

Henderson City-County
Planning Commission
July 5, 2016

The Henderson City-County Planning Commission held their regular meeting July 5, 2016 at 6:00 p.m., at the Henderson Municipal Center, 222 First Street, 3rd floor assembly room. Members present: Vice-Chair David Williams, Bobbie Jarrett, Dickie Johnson, Gary Gibson, Mac Arnold, Rodney Thomas, David Dixon, Kevin Richard and Penny Hahn, Kevin Herron and Herb Pritchett. Chairman Herb McKee and Attorney Tommy Joe Fridy were absent.

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

(A summary of the minutes from the meeting on July 5, 2016. A recorded audio tape is on file at the Planning Commission Office)

MEETING BEGAN AT 6:00PM

Vice-Chairman Williams: Good evening, I would like to call this meeting of the Henderson City-County Planning Commission to order this Tuesday, July 5. Please let the record note that Vice-Chairman David Williams is standing in for Herb McKee who is not here today. First order is the roll call, if the clerk would please call the roll. We need a motion to enter the public hearing.

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

ALL IN FAVOR: AYE

OPPOSED: NONE

Vice-Chairman Williams: The first item under the Public Hearing Items is the approval of the minutes from the June 7, 2016 meeting. Has everyone had an opportunity to read the minutes? Are there any comments or corrections to the minutes?

MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY DAVID DIXON TO APPROVE THE PLANNING COMMISSION MINUTES FROM THE JUNE 7, 2016 MEETING AS DISTRIBUTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

Vice-Chairman Williams: The second order of business under the public items is the Herron Commercial Development Subdivision Easement Extinguishment Plat, I think Claudia has that and if you can say that all in one sentence without stumbling I'll give you a sucker, ok.

Claudia Wayne: This was submitted by owners Shen-Jen and Alice Song for the property located at 2600 US Hwy 41 North (PIDN# 64C-6). Applicants are requesting an easement extinguishment plat. They are requesting that the twenty-five foot (25') retention area that runs along Hwy 41 North, that's in front of the property and this is where the Starbucks is going to go, it's right though here. There is a twenty-five foot (25') retention area that is being extinguished by this plat. Now there is also a twenty-five foot (25') public utility easement that will stay in place. We have gotten all approvals from all the utilities and staff recommends approval.

Vice-Chairman Williams: Is that all you've got Claudia? Does anyone have any questions for Claudia or staff? Hearing none, is there anyone

in the audience that wishes to speak for or against this proposal? Seeing and hearing none from the audience, the Chair will entertain a motion.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY MAC ARNOLD TO APPROVE THE HERRON COMMERCIAL DEVELOPMENT SUBDIVISION EASEMENT EXTINGUISHMENT PLAT SUBMITTED BY OWNERS SHEN-JEN AND ALICE SONG FOR THE PROPERTY LOCATED AT 2600 US HWY 41 NORTH.

ALL IN FAVOR: AYE

OPPOSED: NONE

Vice-Chairman Williams: The Chair will entertain a motion to go out of public hearing.

MOTION WAS MADE BY RODNEY THOMAS, SECONDED BY KEVIN RICHARD TO GO OUT OF PUBLIC HEARING.

ALL IN FAVOR: AYE

OPPOSED: NONE

Vice-Chairman Williams: The first item on the non-public hearing is the ***PC Finance Report for June 2016.***

Theresa Curtis: We are at approximately eighty-five percent (85%) of the budget for the end of the 2015-16 fiscal year. We still have some June invoices that will be coming in to be paid out in July. So tonight is just showing you what we have so far, once the audit is completed either in August or September we will have the actual percentage for the fiscal year ending and then we will bring that back to get your approval. So no recommendation tonight is needed it's just kind of an update.

Vice-Chairman Williams: Thank you Theresa. Are there any questions for Theresa on the financial report? Next on the agenda is the **Bond Report**.

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

ALL IN FAVOR: AYE

OPPOSED: NONE

Vice-Chairman Williams: The next thing on the non-public hearing is the **Revised Lots 1 & 2 and New Lot #3 Holiday Inn Express Subdivision, Preliminary**.

Brian Bishop: Before I get started if you would take notice of the sheet that I passed out. Basically what I've done is take the liberty of printing out the notes and the items that I will be addressing on the plat and then the subject-to's if you decide to approve the plat. I thought this would be a good idea if we start doing this for anything that's out of the ordinary that the Planning Commission is not used to doing so that way you will have a little more guidance and we can make the meeting a little more efficient. So with that, I will address Revised Lots 1 and 2 and New Lot 3 of the Holiday Inn Express Subdivision which is submitted by OHM/Henderson Inc., for the property located in the City of Henderson at 2826 US Hwy 41 North (PID# 55F-30 & 55F-30.1) Applicants are requesting Preliminary approval. If you will look on your notes I'll go off that so that way we are all on the same page.

