

Henderson City-County  
Planning Commission  
May 7, 2019

The Henderson City-County Planning Commission held a meeting May 7, 2019 at 6:00 p.m., at the Henderson Municipal Center, 222 First Street, 3rd floor assembly room. Members present: Chairman Herb McKee, David Williams, Dickie Johnson, David Dixon, Gary Gibson, Bobbie Jarrett, Kevin Richard, Gray Hodge, Rodney Thomas, Doug Bell, Mac Arnold and Attorney Tommy Joe Fridy. Kevin Herron was absent. Staff present: Director Brian Bishop, Claudia Wayne, Theresa Curtis, Heather Lauderdale and Chris Raymer.

Chairman McKee: Let's call this May 7, 2019 meeting of the Henderson City-County Planning Commission to order.

Madame Clerk, will you please call the roll?

We have a quorum. The Chair will entertain a motion to go into **Public Hearing**.

***MOTION WAS MADE BY MAC ARNOLD AND SECONDED BY GARY GIBSON TO GO INTO PUBLIC HEARING.***

Chairman McKee: We have a motion a and a second. Any discussion? All in favor, signify by saying aye.

***AYE: ALL***

Chairman McKee: Any opposed?

***OPPOSED: NONE***

Chairman McKee: We are in public hearing.

The first item on the agenda is the approval of the minutes from the April 2, 2019 meeting.

***MOTION WAS MADE BY KEVIN RICHARD AND SECONDED BY RODNEY THOMAS TO APPROVE THE APRIL 2, 2019 MINUTES AS DISTRIBUTED.***

Chairman McKee: We have a motion a and a second. Any discussion? All in favor, signify by saying aye.

***ALL: AYE***

Chairman McKee: All opposed?

***OPPOSED: NONE***

Chairman McKee: The minutes are approved as presented.

Next on the agenda is the ***Division of Parcel 2, Deed Book 605 Page 225 Hackberry Development, LLC.***

Mr. Bishop, are you going to lead that conversation?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: This was submitted by Hackberry Development, LLC (owners -Dorsey Ridley, Brent Wilkerson, and Brad Hazelwood) for the property located in the City of Henderson, adjacent to River's Edge Drive (PID# 46-54.1). Applicants are requesting approval for a division of property, which is located in a Special Flood Hazard area zone.

Mr. Chairman, if you don't mind, I would like to discuss this and River's Edge Subdivision Revised Master Plan at the same time. What we will need is two (2) separate motions.

The reason why is they are discussing the same pieces of property. You may remember this because the Planning Commission approved the Master Plan for this property initially in May 2015. So, this is the property that we're currently looking at.

Chairman McKee: Does any commissioner object to the staging as Mr. Bishop described?

No objections, please proceed.

Brian Bishop: Thank you.

This is currently how the property is configured. The applicant is proposing two (2) separate lots. Lot 1 would be 5.25 acres, and Lot 2 would be 4.71 acres. This is the flood plain on the property, and this is what the applicant is proposing.

You would have Lot 2, which would have road frontage on the existing street, then you would have Lot 1 on South Main Street.

Both, currently, would be used as one (1) family residences, but Lot 2 is where we would address the River's Edge Subdivision Revised Master Plan.

Previously, you may remember that there was a proposed street and a cul-de-sac that would come to near this property line, and that would be Lots 5-25. The market has not materialized so, what the applicants would like to do is transfer ownership of Lot 1 to Mr. Hazelwood. Then the ownership of Lot 2 would stick with the corporation which we previously named.

The cul-de-sac would be considerably shorter, it would be roughly here, and there will be three (3) residential lots; that would be done as a Minor Subdivision and would come back to the Planning Commission with the related construction drawings which would show the construction of any utilities and the road.

Clear as mud so far?

I'll show you, real quick what the new Master Plan would look like since we're discussing that too.

