So that hopefully will help you guys in the future as you start to implement some of these things which sounds like Brian is already trying to start doing through your budget, so that’s great.

When you turn to Page 49 on your general recommendations, the few things on there; there were three (3) that were highlighted that were added. The first came from Denny and was looking at making sure that the level of requirements are reflective upon that type of development or that size of development. If it’s a really small development we need to make sure we take that into account. All of this is saying is that staff will go back and evaluate that.

Number 4 was changed and this came from the Planning Commission, the last meeting. We talked developing a questionnaire so as people go through this development process like you guys did tonight, we make

sure we do almost like an exit survey with them, or the staff would do an exit survey with them to make sure we are gathering feedback then when it's fresh and in everybody's minds.

The last one on that one is looking at, we talked about during the last meeting; diameter of cul-de-sacs was one of the requirements in looking at following the AASHTO requirements for those and also considering landscaping in medians.

If you skip down to Page 51, that's where our next one was. We had some good discussion on what do we call a map amendment, a rezoning and that went back and forth if you all remember, and this went back and forth more with Denny did have some comments on that; also went back and forth on staff to making sure what's the clearest, the idea here is what's the clearest thing for the general public to understand. Currently it's Rezoning Variance on a lot of things, on your map amendment recommendations and going to a Zoning Variance, and Brian had some input on that and Claudia as well in terms of zoning versus rezoning and we landed with the Zoning Variance on that. The idea here is that we just need one (1) title. You can call it whatever you like, whatever is going to respond best to this community but we need to call it one (1) thing. It's reference currently is Map Amendment and then rezoning some places so it gets a little bit confusing to someone who's not in the business.

On the following page, Page 52; Number 1 and Number 3 had some clarifications added under that. Previously we had talked about including the purpose of the site plan within the development process guidelines documents, we also said to say the definition as well; again to clarify that for folks who might not go through this process every day and that should be located on your website under your Forms &

Documents, that's where the Development Process Guideline document lives.

Then on Number 3, there is currently in your site plan packet, it has a placeholder sheet in there that really should have been replaced with something, with the example. That's what we were saying on that, we just add a clarification there that it was just saying to update that document was all, not create anything new.

If you skip down to Page 54 then, there were a few clarifications under this one as well. We had previously talked about hiring an electrical inspector and through comments it was to define that as full time for both the City and the County.

Then down on Number 5 we did add if feasible to add additional personal for technical review and inspection of public improvement guidelines for transportation, infrastructure, and water/waste water utilities on that one.

Then the final one was on the Small Business section on Page 55. This one talked about how the City can help raise the visibility of the City Business Liaison and to help do that one stop shop through utilizing the resources that are there and going that extra mile and making it clear that the community desires and is excited by new investment that's coming. As someone comes in and wants to invest in the community, make sure they do understand we want you here.

Those were the suggestions that we did receive. I can answer questions about those, again we did get two (2) separate actual written comments that I can give you a copy of or I know Brian has because they came through Brian. One (1) was from Denny and one (1) was from the Taking Care of Business Committee.

Anything that we did not address directly, we did provide you with a list of. One of the recommendations was to increase your application fees, and we did not include that. It is always up to your own commission to decide, your fees were lower than your peers and so I think that's where that comment came from. We left the recommendation for construction document review in the final approval.

We did add general recommendations for checklist, that was in there. As you go through these processes you have a general checklist. One of the recommendations was not necessarily do that, the checklist was intended to help clarify things, not put an extra burden on, just to clarify.

Yes sir?

David Williams: Did they give a reason for not wanting a checklist?

Amy Williams: Yes, let me find; I got six (6) pages of comments on Denny so let me find that one in particular.