Any development on Lot #3, which is the lot in the back to the East, will come back to the full Planning Commission and at that time we will address bonding, drainage and parking, things of that nature.

There has been a sidewalk variance granted to this subdivision previously which was done on June 2, 1996 when lots 1 and 2 were created.

The existing parking spaces that you see here are existing. They are non-conforming and the Codes Department has agreed to put a note on the plat that these spots can continue to exist however if they are ever replaced or if the parking lots are re-surfaced they must come into compliance and any new parking places on this lot will have to be in compliance with the City Zoning Ordinance.

The entrances are existing and they are not proposed to change. There is an existing ingress/egress easements for these entrances and they will be shared by all three (3) lots. If there are any changes to these two (2) entrances they must be approved by the Kentucky Transportation Cabinet.

We have received all appropriate approvals from the governing utilities.

Staff recommends approval and we request you make it subject to two (2) lot variances from the City Board of Zoning Adjustment. The first lot variance will be for 3.02 feet and will be for Revised Lot 2 which is the southernmost lot. Then a variance for Lot 3 which will be 8.45 feet which is the middle lot. We also request that a copy of a maintenance agreement from all the owners of the separate lots be provided to the Planning Commission and we also request a copy of the Restrictive Covenants be provided to the Planning Commission.

I will do my best to answer any questions you may have and I know that's a mouth full and a lot of stuff to take in.

Vice-Chairman David Williams: Does anyone have any questions for staff?

David Dixon: Just quickly, the second part of item two (2) there, a pedestrian and biking easement for the purpose of future connectivity, where are we at?

Brian Bishop: Correct, that is right here. The reason for that is at this point KYTC has asked that we not have anyone put sidewalks in the State's right of way because they do not want to take on the responsibility or the maintenance of those sidewalks but the applicant has agreed to put, actually they volunteered that this easement be put on the plat so if there ever is any connectivity that could be made there is an easement and a location for the sidewalk. It's hard to see but basically it's along this front entrance or this front line.

Kevin Richard: So Brian I guess my question, the drawing is kind of small for me to make it out on my own, the section that would be subject to a 8.45 foot variance, what is the width of that sliver that goes from the highway to Lot #3?

Brian Bishop: Let me grab the biggest set so I can tell you exactly. That is Lot 3 which is the middle lot here and the proposed lot width will be 43.43 feet.

Kevin Richard: That's after a proposed variance of 8.45?

Brian Bishop: Correct.

Kevin Richard: Ok.

Brian Bishop: Denny I hope your math's right.

Dickie Johnson: Brian you were discussing the striped parking areas in that, I guess, center; what happens when they have to come into compliance and do away with them, is there still going to be adequate parking for those other two (2) hotels?

Brian Bishop: There is. Mr. Stroud looked at that and he addressed it. He feels comfortable with the note and he feels comfortable that there will be enough parking for the existing hotels.

Dickie Johnson: Ok.

Vice-Chairman David Williams: Is there anyone in the audience who would like to speak either for or against this proposal? Hearing none the Chair will entertain a motion.

Herb Pritchett: I'm not ready to make a motion yet but one question I have is how are they going to access Revised Lot #3?

Brian Bishop: Basically the existing entrances are here and they will come up this line and then come up this way.

Herb Pritchett: Alright so those parking places will be wiped out to provide access into Lot #3?

Brian Bishop: I don't think so I think they will come up through here. See how there is a lane already existing?

Herb Pritchett: Ok, so they will have to get an access easement?

Brian Bishop: There is already an ingress/egress easement on the plat that this one coincides with.

Herb Pritchett: Ok, alright. Is that an access easement, I noticed from the aerial photograph to the south there looked to be a right of way, is that a right of way or what?

Brian Bishop: That is, that is an existing right of way which Mr. Branson has done some research on and he can probably give you a much more detailed answer than I can.

Vice-Chairman David Williams: Do you wish to hear from Mr. Branson?

Herb Pritchett: It might be helpful, yes.

Vice-Chairman David Williams: Mr. Branson would you come up? Please state your name and address.

Dennis Branson: Dennis Branson, 916 Kelly Court.

Vice-Chairman David Williams: Do you swear to tell the truth to the best of your ability?