This is what we would be looking at. Instead of the cul-de-sac extending this way, this is Lot 1 as it would be proposed, and this is Lot 2; this entire area here, this would be the cul-de-sac, and this would be the three (3) new lots.

These lots along River's Edge, and these lots along Hackberry are already platted lots of record, this would not impact those at all.

Chairman McKee: Questions for Mr. Bishop?

Gray Hodge: Do we have the proposed Master Plan?

Brian Bishop: We do, that is what we were just looking at.

This is the new Master Plan. These lots are existing with the existing street. This is Lot 2 of the proposed subdivision, and this is Lot 1 of the proposed subdivision.

Gray Hodge: Oh, ok. That's not showing on this plat.

Brian Bishop: That is the subdivision, yes. The Master Plan is not shown on that.

Gray Hodge: Do we have the Master Plan?

Brian Bishop: It is right here.

Gray Hodge: Ok.

Brian Bishop: That is this document here.

David Dixon: That's not in our...

Gray Hodge: We don't have that in our packet.

Theresa Curtis: It's in the very back, the very last page. It's the last item...

Chairman McKee: Let the record reflect Commissioner Doug Bell came in about three (3) minutes after; he's here.

Brian Bishop: Commissioner Hodge, it would look like this.

Gray Hodge: I just got the agenda.

David Dixon: So, what we're being asked to do is first divide it into two (2), correct?

Brian Bishop: The first item, #A under Public Hearing items is the Division of Parcel 2, Deed Book 605 Page 225.

Later in the meeting under Non-Public items, Staff is requesting that you approve the Revised Master Plan.

David Dixon: Which concerns Lot 2?

Brian Bishop: Correct.

David Dixon: So, first we divide it into two (2), then we take Lot 2 and divide it into three (3)?

Brian Bishop: We're not dividing Lot 2 yet; we're just giving you an idea of how Lot 2 would develop. Lot 2 would come back at a later time and be subdivided at point under a Major Subdivision.

David Dixon: Understood, thank you.

Chairman McKee: Commissioner Hodge, your notification about wishing to recuse yourself from one of these...

Gray Hodge: Yes, I should have said both.

Chairman McKee: You're going to abstain from both?

Gray Hodge: Yes.

Chairman McKee: Very good.

Any further questions for Mr. Bishop or any other members of staff?

Do you need to hear from the developer?

So, we are contemplating separate motions; one for...

Brian Bishop: Currently, you're contemplating the motion for Item A under Public Hearing items. The motion for the second item, the Master Plan will be under Non-Public hearing items.

I just thought it would be best so that we would discuss the two (2) items together because they are so closely related, and that's the same property.

Chairman McKee: Is everyone clear on that? Ok.

Any further questions or comments? Hearing none, the Chair will entertain a motion.

***MOTION WAS MADE BY DAVID DIXON AND SECONDED BY MAC ARNOLD TO APPROVE THE DIVISION OF PARCEL 2, DEED BOOK 605 PAGE 225 OF THE HACKBERRY DEVELOPMENT, LLC., AS SUBMITTED BY HACKBERRY DEVELOPMENT, LLC. (OWNERS DORSEY RIDLEY, BRENT WILKERSON, AND BRAD HAZELWOOD) FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON, ADJACENT TO RIVER'S EDGE DRIVE (PID#46-54.1). APPLICANTS ARE REQUESTING APPROVAL FOR A DIVISION OF PROEPRTY WHICH IS LOCATED IN A SPECIAL FLOOD HAZARD AREA.***

Chairman McKee: We have a motion a and a second. Any discussion? Madame Clerk, will you please call the roll?

***AYE: DAVID WILLIAMS, BOBBIE JARRETT, MAC ARNOLD, KEVIN RICHARD, DICKIE JOHNSON, GARY GIBSON, RODNEY THOMAS, DAVID DIXON, DOUG BELL.***

***ABSTAIN: GRAY HODGE.***

Chairman McKee: So mote it be.