Here it is, and Denny feel free to comment. I'll read what I have here but if you have other thoughts. It said, "Ultimately it would boil down to this; what level of detail required for either a narrative or graphic development plan. I'm sure it will be very helpful to some but for us to have a standard level of detail with a checklist elements, items or issues to be addressed or in the development plan is a heavy handed thing. We do that in some processes and it's not necessarily, sometimes it's more costly." Our interpretation of that is we're not adding additional thing we're just clarifying with a one (1) page summary. We didn't want to add anything additional to it, we just wanted to make sure....if you go through it every day you know what the checklist is because you've got it in your mind, and you do this day in and day out. But for those folks who don't go through it, sometimes searching through the ordinances or

applications, if you have a checklist; and it might not be that everything applies every time..

Claudia Wayne: Amy..

Amy Williams: You know it's just to take your current...

Claudia Wayne: Can I answer that?

Amy Williams: Yeah, go ahead Claudia.

Claudia Wayne: The reason that we have checklists is not every...we deal with so many people out of town and they have praised it; Denny doesn't like them but other people out of town have appreciated them because it helps them to get through the process on what they need to put on their plans. That's all I'm going to say.

David Williams: You're preaching to the choir with me, I love checklists.

Amy Williams: It wasn't to add anything additional to your current code, it was just to define that in a checklist.

Brian Bishop: Mr. Branson is there an official response from the County Surveyor.

Dennis Branson: I don't know, I don't want to interrupt.

David Dixon: Are these checklists required to be completed?

Claudia Wayne: Yes, and turned in with...

David Dixon: It's one (1) thing to provide a checklist and if you don't want to pay any attention to it, then just go on.

Claudia Wayne: They turn them back in.

Dennis Branson: One (1) of the items on the Master Plan checklist is that it be accompanied by a complete checklist. Just to give you an idea of how they...

Brian Bishop: It's very thorough.

David Williams: I just know every time NASA shoots up a rocket, there is a very involved checklist, they are there for a reason.

Dennis Branson: I can see that they are helpful, very helpful.

Claudia Wayne: Thank you Denny.

Amy Williams: Those were the few things that we did receive from the two (2) different comments that were not incorporated. A lot of it was just clarification, and so we wanted to make sure we tweaked a word here and there and that worked. But I think this is defiantly where we have gotten a good amount of input. The Commission and staff have done their due diligence to make sure that they reached out to folks on this, and that's all we've received to date.

Are there questions about those highlighted changes in there?

Chairman McKee: Questions for Amy, comments?

David Williams: Amy do you feel like you got a good response?

Amy Williams: I do, I think that we've gotten, again we talked about that last meeting. Your survey numbers aren't going to be as high on this type of project as say the Vision Plan when we did those. But we've gotten a well-rounded, and I think that has been the goal from the beginning; a well-rounded opinion.

David Williams: With the give and take on the feedback, do you feel like for a community like ours that you've gotten what you need?

Amy Williams: Yes, yes.

David Williams: Thank you.

Amy Williams: You're welcome.

Chairman McKee: Any questions for Amy, or comments? Do we need to respond in any way?

Brian Bishop: I would like to if you don't mind.

Chairman McKee: Please do.

Brian Bishop: Just so the full Planning Commission knows, staff has met with the Executive Committee and we would like to proceed in a two (2) prong manner.

The first prong has already started. I have sent the recommendations to the City Manager and the County Judge Executive requesting that they direct their departments to give us recommendations on how to address Amy's recommendations. I have requested that they provide that to us by April 10.

The second phase would be that staff meet with the members of the private sector so we may solicit input from them regarding these recommendations. I have a list of names in my head that I would like to recommend, and I think it's well rounded and I would be happy to share it if the commission would like to hear it.

David Dixon: So basically you're proposing to receive more feedback on this?

Brian Bishop: Specifically more feedback on this. Once we get the feedback from the City, County, and the private sector, the staff would make a full official recommendation on what we think needs to be changed at hopefully the May meeting.

David Dixon: Do you mean changed in this document or actually changed in...

Brian Bishop: Real world change. Rubber to the road.

