

**Henderson City-County
Planning Commission
Special Called Meeting
September 13, 2016**

The Henderson City-County Planning Commission held a special called meeting September 13, 2016 at 6:00 p.m., at the Peabody Building, 1990 Barret Blvd., Suite F. Members present: Chairman Herb McKee, Vice-Chair David Williams, Bobbie Jarrett, Dickie Johnson, Gary Gibson, David Dixon, Herb Pritchett and Attorney Tommy Joe Fridy. Mac Arnold, Kevin Richard, Rodney Thomas, Kevin Herron and Gray Hodge were absent.

Staff present: Assistant Director Claudia Wayne, Theresa Curtis and Heather Lauderdale.

(The following minutes were transcribed from an audio tape recording of the meeting on September 13, 2016. The audio tape recording is on file at the Planning Commission office and will be retained for 30 days after the minutes are approved).

MEETING BEGAN AT 6:00PM

Chairman McKee: Let's call this Special Meeting of the Henderson City County Planning Commission on September 13, 2016 to order, meeting at the Peabody Building; Madame Clerk, will you please call the roll?

Chairman McKee: Do we have a quorum?

Heather Lauderdale: We do.

Chairman McKee: We have a quorum. Have you had an opportunity to look at the **September 6, 2016 Minutes** that were sent to you via email, I believe.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY BOBBIE JARRETT TO APPROVE THE SEPTEMBER 6, 2016 PLANNING COMMISSION REGULAR MEETING MINUTES AS DISTRIBUTED.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: The chair will entertain a motion to go into **Public Hearing**.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY GARY GIBSON TO GO INTO PUBLIC HEARING.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: We are in Public Hearing. Mr. Bishop is holding the flashlight at the City Commission meeting tonight I'm told and, Mrs. Claudia is going to hold the flashlight for the Planning Commission so we can find our way.

Claudia Wayne: Before you tonight is the **Dossett and Henderson City-County Airport Division**. This is submitted by John M. & Brenda K. Dossett, Christopher & Shirley Dossett, and David & Nina Dossett for the property located in Henderson County on Trigg Turner Road (Parcel ID# 32-17.) Applicants are requesting a division of property, which is located in a Special Flood Hazard Area.

This is before you because the Flood Damage Prevention Ordinance requires that all subdivisions in a Special Flood Hazard Area come before you. Otherwise, this would have been, could have been approved in-house. The airport is purchasing that property so they can extend their runway but it's here because of the flood area that it is in. Staff does recommend approval. Mr. Hubiak is here also if you have any questions of him.

David Dixon: The current runway is extending up in right of the screen?

Claudia Wayne: Yes.

Chairman McKee: Any questions for staff, any questions period; any comments? Hearing none, the chair will entertain a motion.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY DAVID DIXON TO APPROVE THE DOSSETT AND HENDERSON CITY-COUNTY AIRPORT DIVISION AS SUBMITTED BY JOHN M. & BRENDA K. DOSSETT, CHRISTOPHER & SHIRLEY DOSSETT, AND DAVID & NINA DOSSETT FOR THE PROPERTY LOCATED IN HENDERSON COUNTY ON TRIGG TURNER ROAD (PARCEL ID# 32-17).

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be. **Rezoning #1061?**

Claudia Wayne: This is submitted by Fruit Farms, LLC & Dwight Fruit for the property located in Henderson County at 11585 US Hwy 41A (Parcel ID#41-101.2 & adjoining farm property Parcel ID#41-101), containing 11.948 acres. Applicants are requesting a zoning change from Agricultural (AG), to Single Family Residential (R-1) for 1.592 acres, and Single Family Residential (R-1) to Agricultural (AG) for 10.356 acres.

The Staff Report, the surrounding area is Ag that is around it. They're doing this, they're kind of swapping property between brothers. There's the property that, Theresa can you go to the map? This property right here and this property down here are going to be consolidated with the Ag portion of the property. Then this property right here, which is 1.592 acres, will go from Ag to R-1, and this will go from R-1 to Ag and the same here, R-1 to Ag.