Next on the agenda is **Tract 1 Hazex Construction Company AG Division**. Mrs. Wayne, are you going to lead that conversation?

Claudia Wayne: Yes sir.

Chairman McKee: Please proceed.

Claudia Wayne: This is submitted by Hazex Construction Company for the property located in Henderson County at 1890 Madison Street (PID# 56-49). Applicants are requesting approval for a division of property, which is located in a Special Flood Hazard area zone.

This is before you tonight because the Ag Division and property that's in the Special Flood Area have to come before the Planning Commission for approval; that is per the Subdivision Regulations.

Mr. Hazelwood is doing some estate planning, and he's dividing some property up. This tract is showing 51.02 acres, and there is an ingress/egress easement to get back to the property but it is a true Ag Division, and so staff does recommend approval for this.

Chairman McKee: Questions for staff? Were it not for in that paragraph in the Sub Reg's, you would have done it in-house, correct?

Claudia Wayne: Yes sir.

Well, Ag Divisions have to come...

Brian Bishop: It's two-fold.

Claudia Wayne: Yeah, two-fold.

Brian Bishop: This one still would have come back because it's an Ag Division.

Claudia Wayne: Yes.

Chairman McKee: Okay. The flood plain issue would have been handled in-house?

Brian Bishop: Correct.

Chairman McKee: Ok.

Any questions for staff? Any questions for anyone? Hearing none, the Chair will entertain a motion.

***MOTION WAS MADE BY RODNEY THOMAS AND SECONDED BY DICKIE JOHNSON TO APPROVE TRACT 1 HAZEX CONSTRUCTION COMPANY AG DIVISION AND CONSOLIDATION, SUBMITTED BY HAZEX CONSTRUCTION COMPANY FOR THE PROPERTY LOCATED IN HENDERSON COUNTY AT 1890 MADISON STREET (PID# 56-49). APPLICANTS ARE REQUESTING APPROVAL FOR A DIVISION OF PROPERTY, WHICH IS LOCATED IN A SPECIAL FLOOD HAZARD AREA ZONE.***

Chairman McKee: We have a motion and a second, any discussion?

Madame Clerk, will you please call the roll?

***ALL: AYE***

***OPPOSED: NONE***

Chairman McKee: So mote it be.

Next on the agenda, **Proposed Amendments to the City of Henderson Appendix A-Zoning Ordinance, Article XXVI, Flood-Prone Areas; Section 26.02 Boundaries**. Mr. Bishop, are you going to lead that one?

Brian Bishop: This request was originated by the Board of Commissioners at their March 26, 2019 meeting. This is a fairly simple update. We have painted ourselves into a corner to a degree here. If you'll notice in the current language, we specifically address the 2013 Flood Maps and the study number, here; which is all well and good because that was the most up to date map at the time. The problem is that map, rightfully so in this case, get updated, and we currently have updated the map since this, which would reflect the Canoe Creek cleaning project.

So, what staff and City representatives propose is the language you see in red;

*“The boundaries of flood-prone areas shall be established to include those areas identified by the Federal Emergency Management Agency as per the Flood Insurance Study effective February 20, 2013 with accompanying Flood Insurance Rate Maps (FIRM), other supporting data and any subsequent amendments thereto, are hereby adopted by reference and declared to be a part of these regulations by the City of Henderson, Kentucky, and for those land areas required by the City of Henderson, Kentucky through annexation. This shall apply to all lands.”*

So, our intent there was to add the language so that as new maps are adopted and they are adopted by FEMA and given to us, they are adopted automatically. So that way we don't have to come back and change this language every, single time we get a new flood map.

Because I believe that City staff and County staff have been really good about keeping the Flood Maps updated because they were static for so long. So, we hope that this is something that will be a continuing process.

Chairman McKee: Questions for staff?

Hearing none, would anyone like to comment either for or against this amendment?

Hearing none, the Chair will entertain a motion.

