

HENDERSON CITY-COUNTY PLANNING
COMMISSION

June 2, 2015

The Henderson City-County Planning Commission held a regular monthly meeting June 2, 2015, 6:00 p.m., at the Henderson Municipal Center, third floor assembly room.

Members present: Chairman Herb McKee, Vice-Chair David Williams, Dickie Johnson, Bobbie Jarrett, Gary Gibson, Kevin Richard, David Dixon, Kevin Herron, Mac Arnold, Taunya Eyre and Rodney Thomas.

Staff present: Director Curt Freese, Theresa Curtis, Brian Bishop and Claudia Wayne. Heather Lauderdale was absent.

(A summary of the minutes from the meeting on June 2, 2015. A recorded audio tape is on file at the Planning Commission Office)

MEETING BEGAN AT 6:00PM

Chairman McKee: Chair will entertain a motion to go into a public hearing.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY KEVIN RICHARD TO GO INTO A PUBLIC HEARING.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Have you had an opportunity to review the *minutes of the May 5, 2015 meeting?*

MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY MAC ARNOLD TO APPROVE THE MAY 5, 2015 MINUTES AS DISTRIBUTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next in the public hearing I would like to invite Commissioner Thad McCormic to approach the podium and upon request I'm going ask you to state your name and address.

Thad McCormic: Thad McCormic, 221 Powell Street Corydon, Ky.

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

Thad McCormic: Absolutely not. (Laughter)

Chairman McKee: Absolutely not, so mote it be, please proceed. (Laughter)

Thad McCormic: Last month I resigned, like Frank said, kind of unexpectedly and in a hurry and I would like to reiterate and give you guys a reason and thank some people I need to thank. First of all, I would like to thank the three people that appointed me to this position and that would be Mr. Sandy Lee Watkins,

Mr. Owens, posthumously both of those gentlemen. Larry Owens was State Police and the former Mayor of Corydon and I currently, would like to thank Judge-Executive Hugh McCormick. It has been an honor to serve on this Commission and the reason I feel like it is an honor is because those three people I mentioned to you were elected by the general public, they won a general election. After they were elected, they appointed me. That really means a lot to me because they're endowing their trust and faith in you to make fair and impartial decisions and it's a very tough job. So in that respect, I honored the position on the Planning Commission and at this time I would like to thank three current people here who were with me from the very beginning. Dickie Johnson, Bobbie Jarrett, Mac Arnold and Claudia Wayne, that's four actually, well five, two for Claudia because she's double tough. These four were with me from the beginning and this is a very strange business and everybody on this commission needs a lot of help. It's a little bit political and you have to make decisions based on your personal feelings and it's really a thank-less job. I would like to say that I envy all of you on this commission but at the same time I do not envy you. I do not envy this position because sometimes it's thank-less and you have to, your decisions are far reaching and they effect a lot of people. So, vote you're conscious so you can sleep well. There are two reasons why I'm envious of you, one being because I am severely mentally ill (laughter) and the other is the pay is great (laughter). If you didn't believe the first one, you will now.

Now a little bit about myself, now that I have thanked everyone else, Tommy Jo, Curt, Brian Bishop all these people. Kevin, Mr. Dixon, Thomas, Taunya everybody here. I have gotten to know you all very well and I respect all of you, you should be commended for your public service.

Now I would like to say a few things about myself if you don't mind Mr. Chairman.

Chairman McKee: Please do.

Thad McCormic: This won't take too long...

Chairman McKee: That looks like about a thirty minute speech.

Thad McCormic: I was born in Gaffney, S.C. in 1959 on July the 11th to Jack and Hilda McCormic. I could go on forever, if you would please be the Chairman and call this to order now and practice your job...

Chairman McKee: Mr. McCormic would you please get to the point please?