The current and proposed Agricultural (AG) district allows agricultural, forestry, and related uses, including limited residential and commercial uses. Permitted uses include single family dwelling units, churches, approved home occupations, dog kennels and veterinary clinics, golf courses, oil wells and storage, greenhouses, and any agricultural use. Conditional uses include airports, cemeteries, landfills, and hospitals, retail sales of farm equipment, campgrounds, and mobile homes.

The current and proposed Residential, Single-Family district is to encourage the construction of, and the continued use of the land for single-family dwellings. To prohibit business, commercial or industrial use of the land and to prohibit any other use which would substantially interfere with the development or maintenance of single-family dwellings in the district.

The future land use map depicts this area developing as Agricultural. The Future Land Use element of the Comprehensive Plan is consistent with the proposed zoning of Ag. (Agricultural).

The Comprehensive Plan Goals and Objectives:

- Minimize road frontage developments (“piano key/flag lots”) along existing county roadways for safety and to prevent interruptions of rural view sheds.
- Preserve agricultural land, while protecting the economy and heritage of rural areas of the county. (Balancing Land Use (Item J).

The Staff finds this request is in agreement with the Comprehensive Plan for the following reasons:

- This appeal will preserve agricultural land while protecting the heritage of rural areas of the County. This appeal also will help minimize “flag lots” along existing County roadways. This appeal also allows the applicant to consolidate.
- That the existing zoning classification given to the property is inappropriate, and that the proposed zoning classification is appropriate;

Staff does recommend approval in that this request is in agreement with the Comprehensive Plan in the proposed Agriculture (10.35 acres) and Single Family Residential (1.59) acres are more appropriate than the existing zoning. Staff does recommend approval and I think we have people here if you all have any questions or I will try to answer any questions I can.

Chairman McKee: Questions for staff?

David Williams: Was this zoned R-1 when we first adopted Planning or was it requested (inaudible), do you know?

Claudia Wayne: The reason it was R-1 David is because there are houses down thru there and it was a Major Subdivision, and that made the lot where the house is, Lot #7, that’s why it was R-1, Residential-1,

and the remainder of the property was all farm, Ag. They are swapping property but they have to rezone it in order to consolidate it to their own property.

David Williams: There are no problems?

Claudia Wayne: No.

Chairman McKee: Any other questions for staff? Would you like to hear from the applicant? Is there anyone here that would like to speak for or against this application for rezoning status? This is a County...

Claudia Wayne: Yes, yes.

Chairman McKee: We're recommending approval to Fiscal Court?

Claudia Wayne: Yes.

Chairman McKee: Would anyone like to speak for or against? Hearing and seeing none, the chair will entertain a motion.

MOTION WAS MADE BY HERB PRITCHETT, SECONDED BY DICKIE JOHNSON TO RECOMMEND THAT THE HENDERSON COUNTY FISCAL COURT APPROVE REZONING #1061, AND THAT, ALL THREE PAGES OF THE STAFF REPORT (ATTACHMENT #A) BE INCLUDED AS THE FINDINGS OF FACT.

Chairman McKee: You're recommending the Staff's Report be included as part of the findings of fact Mr. Pritchett?

Herb Pritchett: Yes.

Chairman McKee: And you are seconding Mr. Johnson?

Dickie Johnson: Yes.

Chairman McKee: Any additional findings of fact you would like to add, anybody would like to add? Hearing none, we have a motion and a second, Madame Clerk would you please call the roll?

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So mote it be. The chair will entertain a motion to **go out of public hearing.**

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY GARY GIBSON TO GO OUT OF PUBLIC HEARING.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Mrs. Claudia, you're on.

Claudia Wayne: Ok. This is **HENDERSON FAST PACE URGENT CARE SITE PLAN** - Submitted by Palm Development for the property located in the City of Henderson between 2236 & 2452 US Hwy 41 North. Applicants are requesting Site Plan approval for an Urgent Care Facility.