***MOTION WAS MADE BY BOBBIE JARRETT AND SECONDED BY GARY GIBSON TO APPROVE THE PROPOSED AMENDMENTS TO THE CITY OF HENDERSON, APPENDIX A-ZONING ORDINANCE, ARTICLE XXVI, FLOOD PRONE AREAS; SECTION 26.02-BOUNDARIES.***

Chairman McKee: A motion and a second, any discussion?

All in favor, signify by saying aye.

***ALL: AYE***

Chairman McKee: Any opposed?

***OPPOSED: NONE***

Chairman McKee: Does this amount to a recommendation to the City?

Brian Bishop: Yes sir.

Chairman McKee: Ok, thank you so much.

Next on the agenda is **Rezoning #1093 with Development Plan**, submitted by Greg Nunley. Mr. Bishop, are you going to lead that conversation?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: This is submitted by Greg Nunley, as the Chairman said, for the property located in Henderson County at 3930 and 3970 US Hwy 41 A (PID#46-122), containing approximately 2.80 acres (the “subject property”). Applicant is requesting a zoning change/Map Amendment from Agricultural (AG) to Highway Commercial (H-C) with a Graphic Development Plan, and proposing to subdivide the subject property into two parcels to operate a church on one parcel and an automobile towing business with outdoor storage of vehicles on the other parcel. This will also require a Conditional Use Permit from the County Board of Adjustments.

This is currently how the property looks. This is all zoned Agricultural. We currently have three (3) lots. This is the current building that was built in 1951, it’s had several commercial uses over the decades. I believe it has currently been used as a church and an auction house.

The problem is when you want to have the towing/recovery business, it's not allowed in the Ag zone. So, Mr. Tasa has determined that the Highway Commercial and Conditional Use is the best fit for this which is how we got to this point.

So, the applicant is proposing to re-configure three (3) lots into two (2). So, you would have Lot 2 which is roughly 1.3 acres, and then Lot 1 which is roughly 1.5 acres.

This is the existing building that was built in 1951, this would house the church. This would be the area that would house the vehicles that are being stored. You would have proposed gravel, and then fencing that would act as screening, and then all drainage would be filtered through a berm in a grassy area and it would be directed to Canoe Creek.

The County Engineer believes it is best to get this water treated and to the creek as fast as possible so, he has not requested there be storm water detention on this.

With that, I'll do my best to answer any questions you may have.

David Dixon: What are the surrounding zones?

Brian Bishop: The surrounding zones are agricultural to the north, agricultural to the west, and this is agricultural as well but it has a one-family residence if I'm not mistaken. This is currently light industrial, and is used for storage units; personal storage. This is light industrial as well, and is used to house temporary toilet facilities.

Which, if you'll notice in the aerial photograph, these are the units there. This is the residence, and then this is the personal storage units.

Staff requests this be subject-to a Conditional Use Permit from the Board of Zoning Adjustment, bonding for screening, and the plat be approved by the Planning Commission staff.

Gray Hodge: What's the advantage to getting the run-off off the property as soon as possible versus retaining it?

Brian Bishop: Mr. Hubiak's opinion is that he doesn't want the water stored, he wants it to the creek and out as fast as possible.

David Williams: Is Mr. Hubiak here?

Chairman McKee: Mr. Hubiak, would you please raise your right hand? Do you swear to tell the truth, the whole truth, and nothing but the truth so help you?

William A. Hubiak: I do.

Chairman McKee: Please state your name and the address where you live.

William A. Hubiak: Henderson County Engineer.

Chairman McKee: And the address where you live.

William A. Hubiak: 4079 Shady Hollow Drive, Henderson.

Chairman McKee: Thank you sir, please proceed.

David Williams: Mr. Hubiak, can you tell us why you want no on-site storage of the water?

William A. Hubiak: Canoe Creek, as you well know, floods immensely within the city. When you're adjacent to the creek or adjacent to a body of water, we have been in the past, always, to discharge the water as quickly as possible to get it out so it doesn't cause back up in the subdivisions or any other areas along the creek.