Thad McCormic: Yes, yes. The one thing I would like to tell you about myself and it's all about the resignation. I told you all last month it was simply time for me to move on and that is true but there are other factors and I want to speak very briefly about it. Serving on this kind of commission, to me, has been a very humbling experience and at the same time it's very humbling. Now, that doesn't make a lot of sense to a lot of people but let me explain to you why it has humbled me. When I was called

here tonight to receive some recognition it made me feel wonderful, absolutely wonderful. In my inner most thoughts I thought, why are they honoring me? Because I measure my accomplishments for others to my accomplishments with my loved ones, there is something about your loved ones. I hurt my loved ones the most and I think a lot of people do. It has come to a point where I need to concentrate on some personal, family matters and that really is truly the reason why I resigned. I simply don't have the time. Part of the reason was this commission needs fresh ideas and I'm just about out of them. I would like to thank the Planning Commission, the former directors, Peggy Wood, Kathy Ferrell, Mr. Freese, Mr. Fridy and the Commission very much.

Chairman McKee: Thank you Commissioner. On behalf of the Planning Commission and on behalf of the City and County we have this plaque of recognition for your service to the Commission and we want to thank you for your kind words. This resolution was adopted at the last Planning Commission meeting and it's our honor to have served with you Mr. Thad McCormic.

Thad McCormic: Thank you.

Chairman McKee: Chair will entertain a motion to go out of 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: Next on the agenda is **Section #2 Merrill Place Commercial Subdivision Preliminary**, Mr. Bishop are you going to lead this discussion?

Brian Bishop: Yes sir. This is submitted by Clark Merrill, ET AL for the property located on Barret Blvd. Applicant is requesting approval of the Preliminary Plat. This is the property that is in question. All utilities have provided preliminary approval. This plat will create two lots, Lot 11 and Lot 12. Lot 11 will be 6.866 acres and Lot 12 will be 6 acres. This will extend Barret Boulevard 562 feet and 6 foot sidewalks on each side of Barret Boulevard and the plat should be subject to the following conditions. The first being bonding for the proposed street and sidewalks which will total \$260,800, the second condition will be bonding for the water, sewer and storm water improvements in addition to erosion control which will total \$78,721. The total bonding amount being \$339,521. The final condition is there be a written easement between HMP&L and the property owner that will actually define an easement that is shown on the plat and the reason it's not shown is because the width will vary. The written easement will actually give a little more definition to the easement that is shown on the plat.

David Williams: Will you please explain that a little more?

Brian Bishop: Ok, if you'll look over on plat over on the right side you will notice there is an easement that says width varies.

David Williams: When you say the right side, do you mean north?

Brian Bishop: The East side, right there.

David Williams: Thank you.

Brian Bishop: David that will be recorded in the Clerk's office.

David Williams: So, to cover this, the motion would have to say the granting of an easement with a variable width.

Brian Bishop: Correct.

Chairman McKee: Do you need a breakdown of the total bonding item wise?

Brian Bishop: The total bonding will be \$339,521. \$260,800 will be the bonding for the proposed street and sidewalks. The remaining \$78,721 will be for sewer, water, storm water and erosion control.

Chairman McKee: Are there any other special considerations that we should be aware of before a motion is entertained?

Brian Bishop: No sir, the staff recommends approval.

David Dixon: I have one question Mr. Chairman, out of curiosity. The map makes reference to visible limits existing cemetery?

Brian Bishop: That was the, Denny can probably answer this better than I can. That is what they visually saw of an old cemetery on the property.

Taunya Eyre: Can you, I can't see this, flip (inaudible) because I was going to ask about this as well.

David Dixon: It's on the highway side of Lot 11.

Taunya Eyre: Oh there it is I see it now.

Chairman McKee: Any other questions of staff?

David Dixon: I was unaware this cemetery existed.

Taunya Eyre: I believe it's an old African-American Civil War Cemetery as I was told, Bobbie are you aware of that? So how does this affect the developer and the cemetery and developing on it?

Tommy Jo Fridy: Are you asking me?

Taunya Eyre: Yes.

