

Henderson City-County  
Planning Commission  
July 7, 2015

The Henderson City-County Planning Commission held their regular meeting July 7, 2015 at 6:15 p.m., at the Henderson Municipal Center, 222 First Street, 3rd floor assembly room. Members present: Chairman Herb McKee, Vice-Chair David Williams, Bobbie Jarrett, Mac Arnold, Gary Gibson, Dickie Johnson, Kevin Richard, Rodney Thomas, David Dixon, Taunya Eyre, Kevin Herron and Penny Hahn.

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

*(A summary of the minutes from the meeting on July 7, 2015. A recorded audio tape is on file at the Planning Commission Office)*

**MEETING BEGAN AT 6:15PM**

Chairman McKee: Have you had an opportunity to review the **minutes of the June 2, 2015 meeting?**

***MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY MAC ARNOLD TO APPROVE THE JUNE 2, 2015 MINUTES AS DISTRIBUTED.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Next on the agenda is **New Lot #1 of the John T. Utley Subdivision.** Claudia, are you going to lead the conversation?

Claudia Wayne: Yes, this was submitted by John & Annette Utley and Jeffrey & Stephanie Burke for the property located in Henderson County

on Utley-Utley Road (PID#14-56). Applicants are requesting approval of a minor subdivision located in the Special Flood Hazard area.

This is before you because our Flood Prevention Ordinance requires it to be. It's in a special flood hazard area there is only a very little portion of the consolidation that is in the flood area. It does not affect where the house is or anything like that but it still has to come to you all for approval.

Chairman McKee: Any questions of staff, any questions of anyone? Would anyone like to speak for or against this application? Seeing none, the Chair will entertain a motion.

***MOTION WAS MADE BY RODNEY THOMAS, SECONDED BY DAVID DIXON TO APPROVE NEW LOT #1 OF THE JOHN T. UTLEY SUBDIVISION.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Next on the agenda we have **Re-Zoning #1050**, Mr. Bishop are you going to lead this discussion?

Brian Bishop: Yes sir. Rezoning #1050 was submitted by Henderson County Riverport Authority for the property located in Henderson County at 2055 Hwy 136 West (PID# 39-1-25), containing 6.042 acres. Applicants are requesting a zoning change from Agricultural (AG) to Heavy Industrial District (M-2).

The reason they are submitting this rezoning application is so they can consolidate 6.042 acres to the larger tract that they already own and the reason why this is necessary is because the Riverport Authority bought all of these parcels from the Abbott family. The matriarch of the Abbott

family lived on this property and she had a living trust, basically she could live there until she passed away. She has passed away and the residence has been demolished so now they are ready to consolidate this into the larger tract so they can make it more marketable to any potential investor or any applicant that would want to come in and develop this site.

Any applicant or any industry that would come to locate there would still have to come in front of the Planning Commission with a Site Plan and also we request that this be subject to a consolidation plat and we recommend approval.

Chairman McKee: Questions for staff, questions of any kind? Would anyone like to speak for or against? Hearing none, the Chair will entertain a motion.

***MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY GARY GIBSON TO APPROVE REZONING #1050 AS SUBMITTED BY HENDERSON COUNTY RIVERPORT AUTHORITY FOR THE PROPERTY LOCATED IN HENDERSON COUNTY AT 2055 HWY 136 WEST (PID# 39-1-25), CONTAINING 6.042 ACRES. APPLICANTS REQUESTED A ZONING CHANGE FROM AGRICULTURAL (AG) TO HEAVY INDUSTRIAL DISTRICT (M-2) SUBJECT TO A CONSOLIDATION PLAT AND BEING IT WOULD HELP DEVELOP AN ECONOMIC STRATEGY FOR THIS AREA RETAINING EXISTING OR INCREASE THE POTENTIAL FOR NEW INDUSTRY IN THIS AREA, THE FUTURE LAND USE MAP DEPICTS THIS AREA BEING DEVELOPING AS HEAVY INDUSTRIAL, BEING IN AGREEMENT WITH THE COMPREHENSIVE PLAN GOALS AND OBJECTIVES FOR LAND USE AND THE AREA HAS DEVELOPED IN AN INDUSTRIAL NATURE AND THE PROPOSED M-2 ZONING WOULD ALLOW MORE APPROPRIATE USES AND ALLOW THE APPLICANT TO DEVELOP THE SITE FOR MORE INDUSTRIAL PROSPECTS.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Next on the agenda is the, by the way, if there is no objection that rezoning goes into effect within 21 days of this meeting date?

Brian Bishop: Correct.

Tommy Jo Fridy: There are two time frames, Brian is absolutely correct that it can be appealed to Fiscal Court, appeal is not the correct technical word but it makes more sense than the technical word but any interested party could appeal it to Circuit Court within thirty days, so you have two time periods running there.

Chairman McKee: Next on the agenda is the **adoption to the Henderson City-County Comprehensive Plan following chapters,** Mr. Bishop are you going to lead this discussion?