This has been policy in the county since I've been the County Engineer.

David Williams: Do you think there will be sufficient filtration going across this lot to clean the materials coming off these cars?

William A. Hubiak: We will put some kind of berms in there with grass should the toxins leak off and do anything like that to limit the pollution, run-off of the sediments. The area is already graveled and has been used

for parking for the church and everything else without any kind of berm or anything at all up to this point.

David Williams: So, the overall use really isn't going to change except the cars may be more permanent rather than temporary parking, right?

The location of the cars may be more permanent now rather than just temporary parking for church services...

William A. Hubiak: I understand, it's still the same thing.

Gravel is not like concrete, ok? So, whatever's been parked there for a long time, as they've been using this thing over the years has already leached in the ground. So, with the storage of the vehicles our point is that we don't want to impound any water because that could contain materials but with the berm, and the right approach on the type of vegetation and screening will take care of the pollutants. We don't want suspended solids but we want to get rid of the water as quickly as possible.

David Williams: Will this require active maintenance on the part of the owner? Will the Codes Enforcement need to make sure that the property is properly maintained for this to work?

William A. Hubiak: Yes, we will maintain the erosion control and the sediment control on the MS4 regulations.

David Williams: Thank you.

Chairman McKee: Any other questions for Mr. Hubiak?

Gray Hodge: Just getting the drainage to work the way you want it to doesn't require any site work?

William A. Hubiak: Excuse me?

Gray Hodge: Will it require any site work to get the water to drain where you want it to through the berm...

William A. Hubiak: Everything slopes to that side already, to the creek. Can you pull up GIS, show the topo?

As you can see from the photography here, right there, the area drains off to the creek into the back.

Gray Hodge: Ok, so nothing is changing on the drainage.

William A. Hubiak: Correct. We're going to put a berm up in the corner down here along the line toward the creek, we'll put a berm up and have them put a point of discharge where it goes through a grassy area to filter out any kind of contaminants that might be there.

Gray Hodge: So, it will require some site development?

William A. Hubiak: Yes, but not a retention basin, we're not talking about that. If you want to get rid of the water off the property during a heavy rain as quickly as possible for Canoe Creek to drain out into the Ohio and not cause any more flooding than we already have.

Gray Hodge: So, about where would your berm be?

William A. Hubiak: What?

Gray Hodge: About where would the berm be?

William A. Hubiak: It would be in the lowest spot in the back corner.

Brian Bishop: It may be hard to see, Mr. Hodge but there is a green line.

William A. Hubiak: It would be back in this side. Is that the bank right there?

Brian Bishop: That is the floodplain.

William A. Hubiak: That is the floodplain. So, nothing can be done within the floodplain but everything drains off in this direction, down this way, and back this way. So, it will be in this back corner here.

Gray Hodge: Ok.

Chairman McKee: Any other questions for Mr. Hubiak?

David Williams: Bill, will there be any active monitoring of the discharge as far as making sure that no, really bad stuff is getting to the creek?

William A. Hubiak: That will only be necessary should we have any kind of notice of violation or any kind of spillage or things to that nature.

David Williams: Will these be wrecked cars that will be stored there?

William A. Hubiak: What?

David Williams: Wrecked cars? Cars that have been significantly damaged.

William A. Hubiak: Well, yes, I'm sure; towing. I'm sure there will be ones that are involved in accidents.

David Williams: So, the cars maybe discharging more fluids than would be expected from a normal...

William A. Hubiak: It can be. You have to remember most of the time when there is an accident, the fluids that are discharged from the accident are normally right there at the scene of the accident; that's where you have the hazardous clean up. The Fire Department, you'll see them out there with their absorbent and things like that.

Chairman McKee: Any other questions for Mr. Hubiak?

Dickie Johnson: Bill, who's going to be notifying us of any kind of a hazardous spill on the property? The landowner?

