

HENDERSON CITY-COUNTY PLANNING COMMISSION

February 3, 2015

The Henderson City-County Planning Commission held a regular monthly meeting February 3, 2015, 6:00 p.m., at the Henderson Municipal Center, third floor assembly room. Members present: Chairman Herb McKee, Vice-Chair David Williams, Bobbie Jarrett, Gary Gibson, Taunya Eyre, Kevin Richard, David Dixon, Rodney Thomas and Kevin Herron. Mac Arnold, Dickie Johnson and Thad McCormic were absent.

Staff present: Director Curt Freese, Theresa Curtis, Brian Bishop, Heather Lauderdale.

*(A summary of the minutes from the meeting on February 3, 2015. A recorded audio tape is on file at the Planning Commission Office)*

**MEETING BEGAN AT 6:00PM**

Chairman McKee: Commissioners, have you had the opportunity to review the minutes of the January 12 meeting, they're voluminous. Is that a word Kevin?

David Dixon: Yes, a good word.

Chairman McKee: A good word? (laughter)

***MOTION WAS MADE BY DAVID DIXON, SECONDED BY BOBBIE JARRETT TO APPROVE THE JANUARY 12, 2014 MINUTES.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: The first item on the agenda is the Dempewolf Properties, LC and out of an abundance of caution I'm going to leave the room the Chair will now become David Williams.

Vice-Chairman Williams: I'm going to call ***Rezoning #1043*** with Development Plan submitted by Dempewolf Properties, LC for the property located in the City of Henderson (Lot #3 Darrell Chaney Estate Consolidation) on Merritt Drive (PIDN# 1-11-2-5), and containing 1.238 acres. Applicants are requesting a zoning change from Residential-1 (R-1), to Riverfront Residential (RF-4). Staff, would you like to open with your comments please?

Curt Freese: Yes. The applicants, as you stated, are requesting a rezoning from R-1 to Riverfront Residential (RF-4), the size is 1.238 acres and they are requesting this zone to build six (6) single family homes on this property.

Looking at the infrastructure first, it is served by an eighteen (18) inch water main in the front but in all likelihood it would be served from the rear off of 11<sup>th</sup> Street. Sewer is another interesting issue; it could potentially be served off 11<sup>th</sup> Street with a private pump station or a public sewer across the street on Merritt Drive a bit North of this property.

It is not in a flood plain. The zoning to the North, South and East is all R-1, there is a mistake there it says mobile homes, there are no mobile homes in this area, and that R-1 zoning only allows single family residential houses. To the West is obviously the river and River Walk Park. As you can see on the screen the R-1 is all in yellow and the River Walk Park is actually a RF-3 that only allows greenspace and parks.

You have a development plan before you so, with this re-zoning it will be tied to this development plan. So if the developer decides to change anything substantive with the development plan they will come back before the Planning Commission to get your approval to do so. So again anything substantive, if there are minor changes that would not constitute a major change to come before you.

So what they are essentially requesting here are the six homes as you can see there is an access drive that comes off of Merritt Drive and the homes are served by an eighteen (18) foot wide drive that goes thru the rear so they are going to share an easement thru the rear property lines between all the

structures. There is a sidewalk interior to that service drive along Merritt Drive that would hook-up, obviously, along River Walk Park on the other side.

There is also, each home is forty-nine (49) feet, that's a slight error, so there are forty-nine (49) foot lot widths on four of them, one slightly smaller one and one sixty-five (65) foot wide lot. The setbacks are twelve (12) feet in between the buildings and roughly twenty-six feet in the front. There is a building height maximum of thirty-five (35) feet, so they cannot build any higher than thirty-five (35) feet. If they were to request to do so, they would have to receive a variance from the Board of Adjustments, they could only request the variance from the Planning Commission if they did so with this map amendment so, should they decide to go any further than thirty-five (35) feet, that would be a variance request to the Board of Adjustments.

The uses are restricted to single family homes. So again, any changes to any of this that I have just mentioned, any of this plan that is substantive in nature would come back before you for approval.

We just approved the RF-4 Riverfront Residential zoning district that was to address residential, to create residential zones and appropriate residential zone on the river, I've got that in your packet I can read that to you. The intent is to for single family dwelling units, townhouses and condominium uses only also only intended for properties abutting the Ohio River or properties with river views to encourage the construction of and continued use of land for single family, townhouse and condominium dwellings with specific regulations appropriate for riverfront development. To prohibit business and commercial uses, to protect the natural beauty element of the Ohio River and to encourage a pedestrian friendly, sustainable environment with development standards suitable to preserve the riverfront. That is the intent of the Riverfront Residential Zoning District that they are requesting.

Looking at the Comprehensive Plan, the first thing that we look at is the future land use plan. That shows this area developing as low density, residential so that would be consistent on a limited basis with a riverfront residential zoning. I say that because this zoning district does allow higher density uses like condominiums or townhouses so it does apply on a limited basis. there is

a Riverfront Development Plan from 1993 that was approved by the City and Planning Commission that did show this area, proposed this area as R-1 zoning in that 1993 land use plan, that was in a previous request. Looking at the Comprehensive Plan I have just spelled out some Goals and Objectives that might pertain to this request. Staff finds this request is in agreement with the Comprehensive Plan because it meets Land Use Objective #3 which, essentially the objective is for compact design of the development plan and the private drive, that's why we feel it meets that Land Use Objective. Housing Objective #4 is to encourage quality and diversity of the design by developing subdivisions and housing that are compatible with existing land uses, transportation patterns and special arrangements of existing neighborhoods. I believe that we think it meets this point because it takes into consideration the view sheds, it's also in the low spot of topography of the land in the area so it wouldn't block as much as it could, other view corridors. The drive off of Merritt Drive is also sensitive to the traffic concerns of residents on 11<sup>th</sup> and Craig Street so, it shouldn't cause any conflicts with them. We also feel the single family use of the homes is consistent with the surrounding neighborhood character and property values as found in Housing Objective #6 and it is also consistent with Downtown Henderson Objective #5 which emphasizes the re-development of the riverfront and as staff has mentioned, a vital part of building a healthy downtown the riverfront is essentially adding people to live there. Getting people to live there really creates that vibrant atmosphere.

In the absence of findings that the project is in agreement with the Comprehensive Plan obviously the Staff feels that it is in the Comprehensive Plan but those two statutory findings; one, that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate. Staff has listed some things there, as I have stated before the Riverfront Development Plan of 1993 and the Future Land Use plan that is current right now both found R-1 is appropriate for that property and there really hasn't been too many changes. The new riverfront district was recently created and adopted specifically to address riverfront development so it's really the most appropriate district at the same time for

this kind of request and it also allows creativity and flexibility in the design of the development that's demonstrated by this development plan.

The second point for the statutory requirement if there is not in agreement with the Comprehensive Plan is that there have been changes of an economic, physical or social nature of the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of the area. There obviously have been infrastructure upgrades along Merritt Drive as everybody knows, with the River Walk Park, with the road that obviously facilitates development and that wasn't foreseen in that 2006 Plan although it was planned for and the recent revisions to the RF-4 defiantly allowing more of a sustainable development plan wasn't anticipated, defiantly wasn't anticipated in the Comprehensive Plan of 2006 or the update in 2011. So staff recommends approval especially because the request is in agreement with the Comprehensive Plan and Future Land Use Map. With that, I'll turn it back over to you.

Vice-Chairman Williams: Thank you Curt. Is there anyone here who wishes to speak for this proposal? Seeing none, is there anyone here who wishes to speak... got to make it clearer Denny.

Dennis Branson: David I just didn't want you to think there wasn't anybody here interested in this meeting that's all. (laughter) My name is Dennis Branson; I live at 916 Kelly Court. I will answer any questions when the time is appropriate that you may have.

Vice-Chairman Williams: Thank you Denny. Anyone else who wishes to rise and speak for the proposal? Seeing none this time, is there anyone here who wishes to rise and speak against this proposal? Yes ma'am.

Martha Beckett: My name is Martha Beckett; I live at 1029 N. Main Street.

Vice-Chairman Williams: Are you going to tell the truth with everything you say today?

Martha Beckett: Yes I am.

Vice-Chairman Williams: Thank you.

Martha Beckett: First of all, just to clarify, I don't really want to speak against the proposal and I know that you guys have put in a lot of work on this and you have worked hard to respond to our issues, complaints and problems as the residents of the neighborhood I just had a question. This is a question that all the neighbors have, I'm kind of, in interest of conversation I'm speaking for everybody here, and we have some concerns about how you're going to hook the water and the sewer. I don't think it's any secret to anybody that the water pressure in Anderson Hills Subdivision and that area is just not good. I have talked to Mr. Ferry now and he has been very helpful and they are assuring us a fix is in the works but it might be a couple of years.

So, as it stands now, we have problems with our water pressure. We can't do a lot of things at once and that's inconvenient but my major concern is what about the fire hydrants if there is a fire. Are we going to have adequate water pressure and water capacity? I talked to Mr. Ferry and he says that the fire hydrant on Craig Drive is acceptable but I believe he said marginal.