Brian Bishop: Yes. Before I begin I would like to introduce a guest we have in the audience, Mrs. Amy Williams from TSW Design Group is with us and is here to answer questions that you may have. She is the consultant that has been working with us on the Comprehensive Plan and completed the Vision Plan for the City of Henderson so she is also available for questions.

Chairman McKee: Welcome Amy, glad you're here.

Brian Bishop: At this time, we are requesting you approve Chapters Two, Three, Four and Five of the Comprehensive Plan. Chapter Two and Three is the growing the economy section and this basically includes population and economic data and the related demographics. Chapter

Four is protecting natural systems which will consist of the environment, flood plain, surface mining and agricultural. Chapter Five is improving the community services which includes parks, recreation, infrastructure and government. You may remember we had a work session over this on June 25 at that time many of the members were at the Planning Commission office to review. At this time, we are asking that this be approved so we can forward this to the Fiscal Court, City Commission and City of Corydon for approval.

Chairman McKee: One of the important, I think, communications about the Comprehensive Plan is that you don't have to wait five years to re-do it you can reconsider any portion of it if you feel the need, as a full body, and amend or adopt a complete new plan at will.

Brian Bishop: Correct, it is not set in stone. It can be approved and changed by the Planning Commission at your will.

Chairman McKee: Any questions about those chapters?

David Dixon: We will be recommending this for adoption?

Brian Bishop: Yes, you're recommending this be approved and be forwarded to the City Commission, the Fiscal Court and the City of Corydon.

Chairman McKee: When you forward this, you and some of the staff will go to answer questions?

Brian Bishop: Yes, we will go and give a brief description and answer any questions that they have.

Chairman McKee: Questions of staff, questions of Amy? She is just dying to answer some questions. Is there anyone wishing to speak for or

against the adoption for the Comprehensive Plan? Seeing none and no questions, the Chair will recommend a motion.

***MOTION WAS MADE BY DAVID DIXON, SECONDED BY TAUNYA EYRE TO RECOMMEND ADOPTION OF CHAPTERS TWO, THREE, FOUR AND FIVE OF THE HENDERSON CITY-COUNTY COMPREHENSIVE PLAN INCLUDING POPULATION DATA & DEMOGRAPHICS, ECONOMIC DATA & DEMOGRAPHICS, PROTECTING NATURAL SYSTEMS AND IMPROVING COMMUNITY SERVICES.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: We need a motion to go out of public hearing.

***MOTION WAS MADE BY TAUNYA EYRE, SECONDED BY KEVIN RICHARD TO CLOSE THE PUBLIC HEARING.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: First on the non-public items is **Colonial Senior Living Site Plan**, Mr. Bishop are you going to lead that discussion?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: Colonial Senior Living Site Plan is submitted by Jimmy Blair, Agent for Colonial Senior Living for the property located in the City of Henderson at 6521 Adams Lane, applicants are requesting site plan approval.

You may remember that this site came before the Planning Commission at the May meeting and they had a conceptual plan at that time, this site plan is going to be for Phase I of that conceptual drawing. There are a couple of changes I would like to make you aware of. The first and most notable is the driveway entrance, the State has requested they use the standard commercial entrance and they do not think that a turning lane is warranted. So at this time the State would like to see a standard commercial entrance and Doug is here and can provide further details to that if you have any questions.

The second change you will notice is that this crosshatched area is going to be Phase II and this portion of the sidewalk will be built when Phase II is complete. The reason for that is that the applicant and their engineers believe this would be a drainage problem for this portion because the water is designed to slope away and they also believe this could become damaged during the construction of Phase II.

We met and we discussed the merits of this at LDC and all the technical advisors were on board with these changes and have signed off on the plans. The only request that we have is that this site plan be subject to a State Encroachment Permit, NOI which is a notice of intent that covers the storm water pollution prevention plan, we request the bonding for the entrance at \$11,220, the bond for the sewer, storm and erosion control at \$93,956 making the total amount of bonding \$105,176. I will do my best to answer any questions you have at this time.

Claudia Wayne: You all have this sheet in front of you, the subject to's.

Chairman McKee: Questions of staff?

Kevin Richard: I don't know if this is a question for you or the representative of Colonial but it's kind of implied by the sidewalks but is the future Phase II separate buildings and not extensions to Phase I?

Brian Bishop: It is my understanding is they will be additions to the Phase I portion of the building.

David Dixon: There was some discussion last time about traffic and this treacherous road and now I understand the State says a turning lane isn't necessary?

Brian Bishop: We have an email from the State I will read and hopefully it will help you all better understand. This is from Kenny Potts from the Kentucky Transportation addressed to Doug Boom, City Engineer:

*“We did speed studies on Ky. Hwy 2099 to see if we could possible lower the speed limit in this area. Based on results of the studies, we do not recommend any reduction of the existing speed limit. The eighty-fifth percentile speed, on which we base limits, is approximately fifty-three miles per hour for this area. We will again review this location after the facility is open and at that time we will do new speed studies. If we can't lower the speed limit at that time we can install Congested Area signs for advisory speeds in the area.*

*We do not use entrance tapers anymore, if the developer would like to install auxiliary turn lanes as part of their permit they can but we do not see where they are warranted.”*

*Kenny Potts, P.E.*

*District 2, Kentucky Transportation*

Chairman McKee: Any questions of staff? Would the developer like to speak?