Tommy Jo Fridy: They will be required to comply with applicable law and that is outside of the purview of the Planning Commission. The law provides that they must provide an egress and ingress to that cemetery. They can choose where and how they provide reasonable access.

Taunya Eyre: But there are laws that protect that?

Tommy Jo Fridy: Yes, very specific laws dealing with cemeteries. It wouldn't be inappropriate to ask the applicants and put it in the record what they intend to do but it's not something you have to do.

Taunya Eyre: I would like to do that.

Chairman McKee: Are there any questions for staff before we get to testimony? Is there anyone here wishing to speak on behalf of this development? Just for the record, please state your name.

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

Chairman McKee: Thank you sir, please proceed.

Dennis Branson: On the cemetery access, I actually meant to dedicate an access easement on the final plat and should have reflected it on the preliminary plat. We will be showing a specific access easement to the cemetery on Lot 11 to the cemetery. It is to the developers' advantage to do that, that way it ties the access down to the closest and shortest route for anybody that might want to take part in maintaining that cemetery in the future.

David Williams: Did you say the shortest route to the cemetery?

Dennis Branson: It would be on Lot 11, possible shortest.

David Williams: Possible shortest, ok.

Dennis Branson: On the easement, we've already executed the easement; it's in HMP&L hands. I talked with HMP&L this morning and it's a separate easement that comes from Kimsey Lane, we're granting them a new easement for their transmission line down Carl Dempewolf's line and following the bike path. We've also structured it so it can also be used to install lighting along the bike path which is what we wanted when we built the bike path. But because of agricultural concerns we weren't allowed to do that but now we are. So it's a separate thing, in HMP&L's hands and it's my understanding that it should be recorded this week.

Chairman McKee: Any other questions for Mr. Branson?

David Dixon: I think we've touched on this before, the current zoning?

Dennis Branson: Highway Commercial.

David Dixon: Very good.

Chairman McKee: Thank you Mr. Branson.

Brian Bishop: Mr. Chairman, may the staff request that the easement Mr. Branson referenced be shown as a subject-to as well?

Chairman McKee: When you get ready to make the motion, please refer to the request the staff made for your consideration. Would anyone else like to speak on behalf of the development,

the application? Hearing none, any other questions from commissioners, comments?

Tommy Jo Fridy: You didn't ask if anyone would like to speak against.

Chairman McKee: Would anyone like to speak against the development?

Taunya Eyre: It's not a public hearing.

Tommy Jo Fridy: It's not, it's not but you've heard one side and it's appropriate if you choose to hear comments on a subject. It's not a public hearing.

Chairman McKee: I meant for the term on behalf of to mean either for or against but to make it clearer, is there anyone who would like to speak against this application? Seeing none, no more questions, and no more comments? The Chair will entertain a motion.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY MAC ARNOLD TO APPROVE SECTION 2 OF THE MERRILL PLACE COMMERCIAL SUBDIVISION PRELIMINARY SUBJECT TO THE BONDING OF \$260,800 FOR THE STREET AND SIDEWALKS, \$78,721 FOR WATER, SEWER, STORM WATER AND EROSION CONTROL FOR A TOTAL OF \$339,521; A WRITTEN EASEMENT WITH HMP&L AND AN EASEMENT DEDICATING ACCESS TO THE CEMETARY.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is the **Evansville Teachers Federal Credit Union Site Plan.**

Brian Bishop: This is submitted by Evansville Teachers Federal Credit Union for the property located at 349 Starlite Drive. Applicants are requesting Site Plan approval. The current site is zoned General Business, they are proposing a 4,066 square foot building. There will be 14 regular parking spots and 2 handicap spots. The City Commission administers the Restrictive Covenants of this subdivision and they have granted their approval. It will be subject to bonding, erosion control which will be a total of \$10,100 and bonding for the entrance and sidewalks which will total \$23,645. The total bonding will be \$33,745 and staff recommends approval.

Chairman McKee: Any questions of staff?

