

Henderson City-County
Planning Commission
December 6, 2016

The Henderson City-County Planning Commission held their regular meeting December 6, 2016 at 6:00 p.m., at the Peabody Building, Conference Room F. Members present: Chairman Herb McKee, Bobbie Jarrett, Dickie Johnson, Gary Gibson, David Dixon, Kevin Richard, Kevin Herron, Herb Pritchett, Mac Arnold, Rodney Thomas and Attorney Tommy Joe Fridy. Vice-Chair David Williams and Gray Hodge were absent.

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

(The following minutes were transcribed from an audio tape recording of the meeting on December 6, 2016. 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: I would like to call this December meeting of the Henderson City-County Planning Commission to order. Madame Clerk would you please call the roll?

Chairman McKee: We have a quorum. The Chair will entertain a motion to go into public hearing.

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

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: The first item under Public Hearing is the approval of the minutes from the November 1, 2016 meeting. If you've had the opportunity to review them are there any additions or corrections?

MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY DICKIE JOHNSON TO APPROVE THE NOVEMBER 1, 2016 MINUTES AS DISTRIBUTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: 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

Chairman McKee: So mote it be. Next on the agenda is the **Finance Report for November 2016**. Mrs. Claudia, are you going to do that for us?

Claudia Wayne: I am.

Chairman McKee: Please proceed.

Claudia Wayne: We are at forty-seven percent (47%) of budget, everything is on target. That's all I have, if you all have any questions I'll try to answer them.

Chairman McKee: Ms. Bobbie?

MOTION WAS MADE BY BOBBIE JARRET, SECONDED BY MAC ARNOLD TO APPROVE THE PLANNING COMMISSION FINANCE REPORT PRESENTED FOR NOVEMBER 2016.

Chairman McKee: Any conversation, any comments? Hearing none, all in favor signify by saying aye.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is the **Amiet Road Development Lot #8 Site Plan**, Mr. Bishop.

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: The site plan is submitted by Glen and Judith Stone, and is located at 1030 Amiet Drive, which is near the town of Geneva in Henderson County. The applicant is requesting Site Plan approval for a proposed building that will be 7,152 square feet. The building will be used for home restoration services such as water damage restoration, and mold remediation. It will be something similar to NU-LOOK Restoration, a business that Robby Mills runs, and the name of this business is Paul Davis Restoration. We have received all the necessary approvals from the County Engineer, the County Codes Department, and County Water. All the storm water for this site is being discharged to existing drainage swells and detention ponds. There will be no bonding with this, and the Staff recommends approval.

Chairman McKee: Any questions for staff? Is the developer here or a representative of the developer? Denny, would you like to say anything?

Dennis Branson: I think Brian said it all.

Chairman McKee: Brian said it all. Are there any comments? Hearing none, the Chair will entertain a motion.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY BOBBIE JARRETT TO APPROVE AMIET ROAD DEVELOPMENT LOT #8 SITE PLAN SUBMITTED BY GLEN AND JUDITH STONE FOR THE PROPERTY LOCATED IN HENDERSON COUNTY AT 1030 AMIET ROAD (PARCEL #32A-8).

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

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be. Are there any Administrative Business items to discuss?

Brian Bishop: No I would just like to let the Planning Commission know that next month we are going to receive a request from the Planning Commission to hear some changes to the Audubon Residential District, and the Zoning Ordinance. They would like for us to look at the sign regulations in there. They have had a request from Calvary Missionary Baptist Church to update and look at the ordinance itself, so that will be in front of us next month.

Chairman McKee: Do you mean the City Commission?

Brian Bishop: City Commission, I'm sorry. That's just something out of the ordinary; I just wanted to give you guys a heads-up on that one.

Chairman McKee: When will we see that?

Brian Bishop: It will be at the January meeting.

Chairman McKee: Can you **get** it out a little early?

Brian Bishop: Yes, we can do that. We will definitely have it out with the packet if not before.

Chairman McKee: Any comments about that? Hearing none, next on the agenda is an update on **Merrill Place from Dennis Branson.**

Brian Bishop: Denny, can I give a little preface?

Dennis Branson: Yes.