So, we're just concerned, first for our own convenience if you put six (6) more houses on our water line and secondly what if there is a fire? Isn't there some other way to hook this up? That's our question, really, is there another way to do this that won't cause our water pressure to be even worse because the fix is going to be a while? And then the other problem is the sewer. Are we going to hook into our existing sewer because the sanitary sewer and the storm sewer are not separate in that neighborhood and there is a storm drain in front of my house on North Main at Main and 11<sup>th</sup> and the amount of water that comes down Craig Drive and on either side of Main Street is just incredible from the run-off. So, we have concerns that if you put six (6) more houses on there, is that going to potentially, I know it wouldn't be the storm drain it would be the sanitary but what is that going to do to our problem? So, those are our concerns and it doesn't mean that, is there some other way that we could just hook everything up so that we would not have problems with it? That's what I wanted to say. Do you have any questions for me?

Vice-Chairman Williams: Does anyone have any questions? Is there anyone who wishes to stand and speak against the proposal or to comment in general?

Kass McKee: Kass McKee, 1020 Craig Drive and I'm not really against the proposal, what I have...

Vice- Chairman Williams: Excuse me, are you going to...

Kass McKee: Yes, I'm going to state the truth if that's what you're asking. My question, again as is Martha Beckett's, the concern about the water pressure and then also with the fire hydrant being so far away, I think there is one at 12<sup>th</sup> and Main and at the other end of Craig Drive towards 8<sup>th</sup> Street maybe. But with almost doubling the number of homes now in that area, would it be a possibility of putting another fire hydrant in somewhere along either Merritt Drive or somewhere around 11<sup>th</sup> Street there where, I guess where Craig Drive comes up, well, 11<sup>th</sup> Street comes and turns into Craig Drive. So, those are the concerns are mainly for fire protection and water pressure.

And then I have a question on this new map of how the property line comes along with the home closest to me. In the previous layout there was, I think greenspace or grass in between the drive and the property line and now with this map...

Brian Bishop: There's our pointer right there, if you would like to use it, just push the button on the end.

Kass McKee: I've never used one. Ok, right here, in the previous plan there was a grassy area in between the driveway and the property line and now it looks like the drive is just right on the property line and I was just wondering is there anything to say that, you know, there has to be some distance in between or what that space would be in between a home or a drive and another property.

Curt Freese: There is no set back required on any private drive or roadway.

Kass McKee: Ok.

Curt Freese: As for the water issues, I think Ken, I don't see Tom, so maybe Ken could address those issues.

Kass McKee: Ok and again with the sewer line, the possibility, I assume all of theirs would be pumped up to that sewer man hole there. And then I assume that ours is gravity flow? I don't know, but with the heavy downpour, is there going to be a problem with excess water coming into that area and possibly causing back up in basements or whatever of Craig Drive homes because with the other being pumped? I don't know, this is my thought, with other being pumped up there that would seem like that wouldn't back up being pumped up there, it may not make sense but it's a concern. I just want to understand that it's not going to be a problem in the event of heavy downpours and rain with the way water, like Candy said, comes down thru there and pools on Main Street anyway with the downpour rains. That's all my questions.

Vice-Chairman Williams: Thank you.

Curt Freese: Just to address some of your comments, since this is a development plan that is conceptual in nature they will have to do a major plat which will require storm water drainage calculations, so all that will have to be straightened out before it's approved. So, I just wanted to make everyone aware of that, the technical details the engineering details will still be approved and still be reviewed in the future. We're just approving the rezoning to allow them to put these houses there and the conceptual design of these houses.

Vice-Chairman Williams: Do we have any additional comments or questions? Yes ma'am.

Martha Beckett: I understand what Curt is saying but this is our chance to speak, this is the public hearing and this is the opportunity we have to make our concerns known and we hope that they will be taken into considerations in the other meetings where we probably won't be in attendance. That's all, thank you.

Curt Freese: That will come back before the Planning Commission but it will be obviously another meeting and will also come before the Land

Development Committee which is open to the public as well, when they start to develop this property, we can definitely contact you when that happens.

Bobbie Jarrett: Curt, will the Water Department address the concerns of the water pressure and the water hydrant and things like that?

Curt Freese: They are here tonight and if you want to ask Ken...

Taunya Eyre: Yes please.

Bobbie Jarrett: Mr. Ferry.

Ken Ferry: Yes.

Bobbie Jarrett: I just wanted to address some of the concerns of Miss Beckett that she had stated earlier about the water pressure and water hydrants and the other things and what is proposed to alleviate some of those problems.

Ken Ferry: We are and have been aware that because of the elevation of those properties along Craig Drive, they do have a water pressure issue and we've been looking at that for a while. I just today modeled some of our planned solutions. We anticipate having that taken care of within 18-24 months that and the storm drainage we are anticipating separating the storm water from that gravity sewer system in the same time period.

Kevin Richard: So Ken I guess to ask the same question a different way, so all of the concerns that were raised tonight, are those items that are typically reviewed or calculated prior to the Water Department signing off on approval of a detailed layout?

Ken Ferry: Correct. I'll caveat that with saying it's not, I'm trying to figure out a good way to say this, there may be times when we don't have the authority to tell somebody they can't hook into an existing sewer or water main just because somebody else, someplace else is having a problem. That's not to say we don't take those other concerns into consideration, I know I opened a big can of worms with that but, again, we've got an 18-24 month window that we're looking at to alleviate all the storm water and water pressure problems out there.

Kevin Richard: So I guess one more question for you then, you say you began some simulations today; did it factor in the hypothesis of these six (6) additional residences water flow?

Ken Ferry: Oh yeah, yes definitely.

Rodney Thomas: Would there be a fire hydrant placed down there?

Ken Ferry: That could happen, that had not come up with any discussions I've had with any of the people that have spoken but that's definitely not an impossibility, that's something we could add to a project very easily, any other questions?

Vice-Chairman Williams: Thank you Ken. Again, I'll make one more call for anyone from the public that wishes to speak for or against the proposal. Yes ma'am.

Pam Thomas: Hi, I'm Pam Thomas I live at 910 Craig Drive.

Vice-Chairman Williams: Do you promise to tell the truth in what you are going to say tonight?

Pam Thomas: Yes. I just want to reiterate it really is a problem to live on Craig Drive and have the water pressure as low as it is. My husband and I have bought pumps for water pressure pumps and we have to get them sometimes so we do have that extra expense, so it really is a problem. All of us are not just saying this, it is a problem. Thank you.

Taunya Eyre: Curt, refresh my memory on the without any type of redevelopment, how many lots, single family lots would that area be able to be divided into?

Curt Freese: Well, it's hard to say, I guess maybe four. Probably three would be realistic or four is possible.

Taunya Eyre: I was thinking it was at least four, so we're talking two additional? Is it six (6) or five (5)?

Curt Freese: Six.

Vice-Chairman Williams: Ok, I'll ask one more time is anyone else has any other comments, questions? Do any members of the Commission have any questions? Oh, I'm sorry Denny.

Dennis Branson: I get you every time Dave. Just very briefly, just wanted to make the Commission aware that we're not yet really into the design, well into the design phase. We have jumped the gun a little bit in that we have started looking at the engineering design and started to try to figure out what kind of problems we might be encountering. I wasn't aware and I don't know if Cliff was, that we had a pressure problem but even with that we've run into those kinds of things in developments before when we do a subdivision frequently, especially Fox Run or any of the bigger ones that we've done, a lot of times we initially have problems in the area because we are expanding out at the fringe of the developed area so, typically those things do have to be solved in time and two years is a pretty short time span. We wouldn't expect six houses to pop up within that period of time on the pressure. We're not allowed to have any of our storm water into the combined sewer system and I understand they are working on that also but the whole design, we're still tweaking that, things can change, buildings can get shifted around to make allowance for the engineering design so when we come back to you with all that we won't be having any problems. The fire protection, if we're required to install additional fire protection we just do that and development does do that. So, we have guidelines of the Subdivision Regulations and HWU has guidelines we'll also be addressing. Hopefully, there won't be any problems or questions about the design when we bring it back to you.

Vice-Chairman Williams: Any questions for Denny? Thank you Mr. Branson. I'm going to open it up one more time, hearing none and seeing none do any Commissioners have anything else to say? Ok, I'm going to close discussion and a motion is in order.

***MOTION WAS MADE BY TAUNYA EYRE, SECONDED BY GARY GIBSON TO APPROVE REZONING #1043 WITH DEVELOPMENT PLAN GIVEN THAT IT IS CONSISTENT WITH THE COMPREHENSIVE PLAN AS WELL AS MAJOR CHANGES TO ECONOMIC, PHYSICAL AND SOCIAL NATURE HAVE BEEN***

***OCCURRED AS DESCRIBED BY THE FINDINGS THAT CURT REVIEWED WITH US.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Vice-Chairman Williams: Motion passes and we call Mr. Herb McKee back in.

Chairman McKee: Next on the agenda is **Rezoning #1044** submitted by Royster's Machine Shop, Mr. Bishop are you going to lead this discussion?

Brian Bishop: Yes sir.

Chairman McKee: The applicant is proposing a zoning change from R-3 to General Business. The property is currently undeveloped and is 1.336 acres, serviced by a six (6) inch water line, a six (6) inch sewer line and is currently in the special flood hazard area but with the LOMAR process that the City is currently undertaking for the Canoe Creek cleaning project it will be taken out of the flood plain. If the rezoning is approved a site plan for any development will come back to the Planning Commission.