The site plan is submitted by Palm Development, they're proposing a 3600 square foot medical clinic. We do have all approvals from the local utilities, but we do have a Site Plan that will be subject-to the Preliminary Plat, a copy of the State Encroachment Permit for the entrance off of 41, note on the Site Plan; page C-2 that the 12 foot public utility easement is being extinguished at this time by the Audubon Village Lot 1-A Plat, and bonding for erosion control and entrances.

They have put the note on C-2 of the Site Plan before the meeting so, that was done. They are here if you have any questions. We do have a, they gave us a 10 (ten) foot sidewalk easement that's on the plans for if the State ever wants to come through and put in a sidewalk because, at this time the State does not want any sidewalks along 41 because they could expand. So they have requested a sidewalk waiver that is with the Preliminary Plat that I have also. But they have, on this one and the Preliminary Plat giving us a 10 (ten) foot sidewalk easement along 41. They are extinguishing the 12 (twelve) foot Public Utility easement that goes down, right down that line and then over and all utilities were good with that. They are also doing an ingress/egress easement into the back of the property because there is, if you're familiar with where we're at, there's an entrance that goes into Audubon Village from this property and they have an easement that goes all the way through so they will be able to come off of it also into the back of the property, and they will have two (2) entrances.

If you have any questions, they're here and, I will try to answer anything that I can at this time.

David Dixon: The State has not yet approved the entrance onto 41 North?

Claudia Wayne: No sir, we do not have the State Encroachment Permit.

Chairman McKee: So that's subject-to?

Claudia Wayne: Yes. I do have a sheet that I put on there for you all for the subject-to's.

Chairman McKee: Based on your report, does the Staff recommend?

Claudia Wayne: Yes, the staff does recommend approval.

MOTION WAS MADE BY DAVID DIXON, SECONDED BY HERB PRITCHETT TO APPROVE HENDERSON FAST PACE URGENT CARE SITE PLAN SUBMITTED BY PALM DEVELOPMENT FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON BETWEEN 2236 & 2452 US HWY 41 NORTH. SUBJECT TO PRELIMINARY PLAT APPROVAL, A COPY OF THE STATE ENCROACHMENT PERMIT FOR ENTRANCE, A NOTE ON THE SITE PLAN C-2 THAT THE 12 FOOT PUBLIC UTILITY EASEMENT IS BEING EXTINGUISHED BY AUDUBON VILLAGE LOT 1-A PLAT, AND BONDING FOR EROSION CONTROL AND ENTRANCE.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: Next.

Claudia Wayne: **AUDUBON VILLAGE LOT 1-A PRELIMINARY PLAT** – Submitted by Audubon Village, LLC and Palm Development for the property located in the City of Henderson at 2241 US Hwy 41 North, containing approximately 0.57 acres. Applicants are requesting Preliminary approval.

This is not an existing lot of record, it was part of Lot 1 Audubon Village and this is being surveyed off of this Preliminary Plat, and that is where they are going to locate their business.

There is a 10 (ten) foot sidewalk easement that is on your plat along 41, and they have also submitted, and I will read into the record the sidewalk waiver. Since the surrounding properties have no sidewalks and sidewalks along the frontage of the property are not allowed

access to other facilities in the area, we respectfully request as waiver of sidewalks as shown in the Subdivision Regulations, and that's from Adam Ledsinger; and by this plat we are extinguishing the easement that goes down through here and across also on this plat.

The utilities were all good with it, we will need a motion if this is approved for the sidewalk waiver, and the Preliminary Audubon Village Lot 1-A, and staff does recommend approval.

Chairman McKee: Did you say there is a sidewalk easement?

Claudia Wayne: Yes, there's a ten (10) foot...

Chairman McKee: Ten (10) foot, ok, thank you.

Claudia Wayne: It's showing right through there.

Chairman McKee: I just missed it, thank you.