Dennis Branson: I do. Midway Road was dedicated as a private road for three (3) parcels. The parcel to the north of Midway Road which consists of all of my clients property plus the two (2) little lots that have been cut out and to the south of Midway Road which is now the Chevrolet dealership and the property to the east which is now owned by Audubon Park. We entertain the idea and even talked in Site Review about petitioning the City to close that but when we researched it we found that the deed that created it prevented the extinguishment of that easement without the consent of all of the now owners of all of the parcels for which it was created and any divisions thereof. So, from a practical standpoint, it will never get closed. There's a good side to that and that is that none of the adjoining parties actually use it but almost maybe all of the utility companies do so it's just kind of a permanent, perpetual utility easement that those three (3) parties are joined and responsible for, I guess, the maintenance of it. There has always been some question about whether the City is responsible for maintaining it or not and that's now been answered.

Herb Pritchett: What's the width of that?

Dennis Branson: Forty feet (40') wide.

Herb Pritchett: Ok.

Dennis Branson: Theoretically it could be used most advantageously by Audubon Park I think at some future date if they ever decided they need another entrance there but I would think that they probably wouldn't.

As to the parking spaces, just to kind of fill you in on that Dickie, there have been two (2) site plans that come before you both on the Comfort Inn and Holiday Inn Express and both of them showed ten foot (10') wide parking spaces. When both of those projects were built, they were striped at ten feet (10') wide but it's been resurfaced twice over the years and when you hire a striping contractor to come in and re-stripe and you don't give them that plan, they stripe it at what they are most accustomed to striping and that's nine feet (9') wide. Our parking ordinance requires our spaces to be ten feet (10') wide which is wonderful but they would normally without explicit instructions, they would stripe them all at nine feet (9') and that's what has happened out there. They always had all the parking spaces that they needed and they still have more than what they need to satisfy the zoning ordinance, in fact they could even move some and still have a lot. The nine feet (9') has nothing to do with the number that they needed or wanted it just happened to be what the contractor striped them at the last time.

Herb Pritchett: Ok.

Vice-Chairman David Williams: Does anyone else have any questions for Denny? Thank you Mr. Branson. Any other questions from the Planning Commissioners? Then I will invite anyone in the audience who wishes to speak for or against, hearing nothing I will again entertain a motion.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY DAVID DIXON TO APPROVE REVISED LOTS 1 & 2 AND NEW

LOT #3 OF THE HOLIDAY INN EXPRESS SUBDIVISION, PRELIMINARY SUBMITTED BY OHM/HENDERSON INC., FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON AT 2826 US HWY 41 NORTH (PID#55F-30 & 55F-30.1). SUBJECT TO TWO (2) LOT WIDTH VARIANCES FROM THE CITY BOARD OF ZONING ADJUSTMENTS: REVISED LOT #2, 3.02 FEET AND LOT #3, 8.45 FEET; A MAINTENANCE AGREEMENT BETWEEN THE PROPOSED EXISTING LOT AND A COPY OF THE RESTRICTIVE COVENANTS SHALL BE PROVIDED TO THE PLANNING COMMISSION.

ALL IN FAVOR: AYE

OPPOSED: NONE

Vice-Chairman David Williams: Motion has carried and next on the agenda is administrative business, Brian.

Brian Bishop: Unfortunately I have to tell you that Mrs. Penny Hahn is at her last Planning Commission meeting, she has chosen to take a position with the City as the Assistant Finance Director so she will be resigning and we will have a new Planning Commission member to take her spot in the near future. I have an idea who the Mayor is looking at but I will let him announce that. Penny, is there anything you would like to say?

Penny Hahn: I have enjoyed it and I'm sad that I have to resign but I'm happy to have the job with the City. So thank you all to everybody that has helped me, I've learned a lot in a year.

Kevin Richard: Good luck on your new journey.

Penny Hahn: Thank you.

Brian Bishop: That's all sir for that.

Vice-Chairman Williams: The next item is under other business, the update on the RFP submittals.

Brian Bishop: Yes sir, the Steering Committee has met to review the RFP's that we have been given. There is a leading candidate that we're going to have an on-site interview with this Thursday at 4p.m. After we meet with the contractor we will most likely be ready to make a recommendation to the full Planning Commission at the August meeting. That's where we are at this point, we are going to meet with the candidate and make sure they understand what we're asking and if they have any questions of us so we can basically have a dialog back and forth to make sure we're all on the same page. So, hopefully I have a recommendation at the August meeting.

Vice-Chairman Williams: Thank you Brian. Is there any other business or things that we need to concern ourselves with tonight? Then the Chair will entertain a motion to adjourn.

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

ALL IN FAVOR: AYE

OPPOSED: NONE

Meeting adjourned at 6:20p.m.