At this time I'll tell you about the uses that surround it. The property to the North is currently zoned General Business and is made up of offices and a skating rink. The property to the East is zoned Medium Density Residential (R-3) with an apartment complex and baseball field. The property to the South is zoned Medium Density Residential (R-2) to Medium to High Density Residential (R-3) and is made up of single family houses. The property to the West is zoned General Business (GB) and has storage buildings and offices on it.

At this point, the Staff has some notes about findings of fact within the Comprehensive Plan. The surrounding uses of apartments, commercial offices and facilities are permitted uses within the General Business District (GB) and therefore consistent with the proposed rezoning. The Comprehensive Plan encourages small business development, entrepreneurship and growth by providing adequate areas for commercial development and professional offices. The Comprehensive Plan encourages development of commercial

locations that are accessible to all segments of the travelling public including vehicular traffic, pedestrians which come under the Economic Development section which is Object #4.

So at this point, Staff recommends approval. The request is in agreement with the Comprehensive Plan and major changes to the economic, physical and social nature of the area have occurred as described above to satisfy the required findings of facts.

At this point I'll do my best to answer any questions you may have.

Chairman McKee: Thank you sir. Do any Commissioners have any questions for Staff before we take testimony?

Kevin Richard: So this is to clarify because I think this same area was discussed in a previous meeting so the current Franklin Street connects all the way thru to Lincoln?

Brian Bishop: That is actually a private road but Mr. Royster has upgraded it to the City's specifications as far as the public improvements go.

Kevin Richard: And I guess I can wait to ask Mr. Royster, I was just curious about this particular site, if it will be serviced from vehicular traffic thru both Franklin and Lincoln so I can wait and ask him in time.

Chairman McKee: Other questions? Who is here to speak for the developer, Mr. Royster? Would you please state your name and address sir?

Mike Royster: Mike Royster 3486 Holloway Lane.

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

Mike Royster: Yes sir.

Chairman McKee: Thank you sir and please proceed.

Mike Royster: All we want to do is possibly build a building at that location at some point. We've put the street in up to City Code; we're going to donate that

to the City after we get all of our rezoning done. That was our plan at this point.

Kevin Richard: So, I guess, to ask my question another way; potentially if this was a General Business site; it could be serviced from both streets?

Mike Royster: From Lincoln to and the other end of Franklin.

Kevin Richard: Ok, thank you.

Mike Royster: I suppose it would end up being Franklin Street all the way through at some point.

Kevin Richard: Ok, thank you.

Chairman McKee: Other questions for Mr. Royster?

Brian Bishop: Kevin if you will look on the map, the portion with the green line is currently a private drive which is what Mr. Royster upgraded, which most likely what will happen is the City will accept it into the system.

Kevin Richard: That's alright, I wanted to clarify it because we have talked about it before that it was private but yet you had brought it up to code, I just wanted to verify that again.

Chairman McKee: Thank you Mr. Royster. Is there anyone here that would like to speak for or against this proposed rezoning, for or against? Seeing none, Commissioners do you have any further questions? If not, a motion is in order.

***MOTION WAS MADE BY RODNEY THOMAS, SECONDED BY KEVIN RICHARD TO APPROVE REZONING #1044 FROM R-3 TO GENERAL BUSINESS AS IT IS IN AGREEMENT WITH THE COMPREHENSIVE PLAN FOR THE FOLLOWING REASONS; SURROUNDING USES APARTMENTS, COMMERCIAL OFFICES AND FACILITIES ARE PERMITTED USES IN THE PROPOSED GENERAL BUSINESS DISTRICT AND THEREFORE CONSISTANT WITH THE PROPOSED REZONING, ENCOURAGE SMALL BUSINESS DEVELOPMENT, ENTREPRENEURSHIP AND GROWTH BY PROVIDING ADEQUATE AREAS FOR COMMERCIAL DEVELOPMENT AND PROFESSIONAL OFFICES AND TO ENCOURAGE***

***DEVELOPMENT OF COMMERCIAL LOCATIONS THAT ARE ACCESSIBLE TO ALL SEGMENTS OF THE TRAVELING PUBLIC, INCLUDING VEHICULAR TRAFFIC AND PEDESTRIANS.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Next on the agenda is the **Henderson City-County Sub Reg's Amendment, Article V, Table 5.8**, Mr. Freese will you lead that conversation?

Curt Freese: This arose because of the next rezoning request. Essentially what we are proposing to do is to change the density allowed on cul-de-sacs, currently only fourteen (14) dwelling units are allowed on a cul-de-sac. That is obviously quite small. What we're proposing to do is change it up to thirty (30). Now, when we researched this I really didn't find anyone else that had less than twenty-five (25) the places that had it so, it's not a common regulation I think it was really done to prevent developers from really maximizing cul-de-sacs around the county but as I've stated, it really could use some change. In the future we are also probably going to look at changing the radius and pavement widths to be consistent with the school districts requirements for turn-arounds on schools buses and also for the Fire Departments requirements for turn-arounds for emergency vehicles and fire trucks. We did not have that information ready for the Engineer and engineering information ready for the exact number that we needed so that will probably be coming for you next month or the month after.

Again, the change is to go from fourteen (14) dwelling units to thirty (30) dwelling units on a cul-de-sac and that could be apartments, single family units that could be anything else, just a public cul-de-sac.

Chairman McKee: Commissioners any questions for Mr. Freese?

Tauyna Eyre: I guess I'm lost, how you get thirty dwelling units, with the exceptions of apartments, how do you get thirty (30) single dwelling units in a cul-de-sac if you have a minimum width lot...

Curt Freese: Six hundred (600) feet, well one thousand (1,000) feet is quite a bit. Since we've been going to higher density type of uses, especially in the city, with townhouses especially or duplexes or apartments you can easily get up there. A perfect example is the next rezoning request. They have done attached single family homes and there will be about twenty-seven (27) homes on that street which will end in a cul-de-sac so that is a good example.

Taunya Eyre: Are we talking just the cul-de-sac part or just the street?

Curt Freese: The whole street.

Taunya Eyre: The whole street?

Curt Freese: Correct.

Taunya Eyre: Ok, that makes sense.

Curt Freese: As you see from the table there is low, medium and high and in the Subdivision Regulations there's density requirements and it calls out what low density is. So, you could have a thousand (1,000) foot cul-de-sac in low density and high density you could have a six hundred (600) cul-de-sac in length if that makes any sense. And we've also called out the radius widths and the pavement widths in the cul-de-sac with low, medium and high density as well and commercial, industrial because they all have different strains they put on the roadway and the infrastructure. That's about it.

Taunya Eyre: Ok.

Chairman McKee: Could you condense and rephrase the question so we're focused on the motion to be made?

Curt Freese: The change is to increase the density allowed on cul-de-sacs in Table 5.8 from fourteen (14) to thirty (30)... fourteen (14) dwelling units to thirty (30) dwelling units.

Chairman McKee: On a street that has a cul-de-sac?

Curt Freese: That's correct.

Chairman McKee: Everybody clear? No questions? Chair will entertain a motion. Before I do that, I should ask for comments from the audience, I'm sorry. Curt you made such a good proposal I was just going to slide it on through. Is there anyone who would like to speak for or against this amendment to the Subdivision Regulations? See, you felt about it the same way I did. In that case hearing none, the Chair will entertain a motion.

Bobbie Jarrett: Mr. Chairman I'm going to make a motion but I have to ask a question. Curt, is this a recommendation for approval to the City and the County or just an approval?

Curt Freese: Actually it would be just an approval. The Subdivision Regulations are just approved by the Planning Commission.

Bobbie Jarrett: Ok, alright.

***MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY DAVID DIXON TO APPROVE THE HENDERSON CITY-COUNTY SUBDIVISION REGULATIONS AMENDMENT TO ARTICLE V, TABLE 5.8 REGARDING REQUIREMENTS OF MINIMUM CUL-DE-SAC DIMENSIONS FROM FOURTEEN (14) DWELLING UNITS TO THIRTY (30).***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Next on the agenda is Rezoning #1045 with a development plan, Mr. Freese will you lead that conversation?

Curt Freese: Actually I think we're going to do the **Subdivision Regulations Variance** because it has a major impact on the rezoning. If it's not approved that could potentially change the rezoning quite a bit.

Chairman McKee: Let's do the Subdivision Regulations then, I'm sorry.

Curt Freese: Sure. This is a very technical requirement as you may know but the public doesn't know. The Subdivision Regulations are really the technical requirements for development. Not so much to be approved on, they are meant to be followed I suppose, these technical requirements. I'm going to

turn it over to the Engineer but essentially what they're trying to do, we're talking about the intersection of two streets and he can probably better explain it than I can because this is getting really into engineering and I would like him to take over if he can and that is Doug Boom, he will lead this discussion.

Chairman McKee: Out of an abundance of caution would you please state your name and address.

Doug Boom: Doug Boom 13548 Hwy 1078 S, Henderson.

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

Doug Boom: Yes sir.

Chairman McKee: Thank you sir, please proceed.