Taunya Eyre: I have questions for the developer.



Chairman McKee: Would the developer or whomever is going to speak or answer questions please come to the podium? We don't need to swear you in in this meeting I don't think, would you like to swear?

Dennis Branson: I do.

Taunya Eyre: I apologize I was not at the May meeting. What exactly is this facility? Is it strictly assisted living? What the population is going to be?

Dennis Branson: It's strictly assisted living, right Jimmy?

Chairman McKee: If you would like to speak on the record, you will have to come to the podium please.

James Blair: (James Blair, 1006 Country Club Drive, Henderson, Ky.)  
The first phase, what you're looking at, is strictly assisted living no skilled care, no personal care, no nursing home or immediate care nursing home.

Taunya Eyre: Is that like the facility you have now on Garden...

James Blair: Correct, Colonial right now. As we phase out, the correct answer was given, the wings will be attached they are just additions to this building. That will be Phase II; Phase III will be independent living apartments.

Taunya Eyre: This little pond pool, is that an actual pond?

James Blair: Yes.

Taunya Eyre: Here are my concerns. You have someone in assisted living that may or may not have a little dementia, gets out and gets confused. I don't see anything that is enclosing this in.

James Blair: We will be doing fencing around the pond, that's a project we're going to have someone come in and do around the pond area. We actually have to clean it out, clean trees and everything out.

Taunya Eyre: There are no sidewalks, obviously on Adams Lane so if they, is there going to be any type of enclosure in the building area itself where they have to go thru certain exits to leave.

James Blair: To get off the grounds of the building?

Taunya Eyre: Yes.

James Blair: No. The only reason I say that is if you look at our current building now, you have to go out the doors which lets our resident assistants know that there is someone opening the doors at any point in time. As far as leaving the grounds, Office of Aging in the State of Kentucky we're not a locked facility people can come and go as they please, drive or whatever.

Taunya Eyre: But there are alarms on the door, ok.

James Blair: Well, let me clarify that, if you open a door when you come into our facility now you will not hear an alarm go off, our resident assistants carry pagers, it will say front door entrance open or so and so's patio door is open, that type of alarm.

Taunya Eyre: Ok, I for whatever reason had it in my head that it was on the other side of Adams, the Zion Road side.

Brian Bishop: Mr. Blair would you mind telling the Commission how many units will be in each phase?

James Blair: Sure, right now we're up to fifty-one units in first phase, the second phase will add on to a total of one hundred apartments and

the third phase we're looking at right around sixty individual units made up of duplexes around the outside for independent living.

Taunya Eyre: Ok, just as long as you're putting something around that pond.

James Blair: Yes, we will have something around that pond. Actually, if nothing else, just to make it look nice. We want it to be useable to be very honest, if we have a pond we would like to be able to fish in it and do stuff like that.

Taunya Eyre: Right, but you don't want someone falling in especially an older person.

Kevin Richard: One other question, Phase III that is not on this plat, would that be fed from these two entrances as shown or would there be a request at some point...

James Blair: There will be another request at some point in time for another entrance.

Brain Bishop: Kevin, Phase II and Phase III will also come back before the Planning Commission.

David Dixon: Is there a Phase IV, is there other development plans up here closer to Airline?

James Blair: We don't have it right now, I don't know if I'll live to see it but I'd like to, I might be living in it.

David Dixon: Much of this sight for the foreseeable future will remain Agricultural?

James Blair: The bottom side below the pond right now is being farmed right now and they have agreed to continue doing that.

David Dixon: There is a mobile home at the end of this lane...

James Blair: That will end up having to go away just for dirt reasons. We have talked to the tenant...

Chairman McKee: Any other questions for Mr. Blair? Thank you sir, I appreciate you. Anyone else like to speak, any questions for anybody? Hearing none, the Chair will entertain a motion.

***MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY DICKIE JOHNSON TO APPROVE COLONIAL SENIOR LIVING SITE PLAN AS SUBMITTED BY AGENT JIMMY BLAIR FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON AT 6521 ADAMS LANE. SUBJECT TO A STATE ENCROACHMENT PERMIT; COPY OF NOTICE OF INTENT; BONDING FOR ENTRANCE AT \$11,220; SEWER, STORM AND EROSION CONTROL AT \$93,956.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Next on the agenda is the Bond Report.

Claudia Wayne: Braxton Park, Sections 2 & 2A which is owned by H. Properties which is John Hodge, there is \$6,025 cash escrow and the recommendation is to extend it for one year and leave the amount the same.

***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY TAUNYA EYRE TO ACCEPT THE BOND REPORT.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

Chairman McKee: Is there other business to come before this body tonight, any administrative business? I think it is appropriate we congratulate our Interim Director and Interim Assistant Director Brian Bishop and Claudia Wayne. We will be watching you. I need a motion to adjourn.

***MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY KEVIN RICHARD TO ADJOURN.***

***ALL IN FAVOR: AYE***

***OPPOSED: NONE***

***MEETING ADJOURNED AT 6:15PM.***