Brian Bishop: A lot of the folks that are on the Planning Commission now were not on the Planning Commission when the Merrill Master Plan was approved which is the Wal-Mart, Lowe's area. Denny and I spoke about it, and he thought it would be a good idea, and I agreed, to give an update for the folks that were not on the Planning Commission so that they would kind of know what the plan was, and that way you guys would kind of know what to expect. Because we really anticipate we're going to see some growth in this area, and we just want you guys to be as educated as possible when we actually see the Site Plans coming in, Mr. Branson.

Chairman McKee: We don't need to swear him in do we T.J?

Bill Hubiak: Denny, where's the walking trail?

Dennis Branson: It doesn't show up...

Bill Hubiak: You need to update this.

Dennis Branson: Actually it's a very important part of this development. When we first designed this thing back in about 1995, we had walking trails throughout all the, not walking trails but bicycle paths

throughout the subdivision. If you can see this little strip right there, that was a bicycle path access point, and then we had one up here, we had one in here, then we had the bicycle path that actually got built up through here. Sandy found out about the plan I think, and started the ball rolling after we were asked to take all the bicycle paths out of the plan by, I think it was the former City Manager, I'm not sure exactly who that was.

But any rate, we keep getting a lot of interest in Commercial sites. Henderson, right now, the real estate people, commercial people, Planning Commission, staff, everybody is pulling together as a team; the City, the Mayor, the Judge, everybody, more than we've ever seen before. We're starting to get a lot of inquiries coming from out of the area into Henderson for sites to build different things. We think this will be one of the hottest spots around; we're going to see a lot of interest in this. When I presented the Preliminary Plat for Section 3 which were Lots 14 & 17 a couple of months ago, I looked around and saw what looked like a lot of interest when I started talking about the Master Plan. So, I thought you guys should see the Master Plan as it has grown into what it is today. When we started out, this was all residential here, we've reduced that because of what seems to be more demand for commercial area in Henderson, and redesign, relocate the street system. We're probably going to come up with a different layout for the street system in here down the road, I'm not sure, I just need to get a bunch of commercial lots in there so that when I do present the Master Plan to you guys, you can see and the public can see what the residential area is going to be and what the commercial area is going to be.

Hopefully we'll get enough demand that we can make that happen pretty soon. I anticipate coming to you guys in February or March with this Revised Master Plan for re-approval. We've gone through a period of

whether or not we can even have a Master Plan, I don't know if you all recall but there was some opinion about whether or not what we're getting into a zoning issue or rezoning, a zoning classification issue; we're going to try to keep the zones out of it as much as we can to that end so that we don't have any conflicts between showing you this Master Plan, and asking you to approve it, and you acquiescing to some sort of future zone change.

The people in Balmoral were promised that this would all be Residential, so we're going to keep that Residential. They've got some video or some still shots of Owensboro Health, and how they're coming along.

Brian Bishop: Are you ready for that?

Dennis Branson: Yes, just a second. As I understand it the plans for Deaconess are now moving ahead, from what I understand, I don't know that actually, I'm not working on that. Then we've got interest in these two (2), this was going to be, Hampton Inn is not dead yet but it's probably not going to be there, but we've had other people looking at these two (2) lots which are only available right now. We've already got sanitary sewer that comes down here, we put that in last year so I expect there to be quite a lot of interest in these two (2) lots right here.

Bill Hubiak: Denny I can't help but notice, but there's still no connection with Kimsey Lane, it all dead ends down on that side.

Dennis Branson: That's true. I had it connected to Kimsey Lane years ago. I had Barret Boulevard came in here, and came down to here in the original Master Plan but, when we did the Lowe's and Wal-Mart project we decided to, along with Grisham-Smith, create a gigantic detention area here which accommodates the entire, future development for both residential and commercial. So, it would be very hard to get a road in

through here, and we have very limited frontage on Kimsey Lane. What I would like to do Bill to try to further that concept, probably take this street here and intersect at Carl's property down here or maybe even, when I re-design it, is maybe even bring this street down here closer to Kimsey Lane but I wasn't able to keep that in the plan, I was asked to take it out.

Bill Hubiak: I'm just stating the fact, for traffic flow, it might decrease some of the intensity up there on the intersection of Hwy 60.

Herb Pritchett: Absolutely.

Dennis Branson: It would be wonderful but that got nixed early on in our original Master Plan.

Bill Hubiak: What does that have to do with re-designing or deepening the detention basin and utilizing some of that space to bring it back?