Claudia Wayne: You're welcome. This is the note where they are extinguishing the easement on this side and down through there.

David Dixon: This is the same parcel we just...

Claudia Wayne: Yes, the same parcel you just looked at except you saw the Site Plan and this is the Preliminary. The final plat will be approved in-house if you all approve the Preliminary Plat.

Chairman McKee: Suggestion if you so wish, include your sidewalk waiver in your motion.

Claudia Wayne: Yes sir.

David Dixon: The previous matter that we just voted on, did that not include a sidewalk, some type of sidewalk easement as part of that?

Claudia Wayne: Yes, it was on that Site Plan also, the ten (10) foot sidewalk; it's showing, it has to be on the Preliminary Plat but it's also showing on the Site Plan.

David Dixon: Ok, now we're taking it off?

Claudia Wayne: No. I'm just telling you the ten (10) foot sidewalk easement is on here also.

David Dixon: Ok, that's it.

Claudia Wayne: What we're taking off is the twelve (12) foot Public Utility Easement that goes down through here...

David Dixon: Oh, not on the front?

Claudia Wayne: No sir.

David Dixon: Two (2) different sides of the property.

Claudia Wayne: Maybe I didn't express that well.

Dickie Johnson: They're asking for a sidewalk waiver to keep from putting one in...

Claudia Wayne: Yes.

David Dixon: There's not one running down the side of the lot.

Claudia Wayne: No because that's Kentucky Fried Chicken right next to it.

David Dixon: But there might be a possibility, at some future point, that the State would want one on the front of the lot...

Claudia Wayne: Yes.

David Dixon: And that is allowed.

Claudia Wayne: Yes sir.

Chairman McKee: Any other questions? Do you need help structuring the motion? If not, at the time the chair will entertain a motion.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY DAVID DIXON TO APPROVE THE AUDUBON VILLAGE LOT 1A PRELIMINARY PLAT SUBMITTED BY AUDUBON VILLAGE, LLC., AND PALM DEVELOPMENT FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON AT 2241 US HWY 41 NORTH, CONTAINING APPROXIMATELY 0.57 ACRES; INCLUDING THE SIDEWALK WAIVER.

ALL IN FAVOR: AYE

OPPOSED: NONE

Chairman McKee: So move it be. Is there any Administrative Business?

Claudia Wayne: No sir.

Chairman McKee: Any other business?

Claudia Wayne: No sir.

Chairman McKee: Would anyone like to adjourn?

MOTION WAS MADE BY DAVID DIXON, SECONDED BY DICKIE JOHNSON TO ADJOURN.

ALL IN FAVOR: AYE

OPPOSED: NONE

MEETING ADJOURNED AT 6:25 PM

CERTIFICATE

I, HEATHER LAUDERDALE, hereby certify that the foregoing is a true and accurate transcription of the Henderson City-County Planning Commission Special Called Meeting of, September 13, 2016, to the best of my ability.

Heather Lauderdale, Secretary Senior/Address Technician

ATTACHMENT “A”



STAFF REPORT - REZONING #1061

DATE: **09/13/2016 SPECIAL CALLED MEETING**

GENERAL INFORMATION

| | | |
|----------------------|---|--|
| Applicant: | Terry & Dwight Fruit DBA Fruit Farms, LLC | <u>Infrastructure</u> |
| Site Location: | 11585 us Hwy 41A | Water: HCWD 10" |
| PID# | #41-101 & #41-101.2 | Sewer: Septic is on-site |
| Applicant's Request: | Rezone in order to consolidate properties. | Flood and Drainage: Not within floodplain. |
| City/County limits: | County | |
| Current Zoning: | Agricultural (Ag) & Single Family Residential (R-1) | |
| Proposed Zoning: | Agricultural (Ag) & Single Family Residential (R-1) | |
| Size (in acres): | 10.35 Acres (Ag), 1.52 Acres (R-1) | |