Doug Boom: In the packet there is a document where we talked about the intersections. (Exhibit A) In the documentation it indicates that there is a variance of more than fifteen (15) degrees of the ninety (90) then that would need to come to you to offer a variance to the petitioner. Currently what they have here, this row will come in, right here there is a ninety (90) degree they are proposing to increase it so this would be a jogging intersection right here. To me, it's in violation of the Sub Regs where we require at least a seventy-five (75) degree angle, this is not this is a sixty-two (62) degree angle. So they are asking for a variance for more than fifteen (15) degrees.

Curt Freese: If you would just explain, I guess, the reason for that requirement, maybe if you could just explain just so they understand since this is so technical, getting into degrees and that kind of thing.

Doug Boom: Well when you have an intersection you typically have a ninety (90) degree intersection you can't vary from the ninety (90). Our Sub Reg's allow a fifteen (15) degree variance at that intersection so you can have a skewed intersection but it can't be more than fifteen (15) degrees off ninety (90). This is more than fifteen (15), this is a twenty-seven (27) degree variance.

This is something new to us but from the Sub Regs point of view fifteen (15) degrees is what we try to maintain.

Curt Freese: Why is it fifteen (15) degrees?

Doug Boom: Why is there a fifteen (15) degree element?

Curt Freese: Yes.

Doug Boom: We require it in our Sub Regs on any driveways that intersect any roadway we require up to a fifteen (15) degree variance off a ninety (90). In this case, I'm assuming the Sub Regs were here before I was here all I can do is follow them, do what they say.

Curt Freese: But why do think this allows that fifteen (15) degree variation from the ninety (90) I guess is what I'm asking you, so they will understand.

Doug Boom: Fifteen (15) degrees is what's required for sight distance off to the side, at each intersection you have sight distance.

Taunya Eyre: Could you go back to that picture Brian, or Theresa sorry? So Hackberry is currently there and Bruce Street is currently there?

Doug Boom: Yes.

Taunya Eyre: And that is a ninety (90) degree...

Doug Boom: This is a ninety (90) degree right here.

Taunya Eyre: Ok and Hackberry and the new roadway is what?

Curt Freese: Sixty-two point seven nine (62.79) degrees.

Taunya Eyre: Is it sixty-two point seven nine (62.79) from Hackberry or sixty-two point seven nine (62.79) from Bruce Street.

Doug Boom: From Bruce Street.

Gary Gibson: Who will have the right of way there? Will there be a stop sign, a three-way stop, and one stop sign?

Doug Boom: Yes, it would probably be a three way stop. We would put stops on all of them of course we don't have the drawings yet but if you guys approve it, we would put a stop sign here, here of course and here at Hackberry.

David Dixon: And Hackberry goes out to South Main?

Doug Boom: Yes.

David Dixon: That would be the main entrance?

Doug Boom: The main drive in and out, correct.

Taunya Eyre: And ends right where it is right there. Hackberry goes from South Main to Bruce Street right now? Ok.

Doug Boom: Bruce Street, correct.

David Williams: I guess that would be the South-East quadrant there where the pointer is now? How far in would the right of way go?

Doug Boom: That would be up to their designer to tell us. I have no clue.

David Williams: One of the concerns I would have...

Doug Boom: They would have to purchase the right of way, yes. They would have to purchase the property to dedicate the right of way.

David Williams: Ok, there's a couple of concerns I would have here with Doug, not with Doug but with this intersection. I am quite familiar with the intersection which is of a similar design which is coming out of the Henderson Industrial Park there at Sand Lane and Morris Drive and it's a similar thing where we have people coming around the curve from your right and people coming around a curve from your left and you have this large, Y intersection and it's hard to judge oncoming speeds, now with stop signs it becomes a moot point but, in other words, it makes for a difficult turn there coming off of Hackberry if those stop signs are not there. So, are you fairly sure the stop signs are going to be there?

Doug Boom: Yes, with their design we will require them to put stop signs there.

Kevin Richard: I have a question. So if the new road teed in perpendicular to Hackberry do we then have a different concern where you've got two connecting streets to Hackberry within too close of a distance?

Doug Boom: Right, you can't have a distance more than...

Kevin Richard: Ok, I figured there was another restraint it kicks in on.

Doug Boom: There's a requirement for that, that's what kicks this in. You can't have an off-set intersection it's not in this particular section. (inaudible-away from mic)

Curt Freese: I should mention this was sent to MPO and they recommended either a round-about or a slight re-design...

Kevin Richard: Actually Curt that was the question I was about to ask, if we had anything in our Sub Regs about roundabouts.

Curt Freese: We do not, that's more of an Indiana type of regulation.

Kevin Richard: I know if you go to Carmel they like roundabouts, they're everywhere.

David Williams: They're actually safer from what I've read about them.

Chairman McKee: Once you get used to them.

Doug Boom: Roundabouts are new in Kentucky you know, they are being built. It would take a considerable amount of ground and they did show, MPO did show a roundabout in one of their options and we submitted to the petitioner but they didn't want to go that route.

David Williams: How do you feel about it?

Doug Boom: Well you're going to have to look at the traffic flow. How much traffic is going to come off Bruce Street even though Bruce Street serves a lot of people out there?

David Williams: Do we have any idea how many additional units are going to be put back in here.

Doug Boom: On Bruce Street?

Kevin Richard: On the proposed new roadway.

Curt Freese: There's twenty-seven (27) proposed units with this request that would potentially be using this street.

Chairman McKee: How many are back on Bruce?

Curt Freese: If we could pull up the map. Bruce dead ends, about twenty (20).

David Dixon: There's more than what was allowed on a cul-de-sac until tonight.

Curt Freese: I can't tell you how that happened.

Brian Bishop: That kind of pre-dates a lot of this.

Taunya Eyre: They were built a long time ago.

Curt Freese: Again these Subdivision Regs were approved in the eighties, that's a pretty old subdivision.

David Williams: So how many cars would that calculate to using your standard formula?

Doug Boom: You caught me off guard here, I would say since this is all residential back there, probably no more than two (2) trips a day per vehicle and there's twenty (20), so forty (40) trips, it's just a guess, couldn't be more than that on a residential.

David Williams: So we're talking really a low volume of traffic.

Doug Boom: Yes.

Gary Gibson: That three-way stop would make a world of difference, it would make it safer.

Doug Boom: Oh yes, it would stop them...

Taunya Eyre: Is that an issue?

Doug Boom: What?

Taunya Eyre: For it to be, I'm just thinking from a practical standpoint if it's a three-way stop, besides it's not what the regs say.

Kevin Richard: I think reading between the lines it becomes a peripheral vision issue if you get someone out of that fifteen (15) degree range is why it's a concern.

Taunya Eyre: But I'm saying, from a practical standpoint, you're sitting at one of the stop signs are you really not going to see, I mean, looking at the plan, are you really not going to see somebody?

Doug Boom: I don't know, that would be something...I would see them, I would stop...I mean they're required. The other option is a "T" intersection, one lane stops everybody else goes thru, then it's worse because people coming off of Bruce Drive just ride right thru.

Taunya Eyre: Well, you've got two (2) cul-de-sacs, that's probably not the best option either. Three way stop is my ...

Doug Boom: A three way stop would stop the traffic, making them forced to look either way.

Taunya Eyre: Right. So with that, is there an issue? Besides it's not how it reads.

Brian Bishop: From a practical standpoint?

Taunya Eyre: Yes, yes. Or am I missing something?

Curt Freese: If Bruce Drive was carrying on and didn't dead end; I can tell you there would be a major issue not lining up with the streets.

Taunya Eyre: Denny is eager to speak I can tell.

Dennis Branson: I just hate to see you all waste a lot of time.

Chairman McKee: Mr. Boom are you going to be around for more questioning?

Doug Boom: Yes I will.

Chairman McKee: Thank you sir. Denny have you been sworn in?

Dennis Branson: I have.

Chairman McKee: Please proceed.

Dennis Branson: You all have been asking Doug some hard questions now, come on. Can you pull that example back up there? Taunya you just asked an excellent question, does it really matter? No it doesn't because approaching traffic is going to be approaching that pavement of the intersecting street at ninety (90) degrees because of the radius that they've got in there and I think that they've, for Henderson, this is a wonderful thing what Brad is doing out here. But they've mitigated the potential conflict in the Subdivision Regulations about as good as I've ever seen done in that their first obstacle was to overcome the one hundred-fifty (150) minimum offset street spacing and they've done that by approaching Bruce Street as close as they can get turning the theoretical center-line, and it's just theoretical you won't see it at an angle that matches those two opposing center-lines of the intersecting street and then put in a radius that makes the intersecting angle go away pointless anyway. So, you're really approving a theoretical less than ninety (90) or whatever the degree is less than the fifteen (15) degrees that their allowed when from a practical standpoint it's ninety (90), not just within the fifteen (15) degrees it's ninety (90) because of the big radius that they've got at Hackberry. So, I think it's an excellent design, I don't think you really... technically you have to approve the difference but from a practical standpoint...

Taunya Eyre: There's no reason not to approve the variance?

Dennis Branson: It's not even a variance that they're getting.

Chairman McKee: Any more questions for Mr. Branson?