Dennis Branson: It might be hard to do that because of the elevations. We can take a look at that certainly, but I know that since we got this approved last time and we're asked to take it out, we haven't really factored in that extension onto Kimsey Lane, and we wouldn't be building it through this. If the county or city wants to build it, see that would be probably about one thousand (1,000) feet of street that we would be building with no revenue.

David Dixon: Is this going to increase traffic in Balmoral?

Dennis Branson: I don't think so, any more that what... They were afraid, there was a big movement against this entire development, and one of the premises was that we were going to be filtering a lot of traffic through that existing subdivision, and that is just not a reasonable fear. People are not going to be going around through here and trying to wind through all this to get somewhere else when they are going to be able to

come out a much wider street here to a lit intersection here. It would be more of an advantage to the subdivision owners to be able to come through here than it would be to anybody to come back through there to get somewhere else. I don't have any heartthrob about tying that in, I think it should be tied in for good planning perspective but if the commission decides when we submit the Master Plan that you don't want to see that connection or whatever reason, that's the governments call and not ours. We think it should be made, in fact, I wanted to make a connection down here, and we can't do that because that's Carl's property there. I also wanted to eventually come around through Carl and the Summer Hill area over here and go out through the Pebble Creek area. Unfortunately through short-sightedness, none of those streets extend to the boundary lines, they're all cul-de-sac. That was during a period where there was a philosophy that we should keep everything contained and not extend streets to the boundaries of the farms that we were developing.

Chairman McKee: Am I correct Denny, did I hear you correctly that the City Manager asked you to take that connector out, and some other streets out?

Dennis Branson: I don't remember who it was that asked us to take this connection to Kimsey Lane out. There were two (2) periods of time that I put it in there and I had to take it out twice. I had to take it out along with the bicycle paths in the subdivision...

Bill Hubiak: I think the theory was back when Broughton; the idea was they were going to put the pressure on the state to widen the Hwy 60 overpass because of the connection, which I don't think was the right...

Dennis Branson: Oh and that this might have alleviated the necessity?

Bill Hubiak: Actually the property resided in the county at the time, and then it was annexed by the city to get the utilities and things for the infrastructure, that's when it was taken out. The county had always promoted the tie-in with Kimsey Lane, that's why it was widened and blacktopped.

Dennis Branson: This is still, we're looking at a huge area here and not having that access out there is really not a big deal, I think for emergency services purposes should make this connection here. In the future I would really love to see this connection made through Carl's property here and to the street here in Balmoral Acres.

Brian Bishop: Hey Denny, I'm going to go to your aerial photographs; do you want the photographs or the video first?

Dennis Branson: The video isn't any good.

Brian Bishop: So go with the...

Dennis Branson: Yes. That's the new Owensboro Health project that is well under way, if you haven't been out there, you can see how big that is, there's Wal-Mart.

Bill Hubiak: The steel is going up, the superstructure is in.

Dennis Branson: It's well, well under way. This is going to be the Deaconess area up here. This right here is where we were wanting to do the Hampton Inn. This area right here is owned by Owensboro Health, they bought this lot right here, that goes down and the property line is right there. This is the bicycle path that Sandy built, right there.

Chairman McKee: Does it connect?

Dennis Branson: You've got to make a trail head, build a trail head there.

Chairman McKee: I wondered.

Bill Hubiak: It goes down to Kimsey Lane.

Chairman McKee: It was going to?

Bill Hubiak: It does.

Dennis Branson: It does.

Bill Hubiak: It goes all the way down to Kimsey Lane.

Dennis Branson: It's a wonderful bicycle path.

Bill Hubiak: We had a Phase 2 that was going to go over to Balmoral, and connect through the residential section that you show on the map.

Chairman McKee: Who is going to pay for that?

Bill Hubiak: Huh?

Chairman McKee: Who was going to pay for that?

Bill Hubiak: These were both done through Federal Highway Grants for Alternative Pedestrian/Bicycle pathways for the community on a 50/50 match, and that's how this one was obtained. The other one was going to be submitted the same way, between the City and County, and then it got nixed.

Dennis Branson: I feel like it will be coming back, I really do. What that is going to be, it doesn't show up here, that is the cul-de-sac that we just built...I don't think I really got a shot of where it's going to go, it's going to go down the ditch here over to Balmoral Acres, this is the near the intersection, the property line down here. How long is that Bill, like 1.5 miles?

Bill Hubiak: Three quarters ($\frac{3}{4}$) of a mile. The plans were to take it down to Van Wyk, tie in down with the city and part of their bicycle path they were looking at along Canoe Creek.