David Williams: Ken, will you come up please?

Chairman McKee: Will you please state your name and address?

Ken Ferry: Ken Ferry with Henderson Water Utility my office address is 230 North Alvasia Street in Henderson.

Chairman McKee: Thank you sir, please proceed.

David Williams: Ken I know there were a lot of questions on the drainage on this particular site. Have all of those been addressed...

Ken Ferry: Yes they have. I can go into as much detail as you would like and save you the boring details if you don't like.

David Williams: I just needed your assurance that you were satisfied.

Ken Ferry: I'm happy with it.

Chairman McKee: Any questions of staff? Would anyone like to speak for or against this application? Seeing none, no further comments or questions from Commissioners the Chair will entertain a motion.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY DAVID DIXON TO APPROVE THE EVANSVILLE TEACHERS FEDERAL CREDIT UNION SITE PLAN AS SUBMITTED BY THE EVANSVILLE TEACHERS FEDERAL CREDIT UNION FOR THE PROPERTY LOCATED AT 349 STARLITE DRIVE; SUBJECT TO BONDING FOR THE EROSION CONTROL \$10,100, BONDING FOR ENTRANCE AND SIDEWALKS FOR \$23,645.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is the **Warm Residences II Site Plan**. Claudia, you're going to lead the discussion?

Claudia Wayne: Yes. This is submitted by the Warm Residences II, LLP for the property located at 1501 Garfield Avenue. Applicants are requesting Site Plan Approval. To give you a little background, the Warm Center is part of the Kentucky Housing Corporation Recovery Kentucky Initiative and provides long term recovery services for homeless women and women suffering from alcoholism and drug addiction. This property came before you of December of 2014 and it was rezoned from Light Industrial to R-4. They are proposing 32, two bedroom units and a community room. They will be installing four foot sidewalks along Garfield which will be down through there and they're also putting a fence along that area also. There are existing sidewalks on McKinley and they have their site plan already and there are five different buildings and this will be subject to a sidewalk easement along Garfield because some of it is over on the City's property where they can accept it. The bonding will be for erosion control for \$18,015. Entrance and sidewalk for \$22,400 and the total bonding will be \$40,415. It is subject to the sidewalk easement and the bonding, staff recommends approval.

Chairman McKee: Questions for staff?

David Williams: If I recall, there was a question about how far a fence was going to go.

Claudia Wayne: It's going to go to the end, you can't see it very well on this one but it goes to the end and that's where the end of the building and it goes all the way down to that area. If you see, there is a small "x"... It's starting here and it goes all the way down to the end of the building.

David Williams: That's along Garfield. So is that also doubling as screening there?

Claudia Wayne: Yes.

David Williams: Ok, so is it going to be an opaque...

Claudia Wayne: They have representatives here if you have any questions.

Chairman McKee: Any other questions from Commissioners to staff?

Taunya Eyre: Is there going to be any landscaping I can't differentiate on this?

Claudia Wayne: They will do landscaping internal and are also having internal sidewalks and they are all going to connect. But I'm sure they will be doing landscaping inside the property.

Chairman McKee: Are you ready to get the developer to answer those questions?

Taunya Eyre: If you don't mind.

Chairman McKee: Is there anyone here to represent this development that can answer questions? Please state your name and address?

Dale Sights: Dale Sights, 950 Craig Drive.

Chairman McKee: Do you, no, I'm not going to ask you to do that.

Dale Sights: I will tell the truth Mr. Chairman.

Chairman McKee: I know you will. The questions about landscaping.

Dale Sights: I don't know if you've seen the Warm Center property but the landscaping will be consistent with that. We take great pride in that and it will be consistent with that.

Taunya Eyre: Thank you.

Dale Sights: Any other questions? Thank you kindly.