Dennis Branson: Sorry, I couldn't keep my mouth shut.

Brian Bishop: So you're saying it's basically a variance on paper but in the real world...

Dennis Branson: From a practical standpoint it's not at all.

Taunya Eyre: I mean I didn't see it that's why I was asking.

Dennis Branson: Because they've got that line drawn into their centerline connecting it, making it look like there really is a problem but it doesn't exist.

Chairman McKee: Any other questions?

David Dixon: Have we been assured this is going to be a three way stop? Is this on the record...?

Curt Freese: I believe it's really up, Doug can require that, the City will require that.

Chairman McKee: Yes sir. Please approach and give your name and address.

Matt Calvert: Matt Calvert at 111 Horseshoe Drive.

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

Matt Calvert: I do.

Chairman McKee: Please proceed.

Matt Calvert: I am Matt Calvert, like I said, and I'm with Morley & Associates and I'm the design engineer on this project. To kind of answer some of your questions and concerns, when you have an intersection like this in high traffic areas, this is not an ideal situation but there is very low traffic volume in this area and what we're proposing to do in our plans that we're designing, we will be making this a three way stop. We are proposing to put signage and stop bars in each direction this will help with visibility and give motorists time to stop and look before proceeding. We think it will be a safe intersection once it's designed.

Chairman McKee: Questions for Mr. Calvert. Thank you sir, will you still be around if we think of something?

Matt Calvert: I'd be appreciative.

Chairman McKee: Thank you. Anyone else to speak for or against, any other questions from Commissioners? Hearing none the Chair will entertain a motion.

David Dixon: I move to approve rezoning request #1045 with development plan.

Curt Freese: No, we're doing the variance.

David Dixon: Where we at here?

Taunya Eyre: D.

Chairman McKee: I did the same thing.

Curt Freese: You should have a separate letter from Doug. You do need to make findings it's a twenty-seven (27) degree variance, maybe this specific circumstance of the land.

David Dixon: I'm sorry. I move to approve the variance the Subdivision Regulations regarding this proposal.

Curt Freese: With a variance you do need to make specific findings, how it meets one or more of those findings to approve that variance.

David Dixon: I withdraw my motion.

***MOTION WAS MADE BY TAUNYA EYRE, SECONDED BY DAVID DIXON TO APPROVE THE SUBDIVISION REGULATION VARIANCE GIVEN THAT GRANTING THE VARIANCE WILL NOT BE DETRIMENTAL TO PUBLIC SAFETY, HEALTH OR WELFARE OR INJURIOUS TO OTHER PROPERTY, IT IS BASED ON INDIVIDUAL CHARACTER OF THE LAND AND THE PROPOSAL REPRESENTS AN APPROVED INNOVATIVE DEVELOPMENT NOT APPLICABLE GENERALLY TO OTHER PROPERTY AND FAILURE TO GRANT THE VARIANCE WOULD LEVY AN EXTRAORDINARY HARDSHIP AND POSE PRACTICAL***

***DIFFICULTIES TO THE DEVELOPER AND WITH THE CONDITION OF THE PLACEMENT OF A THREE WAY STOP.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Now Commissioner Dixon, we can move on to **Rezoning #1045 with a Development Plan**, Mr. Freese do you plan to lead that discussion?

Curt Freese: Sure. This was submitted by Hackberry Development, LC, and Agent Cass Wilson. It is located at South Main Street at PID #46A-104 & #46-54.1. They are requesting this rezoning to build a twenty-seven (27) lot development going from Residential-2 (R-2) to Riverfront Residential (RF-4). The request has 11.75 acres in total. They are requesting the twenty-seven (27) lot development will be single family attached homes, think of a townhouse that you own the property underneath you and you have a complete fire separation to the roof in between structures it would be essentially the same thing. Like a duplex where you have two homes sharing a wall but it's actually like a townhouse because you own the property and you have a fire-rated separation, just to explain.

They are served by water with a six (6) foot main along Hackberry there is also sewer in the twenty (20) foot easement running thru this property. Portions of the riverfront lots are within the flood plain, you can see that on your development plan there's kind of a wavy line that goes from the Ohio River, at the end of those lots to the wavy line, that's all in the flood plain so no development will ever occur there it's really a flood-way I should say.

The uses of the land obviously to the North is the Ohio River and to the South is R-2 Medium density with single family homes, to the East is R-2 with single family homes and to the West is Light Industrial which is the HWU plant that previously owned this property.

The development plan shows that one entrance off of Hackberry, we had a lot of discussion about I don't think we need to get into that but it did receive the

variance. It has a twenty-eight (28) foot wide, paved public drive with forty (40) foot of ROW that does end in a cul-de-sac. The cul-de-sac is one thing we should discuss at this preliminary stage. At LDC the engineer a preference for at least a forty-four (44) or a forty-six (46) foot wide cul-de-sac and the applicant is still retained the original cul-de-sac which is I believe is thirty-five (35) feet, that is a concern. From what I understand, for a school bus to turn around requires thirty-eight (38) feet cul-de-sac and for an emergency vehicle like a fire truck to turn around requires a little over forty-four (44) feet but essentially forty-six (46) feet width for that cul-de-sac. There are fifteen (15), fifty (50) foot wide riverfront lots with shared driveways, each one of these lots except for Lot 15 or 16 shares a driveway between those attached houses and eleven (11) lots on the other side of the street that are also fifty-one (51) feet wide mostly and they are actually positioned to maximize the river view or the view shed in between those structures. One of the things we did with the RF-4 District is to require view sheds that means that you can't build any structures, including fences within that view shed to protect the river view. What they have done is they have developed a plan with that ordinance to maximize those view sheds by putting the streets on the other side of the river in between these view sheds of the streets that are fronting the river. Sidewalks will be required on all streets. The density really varies quite a bit between lots but again, all the houses are going to be of similar size on the river view streets and the other side of the street. There is a building height maximum of thirty-five (35) feet and the uses are restricted to single family attached.

Again this is a development plan so it's conceptual in nature really all the sewer, water and all those things, those engineering details, will be approved at a later meeting and we are really just trying to do this so they can get this approved and don't have to go thru all of that cost yet, that will be done at a later meeting. I've already kind of stated the intent of the Riverfront Residential District in the Dempewolf Project but again, the idea was to preserve river views, preserve the river for residential uses and for the rest of the public so they can enjoy the river as well.

Looking at the Future Land Use Plan, it depicts this area as developing as Medium Density Residential so this request would be consistent with that Comprehensive Plan requirement or Land Use Map. Looking at the Comprehensive Plan itself, Staff finds this would be in agreement with the Comprehensive Plan because of the design that it's creative, flexible, it maximizes the view sheds, it uses shared driveways and it also allows a little higher density than really what we're trying to plan for on the river. So, that satisfies the Land Use Goal, the Land Use Objective 3 and Land Use Objective 5 that I have put in your packet.

In the absence of findings that the project is in agreement with the Comprehensive Plan and that is that the existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate. Staff finds that the new Residential Zoning District (RF-4) was recently created specifically for residential riverfront development and therefore is the most appropriate district for development similar to this request. The existing R-2 is district is better suited for traditional high density urban development patterns and uses not appropriate for a riverfront development pattern. Also the RF-4 is more appropriate because it limits the uses to those suitable for residential riverfront development and also allows flexibility in design that is really appropriate for this area. I really don't find there have been any changes of an economic, physical or social nature to this area so I really don't feel that finding is necessary. Staff does recommend approval that this proposal is in agreement with the Comprehensive Plan and the proposed district RF-4 is more appropriate than the existing district of R-2 as described above to satisfy the required findings of KRS 100.213/Section 7.05.

Chairman McKee: Commissioners, questions for Mr. Freese?

David Dixon: Could you repeat how the cul-de-sac issue will be remedied?

Curt Freese: Essentially if a school bus is to turn around on this cul-de-sac, right now if this wasn't changed, the school bus would have to stop on South Main. If you bought one of these houses you would have to walk your kid down to South Main to have your kids picked up. If they are to have this

capacity they need at least a thirty-eight (38) foot cul-de-sac. If a fire truck is to turn around in the cul-de-sac they need a forty-six (46) foot cul-de-sac.

David Williams: Curt, what is the recommended diameter for the cul-de-sac from...

Curt Freese: Well, that is the thing right now, with this request, it really only requires a thirty (30) foot cul-de-sac.

David Williams: Yes, but what has Staff recommended for this?

Curt Freese: Staff would recommend at least a thirty-eight (38) foot.

David Williams: Thirty-eight (38), at least a thirty-eight (38) foot.

Curt Freese: At least a thirty-eight.

David Williams: But forty-eight (48) for a fire truck?

Curt Freese: It's forty-six (46).

David Williams: Forty-six (46) for a fire truck.

Taunya Eyre: Will a Development Plan come back to us with the specifications or is it completed?

Curt Freese: I think if you just added as a condition to this Development Plan they can submit it back to Staff and we'll just put it the packet since it's a very minor detail without them coming back before you.

Taunya Eyre: Ok.

Chairman McKee: Other questions?

David Williams: I have one for the developer Mr. Chairman.

Chairman McKee: Who is representing the developer? Mr. Calvert you've been sworn in so please proceed. Go ahead David.