David Dixon: Good, good.

Amy Williams: Like your website that you talked about a minute ago.

Brian Bishop: Correct.

David Dixon: So one (1) more step before implementation is what you're suggesting.

Brian Bishop: This would basically, we would provide a report that would give our recommendation for implementation.

David Dixon: Very good.

Chairman McKee: So for example you made a comment, you made a list of things and gave them to the City.

Brian Bishop: I did.

Chairman McKee: So they are going to take a look at those and say those are great ideas, we're going to do them all or we're going to do them all but seven (7) and thirteen (13); and seven (7) and thirteen (13) are going to be five (5) years from now or something. You get some kind of response, correct?

Brian Bishop: I hope so.

Chairman McKee: And then you will bring that back to this body?

Brian Bishop: I would like to bring that and then the comments from the private sector.

Amy Williams: Just to clarify Brian, you were saying if they accept the report tonight, you're going to start actually looking; implementation recommendations not recommendations to the report itself.

Brian Bishop: Correct, very good. Thank you, I didn't say it well, thank you.

Amy Williams: So rubber hits the road as Brian calls it.

Chairman McKee: So the report is finished?

Amy Williams: Yes.

Chairman McKee: As of tonight. It's just the response to the report that we're going to work on.

Amy Williams: Right, how are you going to take this and actually move things forward is what Brian is indicating.

Brian Bishop: Thank you.

Chairman McKee: Do we need to vote to accept the report, or do we need to take any action with the report, or do you want to wait until you have responses.

Tommy Joe Fridy: I would wait until you are totally finished.

Chairman McKee: Does that sound like a good idea, wait until we get it all? Very good. Amy, travel safe.

Amy Williams: Thank you, thank you very much. Have a good evening and I hope you get of here in enough time for something this evening.

Chairman McKee: In respect to one (1) of our Planning Commissioners, I would like to ask your permission to move the **March Finance Report** up to next on the agenda, and Mrs. Curtis will you please give us a guide there?

Theresa Curtis: I sure will. We are at seventy-five percent (75%) of budget and we have three (3) months left to go.

Chairman McKee: Any questions for Mrs. Curtis about our finance report for March? Hearing none the Chair will entertain a motion.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY BOBBIE JARRETT TO APPROVE THE MARCH FINANCE REPORT AS SUBMITTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is **Deaconess Health System, Henderson Medical Office Building Site Plan**, Mr. Hodge did you wish to comment?

Gray Hodge: Yes, Mr. Chairman with your permission I'm going to excuse myself from discussion from this. I have personal involvement in the project, and I don't want to raise the issue of conflict of interest.

Chairman McKee: Wise decision. We thank you for letting us know.

Gray Hodge: Thank you.

Chairman McKee: I guess you could stay if you like but it would probably be better if you went, right?

Gray Hodge: Pardon me.

Chairman McKee: I say you're welcome to stay if you like but better if you went.

Gray Hodge: Yes.

Chairman McKee: Enjoy your evening, and we'll see you next month.

Chairman McKee: Thank you sir. Mr. Bishop are you going to lead the conversation on this project?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: This is submitted by Deaconess Health System for the Henderson medical office building. The project is located at 1170 Barret Blvd and is parcel ID #65-13.9. The applicants are requesting site plan approval for a medical office building.

The building is proposed to be 60,500 square feet. It is located on 9.0 acres that is currently zoned Highway Commercial. This may look familiar to you, we have looked at this area several times. This is adjacent to the current Owensboro Health building that is being construction. They will have a total of two hundred fifty-seven (257) parking spots, sixteen (16) of which will be handicapped and eight (8) of those will be handicap accessible. There will be two (2) entrances, they will both come off Barret Boulevard, which you will notice this is the north entrance and this is the south entrance. We have received all appropriate approval from local agencies and utilities.