William A. Hubiak: The landowner and periodically, I mean, we can go by there and check it out. We have numerous places within the county that have such things. We have Wizards Auto, and you know where that's at, and they have all kinds of salvage yard things right next to Elam Ditch; we've had some issues there. But we've had no

notification...but everybody knows that Canoe Creek is on the watchlist from the EPA.

Dickie Johnson: Ok.

Chairman McKee: Will you be around for a while Mr. Hubiak in case somebody thinks of something?

William A. Hubiak: Yes.

Chairman McKee: Thank you sir, for your testimony.

Any other questions?

David Williams: I have a question for staff. This is something that I think we've been missing on some cases, and that's requiring when something such as this berm and weird kind of situation we're talking about here, and grass filtration, we have not really written into our approval that on-going maintenance needs of these requirements. In other words, if we approved this on the basis of this filtration works now and is going to work in the future, we need to do it in a way that says, ok we're going to watch this and it will be required to be maintained properly, and shown to work (inaudible) property in the future.

Brian Bishop: I would like to answer that question with the assistance of Mr. Ferry. Is Ken here? Ken, would you mind coming to the mic?

I think you make a valid point, but I think a lot of that is done in the city behind the scenes that we depend on technical expertise. Ken, please correct me if I'm wrong but when you guys approve drainage via a site plan or rezoning with development plan, you enter into a maintenance agreement if there are things that are required to be maintained over an extended period of time.

Chairman McKee: Just a moment, Mr. Bishop.

Mr. Ferry, do you swear the statements you are about to make are the truth, the whole truth, and nothing but the truth so help you?

Ken Ferry: I do.

Chairman McKee: Will you please state your name and the address of where you live?

Ken Ferry: Ken Ferry. I reside at 5733 Greensboro Drive, Newburgh.

Brian Bishop: Now, did I get that right?

Chairman McKee: Thank you, sir.

Brian Bishop: About the maintenance agreement?

Ken Ferry: You did. For projects...

Brian Bishop: Located in the city.

Ken Ferry: ...located in the city where we have jurisdiction. We are required by the Division of Water to enter into a permanent maintenance agreement that runs with the property and it's a recorded document that any stormwater treatment system will be maintained, and as part of that agreement we reserve the right to inspect whenever we want to those facilities.

Dickie Johnson: But this facility is in the county.

Brian Bishop: It is. So, to Mr. Williams point, in this case you would like to see something separate stating there will be a maintenance agreement, similar to what the City's policy is.

David Williams: If we're going to approve this based on the fact that we'll be dealing with liquids that need to be treated, then I would like to assure people downstream from this facility that the waters in Canoe Creek will not be bearing toxins; any more than what it already is.

Chairman McKee: If I may ask for clarity, can the language of the agreement that the City enters into with the landowner be incorporated in the motion to approve or if it is so moved? Is that something that is desirable? Are you suggesting that Mr. Williams?

Ken Ferry: Technically you would need to include the County's attorney in that decision. We had to go through our attorney to get that done.

Brian Bishop: Commissioner Williams, in this scenario, would it be best...

David Williams: I don't want to hold the overall thing up but I do want some assurance, and I do think that Mr. Hodge is also kind of worried about this as well, it's an assurance that we're not making a mistake down the road here.

Brian Bishop: Would you entertain as part of a potential motion that language be added, or that staff facilitate that type of agreement between the County Engineer and the property owner to ensure that that's done?

Tommy Joe Fridy: After you finish your discussion, I have a suggestion.

David Williams: Depending on what Mr. Fridy says.

Chairman McKee: Mr. Fridy?

Tommy Joe Fridy: Consider asking the applicant when they make their presentation if they would agree to enter into an agreement with the County that is substantially similar to the one the City uses. As time goes on, you may develop your own but...

David Williams: So, we would just do it as... we do that quite often, subject to's. It's not a subject-to, would it be a...

Tommy Joe Fridy: Let's first ask if they agree. Let's wait until we get... until they make their presentation.