David Williams: I just want to hear what you would have to say, I'm leaning towards making it a forty-six (46) diameter cul-de-sac so, what kind of comments do you have for that?

Matt Calvert: Bigger is always nicer but going back with the Sub Reg's, the Sub Reg's say's thirty-five (35) foot. Typically with bigger cul-de-sacs you just have people parking on the corners so it's not usable space anyhow. I see nothing wrong with leaving it as a thirty-five (35).

David Williams: If we had people parking there we still couldn't get the school buses around?

Matt Calvert: Either way I don't believe you would.

David Williams: Let me ask you this, with the house and development you proposed here, do you see much in the way of on-street parking? Are you providing off-street parking to accommodate the needs of the neighborhood?

Matt Calvert: You would need to address that to the developers.

Chairman McKee: Mr. Hazelwood would you please state your name and address.

Brad Hazelwood: Brad Hazelwood 622 Merritt Drive.

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

Brad Hazelwood: Yes sir.

Chairman McKee: Thank you sir, please proceed.

David Williams: Brad, I'm really concerned about the safety aspects here but I do not want to cause any undo harm to you as a developer but I'm leaning towards the larger of the diameter for this cul-de-sac. Do you want to make an argument to me to before we approve.

Brad Hazelwood: Yes sir I would like to. The regulations call for smaller than what we have proposed. We have enlarged it enough for a school bus to get around even though it does not have to and hopefully a fire truck will never

have to go back there but if it does, there's a driveway. For a fire truck to make a radius turn it takes a lot of room but if he pulls up and backs up in the driveway just a little bit, he can get on around. What we're going to do if you make us make these larger, you're taking ten feet of yard space of the people that live around and for no more than I think a fire truck would be there and no more inconvenient for it would be for him to partially back into a driveway, I think that's asking too much.

David Williams: Now, fire trucks are not just called for fires if someone has a heart-attack they have to go out for that, any sort of emergency call they go out with the EMT so it wouldn't necessarily be a fire. If you own one of these houses, how would you about someone backing a fire truck into your driveway?

Brad Hazelwood: Personally, I would rather have that than loose ten feet of yard space. I would rather have the green space.

Matt Calvert: One point I would like to make is the curbs around this cul-de-sac are mountable, they are rolled curbs it would be easy for a fire truck or ambulance to jump that curb and still turn around within the right of way.

Brad Hazelwood: There is quite a bit more expense, there's a whole lot more asphalt, a whole lot more curb, there's a whole lot expense to the larger and we are doing more than you do request.

David Williams: So you are proposing, what now, thirty-five (35) feet? What are you proposing?

Brad Hazelwood: I hope I'm not speaking out of turn, I thought it was thirty-eight (38) feet. Thirty-five (35), I'm sorry.

David Williams: Thirty-five (35) feet, ok.

Brad Hazelwood: We don't have to design it for a school bus but we are designing it for a school bus.

David Williams: I hope you understand our situation that we have to, we are looking down the road for other developers and don't want to set any precedence here that we might have to overcome.

Taunya Eyre: But this is what our Subdivision Regs state is thirty (30), correct?

Curt Freese: It is but in the last five (5) to six (6) years we've required forty-six (46) I think actually forty-five (45) on all the subdivisions I guess really, since Gray Stone I believe or Bent Creek they've all been required to have forty-five feet at least and the reason for that is because a letter came in from the school district and from engineering and for whatever reason it was never updated, the table was never updated and we were looking to do that for this month but we needed to get all the information in but that will probably be forthcoming in the next month or two.

Taunya Eyre: Back to my practicality, from a practical standpoint, I really don't see a lot of school kids living at this area given the location. Do you anticipate a bunch of young families living back there Mr. Hazelwood?

Brad Hazelwood: We just want families. If they have children or not I really don't know.

Taunya Eyre: You know what I'm saying.

Chairman McKee: Any more questions for Mr. Calvert or Mr. Hazelwood?

Brad Hazelwood: I do think that if you go back Bruce Street, our cul-de-sac will be just as large as what's there and will have just as easy or better access than anything else in the area.

Chairman McKee: Thank you gentlemen, will you be around for more questions if needed?

Brad Hazelwood: Yes sir.

Chairman McKee: Thank you, any other questions from Commissioners, anyone to speak for this proposal? Denny you're sworn in, please proceed.

Dennis Branson: I wasn't aware that a turning radius of a bus was thirty-eight (38) feet; we've been making our cul-de-sac radius' forty (40) and forty-five (45) feet since 2005 which is what the school board asked for. I don't see any need for it to be any greater, frankly than what the turning radius is for a school bus and if they're proposing it at thirty-eight (38) feet and if it is true that that's what the turning radius of a school bus is than I think that should be adequate. I live at the very end of a cul-de-sac in Wolf Hills, you run right into my driveway. I can tell you this a car can't turn around in my cul-de-sac.

Chairman McKee: Without getting on a driveway.

Dennis Branson: Can't do it.

David Williams: How large is your radius Denny?

Dennis Branson: It's probably forty (40) foot.

David Williams: Ok, is that because of people parked in the cul-de-sac?

Dennis Branson: Yeah, yeah. Makes me so mad, but it happens. If you go in any subdivision, that's probably not going to be true, I would say if you go into a lot of subdivisions that cul-de-sacs it really won't matter what the radius is, a fire truck is not going to turn around a school bus is not going to turn around and a school bus is not going to go down it to start with. But, the school board did ask for a minimum of forty-five (45) feet in 2005, that you have to take into consideration, I think if you're thinking about changing the Subdivision Regulations to accommodate them. But from a practical standpoint, depending on the length of the cul-de-sac a school bus is not going to go down that cul-de-sac anyway. You've got to think about the practicality of it, it's for vehicular traffic and even in a cul-de-sac if you have one car parked on the side of the street in the bulb of a cul-de-sac another car cannot make, maybe not at all, but at least can't make a comfortable complete turn without backing up. So, I don't know that spending a lot of time thinking about what should we do, if you're not going to make it a hundred (100) feet wide then I wouldn't try making it where a school bus can turn around in it if the school bus is not going to go down it anyway or a fire truck can turn around because if it's going down in that cul-de-sac for a reason it's not coming back out until it's job is

done anyway so it's not going to be turning around without maneuvering to begin with. So, from a practical standpoint yeah, it should be big but if you're going to make them big make them big enough. Make them a hundred (100) feet or leave them.

Chairman McKee: When you say a school bus isn't going to go down in the cul-de-sac anyway, how would a school bus pick up school kids that lived on the street?

Dennis Branson: I live on Kelly Court; school buses don't come down my street.

Taunya Eyre: They walk to a bus stop.

Dennis Branson: I'm pretty sure and I'm not positive about this but I'm pretty sure the school buses just don't go down cul-de-sacs. Now this one, maybe depending on the length maybe they would I don't know but I know as a general rule you see them dropping the kids off in subdivisions at the intersection of the cul-de-sac and the arterial. The radius of the cul-de-sac, I just think it's a lot of worry over nothing at this point until we further analyze it and see where we really want to land. I can tell you we've been making cul-de-sac radius bigger and it's been a waste of money except for aesthetics, they're prettier.

Chairman McKee: Any other questions for Mr. Branson? Thank you sir, anybody else want to speak for or against this proposal. Yes sir, would you please state your name and address for the record?

Mike Coffman: Mike Coffman 1714 South Main Street, Henderson.

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

Mike Coffman: Yes sir.

Chairman McKee: Thank you sir and please proceed.

Mike Coffman: I just wanted to bring up some points, not necessarily for or against the project. Currently, the school buses stop at Hackberry and Main.

All the kids in the back of the neighborhood have walked back there for years and come up there. I mean it's not an exceptional distance but if it's real cold I can understand they wouldn't want to do it but they've done it for years. The twenty-seven (27) dwellings, are they going to be on that primary street only?

Curt Freese: That's being rezoned yes, there's an extra six (6) lots on Hackberry.

Mike Coffman: On the new streets.

Curt Freese: You can kind of see it back there on the plan.

Mike Coffman: Yes.

Curt Freese: They've got six extra lots...

Mike Coffman: I wanted to ask you about the ones along Hackberry going down to Main.

Curt Freese: Those are not part of this request because they don't need to be rezoned; they can do that right now, they can just come to our office and legally create those lots.

Mike Coffman: Ok, but they don't have any plans for building stuff currently?

Curt Freese: Not at this time and not before the board.

Mike Coffman: I heard a rumor that Hackberry is going to be widened, is that true?

Curt Freese: I believe to facilitate this development they will widen Hackberry, yes.

Mike Coffman: The fire trucks have a hard time getting turned there and they go back there a lot. They go back onto Bruce and the other streets back there quite a bit so, God forbid they have to go back there but that's the way it is. That's all I have, thank you.

Chairman McKee: Thank you Mr. Coffman.

Curt Freese: I think probably Buzzy could speak on widening Hackberry.

Chairman McKee: Out of an abundance of caution Mr. Newman, will you please state your name and address?

William Newman, Jr.: William Newman, Jr., 2110 Locust Drive.

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

William Newman, Jr: Yes I do.

Chairman McKee: Thank you sir, please proceed.