The project should be subject-to several things. The first would be bonding in the amount of \$44,261. They would also be subject to bonding for sidewalks in the amount of \$9,000. Bonding for the two (2) entrances for a total of \$15,500. Bonding for storm water line that actually is going to cross Barret Boulevard for a total of \$22,000. The amount for all the bonds is \$90,761, and you will notice we gave you guys a cheat sheet that should be at your spot **(SEE EXHIBIT C)**, it will look like this, this has everything that would be bonded and the amount. So if you would like to use that in your motion... I will do my best to answer any questions you may have, and staff recommends approval.

Chairman McKee: Questions for staff?

David Dixon: You said the other medical project is immediately adjacent?

Brian Bishop: It is, it is immediately south which would be here.

Chairman McKee: If you haven't been out that way lately I highly recommend it.

David Dixon: It's on those two (2) lots?

Brian Bishop: It is, right here. Owensboro Health actually owns all three (3) of these lots, it's roughly here.

David Dixon: Ok.

Brian Bishop: This would give me an opportunity to talk about the NearMap again. The map we currently would be using with that was flown in February of this year, so in the NearMap that we are proposing to look at you can actually see the workers there, and you can see the shadows of the workers the resolution is so good. It will be very helpful to us once we have it to use on a daily basis.

Kevin Richard: I guess Brian, I guess to help our bearings; the construction you can see from the Pennyrile, which one of those lots is that?

Brian Bishop: It is roughly in this area.

Kevin Richard: Ok.

David Dixon: It spreads over both of those lots, is what you're saying.

Claudia Wayne: There's been a plat that shows part of those two (2) lots together that has been consolidated, it just isn't showing it.

Chairman McKee: Questions for staff? Is there anything else you need to present Brian?

Brian Bishop: No sir, I will do my best to answer any questions you may have.

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

MOTION WAS MADE BY DAVID DIXON, SECONDED BY GARY GIBSON TO APPROVE THE DEACONESS HEALTH SYSTEM, HENDERSON MEDICAL OFFICE BUILDING SITE PLAN SUBMITTED BY DEACONESS HEALTH SYSTEM FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON AT 1170 BARRET BOULEVARD, PID#65-13.9. APPLICANTS ARE REQUESTING SITE PLAN APPROVAL. SUBJECT TO; BONDING FOR SIDEWALKS IN THE AMOUNT OF \$9,000; ENTRANCES AND CURBS \$15,500; STORM WATER CROSSING ON BARRET BOULEVARD \$22,000; AND EROSION CONTROL \$44,261; FOR TOTAL BONDING OF \$90,761.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be. Thank you everybody for an elongated Planning Commission meeting but a very productive one. We appreciate your attendance and your additions to the process, and we will see you back here in May. The chair will entertain a motion to adjourn. Mr. Vickers?

Mike Vickers: Mike Vickers with QK4, I know I don't have to do all of this. I know I haven't had to respond to any questions that you all had but on behalf of Deaconess Health and Hafer, we are excited about this project and they wanted to make sure that I expressed that to the

Commission and the staff. You all have been very helpful through the process and it's an exciting time to have another project getting ready to come out of the ground for our community and we are really thrilled. Thank you for everything you all do to make our job easier, most of the time (laughter), we do appreciate you.

Brian Bishop: Mr. Vickers what's your stance on checklists?

Mike Vickers: Checklists? As long as they stay the same, we like them.

MOTION WAS MADE BY HERB PRITCHETT, SECONDED BY GARY GIBSON TO ADJOURN.

ALL IN FAVOR: AYE

OPPOSED: NONE

MEETING ADJOURNED AT 8:03

CERTIFICATE

I, HEATHER LAUDERDALE, hereby certify that the foregoing is a true and accurate transcription of the Henderson City-County Planning Commission Meeting of, April 4, 2017, to the best of my ability.

Heather Lauderdale, HCCPC Clerk

X

Herb McKee, HCCPC Chairman