Dennis Branson: Just so you know Boynton Merrill dedicated the easement, gave the county the easement for that. Boynton was a big proponent for things like alternative routes, and methods of travel for pedestrians and bicyclists. His son Clark is cut from the same mold. Clark has offered to do a lot of things for the community in this development that we have yet to see happen just because we haven't gotten there yet. But he is all on board for helping us get that extension over to Balmoral Acres. This, by the way, this is where the new street is going to be going through, this is all going to be commercial right here. We're real fortunate that we've got the Merrill family that owns this property. Boynton was very pro-Henderson, had his heart in the community, and even though Clark doesn't live here and hasn't for many, many years, he feels the same kind of connection that Boynton had so we're very lucky.

Chairman McKee: May I ask a question about the connector into Balmoral? Is there anything technical that can be done that would allow Balmoral to come into the commercial side, but not let the commercial come into Balmoral?

Dennis Branson: I don't know what...

Chairman McKee: Nothing we can do?

Dennis Branson: I don't think there would be...

Bill Hubiak: You can't restrict...

Dennis Branson: It would be...

Bill Hubiak: Once it becomes a public road...

Chairman McKee: It's a public road.

Dennis Branson: It's a matter of practicality. I don't think we're going to see any traffic going from the development through the shopping center of any significance. Naturally there are going to be some people that are going to wander but to get from point A to point B, it's much too much trouble to go through Balmoral Acres to get out to Hwy 60 or to get over to the Pebble Creek area. I think it's much easier to come out Hwy 60.

Like I said, I don't have any problem in the world with not making that connection; I think it should be there for emergency service purposes. Not only that connection but a couple of others, I think just whatever comes from that or flows of that will just have to do that.

The residential area is going to be this area right here. We've significantly reduced the residential area mainly due to the downturn in the building industry; we just don't think the market is going to be there for that size development. We've got some other developments already, we've got Braxton Park, and other areas that are sitting there waiting, Gray Stone for development and I just don't think there is any market for that.

Mac Arnold: Denny are they going to have any rental or is it all going to be small, single family.

Dennis Branson: Single family.

Mac Arnold: Single family?

Dennis Branson: Yes, our target was, and we've got it somewhere on the Master Plan; this will all be R-1 is my anticipation, I hesitate to talk

too much about zones but we would like for that to one day be just single family which would be R-1.

David Dixon: Is it zoned Agricultural now?

Dennis Branson: Yes.

Chairman McKee: But if the demand was there for commercial, you wouldn't mind to go that way.

Dennis Branson: Can't.

Chairman McKee: You can't?

Dennis Branson: No, we committed to the Balmoral Acres people that this against their property would be residential, so we're locked into that.

Chairman McKee: Ok.

Dennis Branson: All we can do is reduce that to some extent that's comfortable that it wouldn't, any commercial activity wouldn't be too close to their property that it would make them uncomfortable with that commitment. Again, all of this will be commercial. We had a street that came through here, we were asked to take that out.

David Dixon: Right now the zones are Commercial and Agricultural, right?

Dennis Branson: Yes. Highway Commercial on all of this and all of this right now, and this is all agricultural currently. But that zone will change as we come back to you with specific uses. I had forgotten we had this; this is Highway Commercial, when we annexed that into the city...

Brian Bishop: The Planning Commission recommended Highway Commercial?

Dennis Branson: Yes. This by the way was the old flood zone, the hundred (100) year flood; we weren't going to be able to do much with that at all. Since the new flood maps came out, all of that came out of the flood zone, and only the ditch is in the flood zone now right along there.

I think the next few years, I think, is going to be very exciting, and I think this development is going to play a big part in...

Dickie Johnson: It's about the only big chunk of ground now in this area that is available.

Dennis Branson: It is. We get properties around this area; we keep getting interest, so much interest in fact that the values of the property, the asking price of the properties have absolutely skyrocketed. We're talking about for a single property, I don't know if you can go back to that big, straight down shot that I took Brian; no I didn't get it. Properties like right across the road from the Wal-Mart area, we're talking like a million dollars. They're just astronomical. Properties in here, huge; because they are right across the road from a major traffic draw. Further down Hwy 60, not so much...

Chairman McKee: What size parcel would bring a million?

Dennis Branson: An acre, acre and a half or something like that. I'm talking from rumors. That one right there being one of them.