Chairman McKee: Thank you Mr. Sights, any other questions or comments? The Chair will consider a motion.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY TAUNYA EYRE TO APPROVE THE SITE PLAN SUBMITTED BY THE WARM RESIDENCES II, LLP FOR THE PROPERTY LOCATED AT 1501 GARFIELD AVENUE, SUBJECT TO A BONDING AMOUNT OF \$18,015 FOR EROSION CONTROL, \$22,400 FOR ENTRY

AND SIDEWALKS FOR A TOTAL OF \$40,415 AND SUBJECT TO THE SIDEWALK EASEMENT.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next on the agenda is the **May 2015 Finance Report.**

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY MAC ARNOLD TO APPROVE THE PLANNING COMMISSION FINANCE REPORT FOR MAY 2015 AS PRESENTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next, other business review of the **July PC Meeting Comprehensive Plan Chapters,** Mr. Freese.

Curt Freese: You have before you what Theresa has done a wonderful job making a book for everyone with the chapters in the book. Since it was so big we didn't want to send it out and there is pretty much half the Comp Plan and there is no reason to give you a long detailed explanation, I was just hoping we could pass this out today and everybody could read it in the next month and we can come back in July and discuss the need for any changes or anything at all.

Chairman McKee: Do you plan on having any work sessions on it?

Curt Freese: We could, we were planning on more of an open house type session in mid-July maybe August that was going to be with the Land Use section. We're not to the Land Use section ourselves, we're almost there.

Chairman McKee: So we can expect you to invite us...

Curt Freese: Yes, you'll be invited probably in mid-July or August.

Chairman McKee: But will we be discussing this at the July meeting?

Curt Freese: These four chapters.

Chairman McKee: So we will not have a chance to chat before these four chapters come up.

Curt Freese: No, but these are, they don't have to be approved. These are almost kind of like a progress report or a rough draft, these are Population, Economic, basically the Environment and Community Service chapters. We've already done the Goals and Objectives so we're a little more than halfway done so it can all be approved at the end. We just wanted to give you what we have so far in a new format that we were looking at and if you have any concerns or questions it can be changed next month or discussed next month.

Chairman McKee: So these are more or less facts that you are presenting us to add to the Comprehensive Plan content?

Curt Freese: They are the revised chapters, completely revised. They are changed quite a bit; some of the chapters are really updating information.

Chairman McKee: Any questions about this document before we leave? Looks good enough to read. Last on the agenda is Administrative Business, do we have any?

Theresa Curtis: Brian.

Brian Bishop: I'm sorry.

Theresa Curtis: Don't you have something in administrative business?

Brian Bishop: Would you guys like to have continuing education on flood plains for the next meeting or would you like to hold off?

Chairman McKee: Everyone likes it? Does anyone not like it? Five o'clock?

Brian Bishop: Five o'clock.

Chairman McKee: Chair will entertain a motion to adjourn.

David Dixon: Excuse me, a very quick question. Would it be possible and appropriate to include these bonding amounts and the easement notations that end up as part of a motion on the

agenda? So we don't have to worry about someone not taking notes?

Claudia Wayne: Sometimes we get them before the meeting and a lot of times we don't.

David Dixon: Ok, I was just wondering.

Curt Freese: We could hand out a sheet.

Taunya Eyre: It doesn't have to be before, like if you don't have it before but like that day is that ok?

Claudia Wayne: I can type them up and give them to you.

David Dixon: If everybody thinks that would be helpful.

Curt Freese: That's the main reason we haven't done it before is because we don't usually have them like today.

Chairman McKee: Commissioner would you also like any other requirements like easements, etc. that will be delineated in a motion?

Claudia Wayne: Do you want any subject to's?

David Dixon: It might become subject to, we can decide whether to include them or not so we don't have to make such rapid notations, please.

Claudia Wayne: Ok, no problem.

Chairman McKee: Motion to adjourn?

***MOTION WAS MADE BY DAVID DIXON, SECONDED BY
TAUNYA EYRE TO ADJOURN.***

ALL IN FAVOR: AYE

OPPOSED: NONE

MEETING ENDED AT 6:35 PM