William Newman Jr.: To answer Curt's question, we have met, the City has met with the developer and have looked at proposed plans in the future of widening Hackberry. The question was asked would the City consider widening the other side, let me say not widening but at least bring Hackberry up to current City standards of installing curb, gutter and sidewalk. The answer is right now, it is not in our five year plan to do but it is not to say that the project cannot be proposed to be done as part of the development in the future. I will tell you the City is committed to extending sidewalks all the way down to Drury Lane along South Main which will, in part, connect with this proposed development to help sustain the walkability of our community. The Henderson Water Utility in conjunction with City's Public Works department last year cleared out the tree row along South Main Street to help the visibility and help with better driving surfaces in the winter because the tree line that encompassed South Main often presented icy conditions and by getting rid of the trees it allows the pavement to drain off properly because new drainage ditches have been constructed but also allows the sun to get on the pavement and allow the pavement to melt during snow and ice events. There have been improvements down in that area. Is it in support of this development? Partially it is but partially its plans we already had on the table to do so; both projects are sort of working hand in hand. There would need to be some communication and coordination of once Hackberry is widened by the developer on the South side of Hackberry.

Chairman McKee: Questions for Mr. Newman? Thank you sir. May I ask you one more question Mr. Newman? Do you have an opinion on the size of that cul-de-sac?

William Newman, Jr.: I'm going to base my information on the facts currently the regs say thirty-five (35) feet. As you've heard tonight we were going to look at that in the future and I think it's time we do look at it. I do agree with what Denny said though, reality is, we see this often in subdivisions where people do park in cul-de-sacs which defeats the purpose of vehicles trying to turn around in those cul-de-sacs whether it's a thirty-five (35), forty (40) or a forty-five (45) as Denny states, it's almost going to be impossible. But I also think Mr. Coffman maybe has cleared up some of the concerns that currently the school buses stop at Hackberry and South Main. I asked Mr. Stroud the same question, what do they do in other subdivisions. Basically from our knowledge, school buses do not typically go into a street that has a cul-de-sac on it so most of the time the kids have to walk out and meet the bus.

Chairman McKee: That's interesting in lieu of the letter that came from the school board to ask for the cul-de-sac to be larger, why? If they aren't going down there anyway, why?

William Newman, Jr.: I think it's a good point that we get all the interested parties together and sit down and try to work this out in the future. It's an important issue, I see it's important to the developer today but I also think it's important for our planning going forward. What is the right thing to do? So you all are not put in this position of trying to make a difficult decision without all the facts. Hopefully, we can bring that back to you all in the near future.

Chairman McKee: Questions for Mr. Newman? Thank you sir. Anyone else to speak for or against this proposal? Mr. Hazelwood, you've been sworn in please proceed.

Brad Hazelwood: I would like to say something to Mr. Coffman, is that correct? We want to be a good neighbor and that's our intentions one hundred (100) percent and even though that developing Hackberry itself is

not part of this rezoning, we are going to develop Hackberry and build streets down the side of Hackberry. We are going to put curb and gutter and we are going to widen that street out, we haven't got a final design done but the street on our side will be widened three (3) to four (4) feet with concrete curb and gutter. We will have five (5) lots, five (5) driveways coming out on Hackberry, single family homes there. We want to develop Henderson's riverfront, we want to be a good neighbor, we want to bring something to the table that will enhance Henderson's riverfront and we're all about that. My partners and I have spent a lot of money down there getting this project ready to go and we really hope that you all approve this for us tonight. We're going to start building immediately if you do approve it, we're planning on the first house on Hackberry starting the first of March and then within two (2) months we will be starting homes on the riverfront. We would really appreciate your consideration in this and it's been a long time since this many homes have been built in Henderson and we're really, really hoping we can get this thing going and our intention is to build this thing out in three (3) years. Whether that will happen or not we don't know but we feel like the time is right and we sure do appreciate you giving this your consideration.

Chairman McKee: Question for staff; the statement Mr. Hazelwood made about widening Hackberry with curb and gutter, is that binding on him after said here in this...

Curt Freese: I believe it's binding if you make it a condition but that might be a question for our attorney.

Chairman McKee: Maybe I should ask you Mr. Hazelwood...

Taunya Eyre: Hackberry's not being rezoned...

Chairman McKee: Did you intend on it to be binding?

Brad Hazelwood: We have every intention of widening our side of Hackberry and putting curb and gutter down thru there. Do I want to spend the money to do it? No. Will it improve this area? A lot, yes.

David Williams: Does your design call for sidewalks on that side of Hackberry?

Brad Hazelwood: Excuse me?

David Williams: Does your design call for sidewalks on that side of Hackberry as well?

Brad Hazelwood: When you say our design, we haven't gotten everything done but yes, we are planning on putting sidewalks down Hackberry.

Curt Freese: They have to now. We changed the regulation last year that any development in the City requires a sidewalk.

David Williams: I was just pressing the point.

Curt Freese: I just wanted to put it out there.

Chairman McKee: Thank you Mr. Hazelwood, very helpful. Anybody else to speak for or against this proposal? Commissioners, do you have any further questions? Hearing none, the Chair will entertain a motion.

***MOTION WAS MADE BY TAUNYA EYRE, SECONDED BY DAVID DIXON TO APPROVE REZONING #1045 WITH DEVELOPMENT PLAN GIVEN THAT IT IS CONSISTENT AND IN AGREEMENT WITH THE COMPREHENSIVE PLAN, IT IS IN AGREEMENT WITH THE FUTURE LAND USE MAP AND THE DESIGN AND PROJECT IS CREATIVE AND FLEXIBLE AND SATISFIES LAND USE OBJECTIVE #3 AND LAND USE OBJECTIVE #5.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Chair will entertain a motion to close the public hearing.

***MOTION WAS MADE BY TAUNYA EYRE, SECONDED BY GARY GIBSON TO CLOSE THE PUBLIC HEARING.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Thank you all very much for your attendance and your input, we appreciate it. Next on the agenda is **New Lot #6A Amiet Road Development Site Plan**, Mr. Bishop do you plan to lead that discussion?

Brian Bishop: Yes sir. This is submitted by Glen & Judith Stone for the property located in Henderson County at 1016 Amiet Road (PIDN#32A-6.1), and containing 1.4296 acres. The applicant is requesting Site Plan approval for a proposed building. We met with Mr. Branson at the LDC meeting and we had a couple of things we discussed. The first was that this is actually replacing a site plan that was approved on April 5, 2011, we ask that he show the radius for the entrance, which he has. We also asked about the proposed use so Randy could calculate the parking which Denny has shown on the drawing. It's a pretty simple, straight forward site plan.

Chairman McKee: You recommending it?

Brian Bishop: Yes sir.

Chairman McKee: Questions for staff? Hearing none, would you like to speak Denny, pretty straight forward? Hearing none Chair will entertain a motion.

***MOTION WAS MADE BY TAUNYA EYRE, SECONDED BY RODNEY THOMAS TO RECOMMEND APPROVAL OF NEW LOT #6A AMIET ROAD SITE PLAN.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Next on the agenda we have **Lot #7 and New Lot #6A Amiet Road Development Easement Relocation**, Mr. Bishop.

Brian Bishop: Yes sir. As you saw on the previous site plan the construction of the proposed building will require the relocation of an ingress/egress easement which is fifty (50) feet in width. We have spoken to Mr. Hubiak and he checked with the airport which is basically a City-County entity and they have no problem with this being relocated. That ingress/egress easement would basically be to enter onto the airport property. The width is not changing we're just switching over to the other side of the lot.

Chairman McKee: Any questions for staff? Anybody want to speak on behalf, straight forward again?

Brian Bishop: Straight forward.

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

***MOTION WAS MADE BY TAUNYA EYRE, SECONDED BY DAVID DIXON TO RECOMMEND APPROVAL OF NEW LOT #7 & NEW LOT #6A AMIET ROAD DEVELOPMENT EASEMENT RELOCATION.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Next on the agenda is the *PC Finance Report for December 2014 and January 2015.*

Taunya Eyre: I have a question.

Chairman McKee: Oh, we have a question.

Taunya Eyre: Why do we have a ten-thousand (\$10,000) dollar professional services that, the way I calculate it, will push us over budget for that line item?

Curt Freese: That was attorney fees for last month's agricultural, both for the, I guess, opinion related to the mouse production and for the ordinance changes. The County...

Taunya Eyre: Is that not part of his contract?

Curt Freese: Obviously that's additional items, Fiscal Court directed us to, for Tommy Jo...

Taunya Eyre: Then why aren't they paying for it?

Curt Freese: I couldn't answer that question, I think, I think that they...

Taunya Eyre: Is that typical? I mean, is that... it seems a bit excessive. Am I wrong?

Curt Freese: It's a different request, yes but the Fiscal Court did ask us to have our attorney work on that.

Bobbie Jarrett: In years past when we've had additional items like that, we have gone over budget on the attorney fees and thus, before we completed the budget year we had done a budget revision to up those cost.

Taunya Eyre: Ok.

Bobbie Jarrett: It's just one of those things where you have different odds and ends that happen thru-out the year that you have to lean on your attorney's expertise and the City and the County pays our fees. We get money from both the City and the County so that's actually where the monies are coming from anyway.