At any rate, we're going to be coming back to you with a Master Plan that we would like for you to look at later on, and maybe even help us with. It's been in flux, it's been growing and shifting, changing as demands change, and as ideas change over the last eleven (11) years, and it's just a Master Plan so it can change.

Herb Pritchett: Denny I would say for an appraiser that looks at this, if that develops the way you say it will, and if both Owensboro Health and Deaconess put stuff out there, the traffic is going to increase significantly. As one who goes in and out of Independence Bank every once in a while, it's getting tough to turn left out of that bank to back to Hwy 60 now. I think if this is a success, as successful as you think it is; basically this development will be one way in and one way out. I think it makes perfect sense to tie it into Kimsey Lane. I for one, as a Planning Commissioner, I'm not saying how I would vote but a Master Plan without having that, I would look much more skeptically about than one that tied into Kimsey Lane and had two ways in which would thereby further minimize the possibility of commercial traffic going into Balmoral.

Dennis Branson: Herb as an appraiser I really appreciate your input on that and I can identify with your concern, believe me. Once upon a time I had the same concern but I would like to let the Planning Commission know now, we won't build that street. We will stop the development; we will not build that street, period. That is not negotiable, we won't do it.

Herb Pritchett: Would you dedicate the right of way?

Dennis Branson: We would do that, yes, be happy to do that. Just so you know, that street right there that we built from here down to here early this year, we paid about six hundred (600) a foot, is what it cost us to build that. That's almost double a typical street.

Herb Pritchett: A lineal foot?

Dennis Branson: Per lineal foot. We did that because we've got extra base in it, we've got stabilized soil, we've got an extra inch of asphalt on it because it's a commercial street. We over-built that and we're going

to continue to hold the same design theory as we build out Barret Boulevard but that would be the same kind of street you would be wanting to build there, and we couldn't afford to do that.

Chairman McKee: At this point it would have to be the City?

Dennis Branson: It would have to be, yes.

Chairman McKee: Not the County?

Dennis Branson: The County doesn't have any interest in it I would say. It's all in the city. I would say the best thing that we could do though Herb to try to further your concern, is in the Master Plan turn that last cul-de-sac that I've got over here on the far end, turn it down into Carl's property.

Herb Pritchett: Ok.

Dennis Branson: That would be the better thing for us to do. See we could, without costing us any more, we could eliminate that bend, and take that straight down into Carl's property with the anticipation that, at some point, it could be extended to Carl's farm. The downside to that is Carl's property here has got much more flood zone on it so a developer is not going to be able to build a street to connect to Kimsey Lane; it's going to really have to be a public endeavor because the developer has to sell land.

Mac Arnold: Denny with in mind, if the designer working for I-69, if they end up coming through that new approach idea, something would need to go in that way wouldn't it?

Dennis Branson: The problem that we have with that is, is that we really don't have any idea of what that is going to look like, and we don't have any idea how inner connections are going to be made when it comes

through. So, at least we don't, maybe somebody in government here locally does, but how those inner connections are made would affect how we would want to try to access from there to say the Hwy 60, Pebble Creek area or this development or whether we even could or not. We don't have any way to even think about it.

Herb Pritchett: I would imagine there will be substantial fills through there because they are going to have to go over the parkway on those interchanges and I doubt that you'd have any access through point anyway.

Dennis Branson: I think we probably will turn that bulb down, and inner connect because that would be doing what I'm saying we should have been doing more of instead of localizing our traffic patterns inside the developments.

Brian Bishop: Can we wrap it up here so we don't go down the rabbit hole too far?

Dennis Branson: Yes, yes. I just wanted to bring this to you, give you an update on what's coming. We're going to be bringing it back probably February or March, I'm not sure when. I hope to see a lot of activity out here, and now you know what it's going to look like.

Chairman McKee: Any other questions for Denny? Denny we want to thank you for bringing us up to date. Thank you. Is there anything else to come before the Planning Commission for the good of the Planning Commission?

Herb Pritchett: What about for the bad of the Planning Commission?

Chairman McKee: We'll do that last. Hearing none, the Chair will entertain a motion to adjourn.

***MOTION WAS MADE BY BOBBIE JARRET, SECONDED BY
DICKIE JOHNSON TO ADJOURN.***

ALL IN FAVOR: AYE

OPPOSED: NONE

MEETING ADJOURNED AT 6:40 P.M.