ZONING DISTRICT INFORMATION

| | <u>Current (Ag & R-1)</u> | <u>Proposed District (Ag & R-1)</u> |
|------------------|-------------------------------|---|
| Min. Lot Size | 1.0 Acre | 1.0 Acre |
| Min. Lot Width | 100 ft. | 100 ft. |
| Front Setback | 25 feet | 25 feet |
| Side Setback | 10 feet | 10 feet |
| Rear Setback | 25 feet | 25 feet |
| Building Height: | N/A & 30 feet | N/A & 30 feet |

SURROUNDING ZONING, LAND USE AND REQUIRED BUFFERS

| <u>Adjacent Zoning / Adjacent Land Uses</u> | <u>Setbacks for Adjacent Zoning</u> | <u>Buffer required if rezoned</u> |
|---|---|-----------------------------------|
| North: Ag | Front: 25 ft. Side: 10 ft. Rear: 25 ft. | |
| South: Ag | Front: 25 ft. Side: 10 ft. Rear: 25 ft. | |
| East: Ag | Front: 25 ft. Side: 10 ft. Rear: 25 ft. | |
| West: Ag | Front: 25 ft. Side: 10 ft. Rear: 25 ft. | |

PROPOSAL

The applicant is requesting a zoning change for 10.35 acres from Single Family Residential (R-1) to Agricultural (AG) and 1.52 acres from Agricultural (AG) to Single Family Residential (R-1) in order to consolidate.



STAFF REPORT - REZONING #1061

Planning the Future

ZONING

The current and proposed Agricultural (AG) district allows agricultural, forestry, and related uses, including limited residential and commercial uses. Permitted uses include single family dwelling units, churches, approved home occupations, dog kennels and veterinary clinics, golf courses, oil wells and storage, greenhouses, and any agricultural use. Conditional uses include airports, cemeteries, landfills, and hospitals, retail sales of farm equipment, campgrounds, and mobile homes.

The current and proposed Residential, Single-Family district is to encourage the construction of, and the continued use of the land for single-family dwellings. To prohibit business, commercial or industrial use of the land and to prohibit any other use which would substantially interfere with the development or maintenance of single-family dwellings in the district.

FUTURE LAND USE

Future Land Use:

The future land use map depicts this area developing as Agricultural. The Future Land Use element of the Comprehensive Plan is consistent with the proposed zoning of Ag. (Agricultural).

Comprehensive Plan Goals and Objectives:

- Minimize road frontage developments (“piano key/flag lots”) along existing county roadways for safety and to prevent interruptions of rural view sheds.
- Preserve agricultural land, while protecting the economy and heritage of rural areas of the county. (Balancing Land Use (Item J)).

STAFF FINDINGS ON COMPREHENSIVE PLAN

Staff finds this request is in agreement with the Comprehensive Plan for the following reasons:

- This appeal will preserve agricultural land while protecting the heritage of rural areas of the County. This appeal also will help minimize “flag lots” along existing County roadways. This appeal also allows the applicant to consolidate



STAFF REPORT - REZONING #1061

IN THE ABSENCE OF FINDINGS THAT THE PROJECT IS IN AGREEMENT WITH THE COMPREHENSIVE PLAN.

- A. That the existing zoning classification given to the property is inappropriate, and that the proposed zoning classification is appropriate;

Staff finds that the zoning classification given to the property was inappropriate for the following reasons.

✓ N/A

- B. That there have been changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of the area.

Staff finds that major changes have occurred to alter the basic character of the area to support this request:

✓ N/A

STAFF RECOMMENDATION

Staff recommends approval. This request is in agreement with the Comprehensive Plan and the proposed Agricultural (10.35 acres) and Single Family Residential (1.59) acres are more appropriate than the existing zoning.

Reminder: When making a motion for or against a map amendment, please provide clear findings in support of the proposed motion utilizing either the Comprehensive Plan/Future Land Use, or clear findings in support of Factors 1 or 2 (or both) of KRS 100.213/Section 7.05.

Date Advertised: 8/30/16

Date Posted: 8/30/16