Taunya Eyre: Ok, I just wanted to know, it seems a bit excessive.

Chairman McKee: It was last months too because there was extraordinary work being done, anything else on the financials?

***MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY DAVID WILLIAMS TO APPROVE THE PC FINANCE REPORT FOR DECEMBER 2014 AND JANUARY 2015.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Other business, the discussion of the Comprehensive Plan schedule, Curt.

Curt Freese: I just wanted to say that there might be some changes with the Comprehensive Plan schedule as of last week, just some minor changes and I just wanted to make everyone aware of those. Right now it's not set in stone we're still trying to figure out those dates with the consultant. The general theme of what was presented to you that Theresa, Brian and I have worked on will be followed but there might be one less meeting based on the contract that was signed by the City, I just wanted to make everybody aware of that.

Taunya Eyre: Just out of curiosity, are we going to be hit with another fee in our budget that's going to push over with that?

Curt Freese: No, the City has already paid everything and we're trying to work it out with them so what we were negotiating wouldn't cost any additional money. It's still in the process but it looks like that should probably happen without us incurring any additional fees.

Taunya Eyre: Ok.

Chairman McKee: You need no action from us?

Curt Freese: No.

Chairman McKee: Just informative? Next, Planning Commission Committees for 2015. Did we get Mr. Herron on a committee?

Curt Freese: I don't believe you did.

Chairman McKee: Would you like to be on a committee?

Kevin Herron: Sure, if there's room.

Chairman McKee: We'll make room. Which one would you like to be on? Is that in here?

Curt Freese: Yes, third to last page.

Chairman McKee: Do you see it Kevin.

David Dixon: I hesitate to say but I'm not on any of these Committees either.

Chairman McKee: You're not on a Committee?

David Dixon: I don't see my name. When do these Committees meet?

Chairman McKee: These Committees were done last year, I asked everybody at the last meeting if they wanted to do something different and they said no. But, tonight is the night to do it so, which Committee would you like to be on as well Commissioner Dixon?

David Dixon: The Land Development Committee.

Chairman McKee: LDC, is there any problem with that Mr. Freese?

Curt Freese: No.

Chairman McKee: Would you please add Commissioner Dixon's name to the LDC?

David Dixon: When do they typically meet?

David Williams: Wednesday at 1:30pm I believe.

Chairman McKee: Wednesday at 1:30.

Taunya Eyre: I thought it was Thursday.

Theresa Curtis: It's always two (2) weeks before the Planning Commission meeting so, 1:30 during the day on Tuesday.

David Dixon: I will do my best but my attendance is doubtful.

Chairman McKee: Doubtful?

David Dixon: Yes sir.

Chairman McKee: Since you are otherwise engaged?

David Dixon: Yes.

Chairman McKee: Would you like to pick another Committee?

David Dixon: Do they meet at a different time?

Chairman McKee: Actually the other Committees only meet when called. The LDC is the only regular meeting Committee.

David Dixon: I'm at your service, however I can help.

Chairman McKee: We can leave you on the LDC unless you tell me you want to be on something else and if you can make it you can if you can't then you can't.

David Dixon: Very good.

Chairman McKee: LDC it is. Mr. Kevin Herron?

Kevin Herron: I can make the LDC meetings.

Chairman McKee: LDC as well? Will you please add those Theresa?

Theresa Curtis: I sure will.

Chairman McKee: Now we need a... I don't guess we need a motion do we?

Curt Freese: No, that's something you appoint.

Chairman McKee: That's the Committees then.

Kevin Herron: That is Wednesday at 1:30?

Curt Freese: Tuesday and it's only once a month and that's if we have a Land Development meeting, if there's actually development going on.

Theresa Curtis: I always send out an agenda Kevin to remind you.

Kevin Herron: Thank you.

Chairman McKee: Everybody's happy with Committees? Good, good. Next on the agenda is the January 2016 Organizational Meeting structure change, Mr. Freese.

Curt Freese: As I discussed at last month's meeting, I guess my thought was to change in our by-laws, get your opinion on this, to go from an annual meeting in January to a regular meeting in January. It seems like we've had enough work that we're always having a special called meeting in January so I figured why not just make that a regular meeting from now on. We can still have administrative business and do the annual meeting portion before so the election of officers and maybe just a presentation so we're not actually missing anything, now we can actually serve the community a little better. That's my recommendation.

Chairman McKee: The one thing I noticed and this is just me I don't know if anyone else noticed it either but I'm not sure we paid as much attention as we should have to the plan of work or what's happened. Did anybody get a

change to actually go through it board by board and see do you know what I'm talking about?

Taunya Eyre: I have no idea.

David Dixon: Do you mean what has been accomplished in the past year?

Curt Freese: Because of the meeting going so long.

Taunya Eyre: I do think we need a separate meeting if there are items on the agenda for January.

Kevin Richard: Could we put a caveat or something that if it is an item that cannot wait until the February meeting that we would talk about it because...

Curt Freese: Well, the problem is if you're a developer and you want your property rezoned, we're telling you no because we don't have a meeting that month.

Kevin Richard: But to Herb's point, there was probably some stuff we probably should have paid more attention to. We were so worn out from the...

Curt Freese: Yes, it was nine o'clock...

Kevin Richard: other stuff that we just kind of brushed it off and said end of meeting.

Taunya Eyre: I don't disagree that we need a January meeting but I believe that it needs to be a separate meeting from the organizational meeting unless there is nothing on the agenda that month.

David Dixon: I agree, I think we should serve the public first and then our internal needs next.

Chairman McKee: How would you accommodate them both, have a separate work session?

Curt Freese: We could have a separate session. We were having the annual meetings up at the Planning Commission so it's not as if we need to reserve a

room or anything, so that's not a problem. We can just do it the next week, say Monday at six (6:00) o'clock.

Chairman McKee: And all of the agenda that's been reserved for the organizational meeting would be held on that day? A regular January Planning Commission on top of that.

Curt Freese: That's correct if that's...

Chairman McKee: Does that mean we have to have an amendment to the by-laws?

Curt Freese: It would require that.

Theresa Curtis: Unless you keep the organizational meeting it's always the second Monday in January. You keep it the same then we don't have to change it.

Curt Freese: We'll just have to add the January meeting to the by-laws, the January Planning Commission meeting to the by-laws and we'll keep it the same day the first Tuesday of the month. If that's a holiday it might cause a problem maybe we'll have to think about that and make that the second Tuesday of the month because every seven (7) years it will be New Year's Eve or well...

Chairman McKee: Do you feel the need to handle that tonight or can you look it over and...

Curt Freese: I just wanted to discuss this tonight to get your pleasure on these matters and it sounds like that was a good thing because there has been some discussion. I can have it ready for next months, maybe we have the PC meeting the second Tuesday and maybe the organizational meeting the Monday before that meeting. So you would election of Chairman and committees, the Vice-Chairman and the next day you have a PC meeting, that's an option.

Chairman McKee: What's the pleasure of the Commission?

Taunya Eyre: Two (2) meetings in one week is not my pleasure but that's just me so it doesn't matter.

Curt Freese: The only thing, by keeping the same Planning Commission schedule, we're going to run into New Year's one of every seven years. I guess we could just, if New Year's falls on a Tuesday we could just hold it on a Wednesday.

Chairman McKee: Given the nature of what we would do in the organizational meeting that would probably take a while.

Curt Freese: It could or it could be short.

David Dixon: We don't have to have them in the same week do we?

Curt Freese: No, not at all.

Kevin Richard: I say let's just keep the current interval and if that one in seven years issue, we just accommodate that year or make a change that year because the other six years we'll be ok.

Curt Freese: Ok.

Kevin Richard: Because I'm kind of like Taunya, two meetings in one week is kind of a stretch for everything else going on.

Chairman McKee: So you'll come back next month with a recommended amendment to the by-laws and everyone will be thinking about it between now and then. Motion to adjourn?

Curt Freese: We have one more thing. This is something that doesn't have to be done but we just noticed the last few years that there hasn't been a single person that has called or come in on New Year's Eve and the Fiscal Court is now off on New Year's Eve so that, it was just something that all the staff was discussing because it seemed like a waste of time for us to be there, so we just wanted to discuss it.

Chairman McKee: I knew it would come to this, I knew it would come to this.

(Much chatter and laughter among Commissioners)

Where does that need to be said, in your Personnel Policy?

Curt Freese: It's in the Personnel Policy, I just added it.

Bobbie Jarrett: Curt, does it say in the Personnel Policy that you follow the City's calendar?

Curt Freese: It does.

Bobbie Jarrett: So you're going to have to change it and say you are going to follow the County's calendar?

Curt Freese: That's what I have here but I can change it to say and New Year's Eve instead and bring that before you next month.

Taunya Eyre: That would be awesome.

Gary Gibson: Is that going to be a paid holiday?

Chairman McKee: You can bring that back to her next time can't you?

Curt Freese: Yes, you guys can think about it.

Chairman McKee: Is there anything else? Motion to adjourn?

***MOTION WAS MADE BY TAUNYA EYRE, SECONDED BY RODNEY THOMAS TO ADJOURN.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

***MEETING ADJOURNED AT 8:50p.m.***