David Williams: Ok.

Mac Arnold: Question here. The application is to re-zone both lots?

Brian Bishop: There are currently three (3) lots...

Mac Arnold: Consolidated into two (2) lots.

Brian Bishop: Correct.

Mac Arnold: So, why wouldn't the church lot stay ag and just re-zone the tow lot?

Brian Bishop: Randy, please correct me if I'm wrong, that was determined that it would be best to re-zone everything at once because he owns all three (3) parcels. To make the process easier and more efficient, just to re-zone the entire area because churches would be allowed in Highway Commercial, and somewhere down the road if the church no longer exists, the property is more marketable for a future commercial use.

Mac Arnold: Ok.

Chairman McKee: Are there any further questions for Mr. Ferry?  
Thank you, Mr. Ferry.

We would like for Mr. Tasa to come up now please. Mr. Tasa, do you swear that you're going to tell the truth, the whole truth and nothing but the truth so help you?

Randy Tasa: I do.

Chairman McKee: Please state your address, where you live.

Randy Tasa: 1801 Southfield Road, Evansville, Indiana.

Chairman McKee: Thank you, sir. Please proceed in asking questions.

David Williams: How will you see to it that water exiting this property is of sufficient purity to actually enter a public waterway.

Randy Tasa: I have never done that in the past. So, I would think that if there were any kind of pollutants going into the waterway that the EPA would handle it. Someone would make a complaint to the local

Environmental Protection Agency, and they would site the property owner for that.

David Williams: Ok, but there would have to be a complaint to the EPA for that to happen, right?

Randy Tasa: Yes.

David Williams: So, the pollution would have already occurred. When you inspect a property, how confident are you that you could observe what they've done and come to the conclusion that it's being properly maintained and functions as it's designed?

Randy Tasa: As far as?

David Williams: The drainage and filtering of this water coming off this parking lot.

Randy Tasa: I have no expertise in filtering chemicals.

I'm a building inspector but as far as filtering chemicals adjacent to a waterway, I have no expertise or training in that area.

David Williams: If we come up with a set of plans or conditions of approving this, you can see to those conditions being met? Like the grass is kept a certain height...

Randy Tasa: Yes. There is a set of drawings they are supposed to follow and I check that that's being done as far as design but testing water quality, I have no way of doing that.

Chairman McKee: Any further questions for Mr. Tasa?

Gray Hodge: Does the County not have stormwater retention requirements?

Randy Tasa: That would be a question for Mr. Hubiak.

Chairman McKee: Before you leave, Mr. Tasa I would like to ask... I believe in the Land Development Committee meeting we were informed

that the church was a permitted use in Highway Commercial. What is requiring this application to go to the Board of Zoning Adjustments for a Conditional Use Permit.

Randy Tasa: The towing service has to have a Conditional Use for outdoor storage, and then as far as the church; as I said before in the Land Development Committee meeting was that the church would not require a Conditional Use just because it's been an existing use; basically what's allowed in Agricultural is not as intrusive as what is allowed in Highway Commercial.

Brian Bishop: Mr. Tasa, is it fair to say that the church is a similar use, and it's your interpretation that it would be a permitted use in Highway Commercial.

Randy Tasa: Yes. In the professional service district, it's a permitted use; churches.

Brian Bishop: And that those are stackable, to a degree.

Tommy Joe Fridy: I didn't hear him.

Randy Tasa: Professional service district; a church is a permitted use.

David Dixon: In Highway Commercial, and Ag. We're currently ag, right?

Brian Bishop: Currently ag, yes.

David Dixon: Right. The towing service is not permitted in ag, is that correct?

Randy Tasa: That's correct.

Brian Bishop: Correct.

Randy Tasa: That's what's required to go to Highway Commercial, and a Conditional Use. It's because of the towing service that we're here for the re-zoning.

Brian Bishop: Correct.

Chairman McKee: Any other questions of Mr. Tasa before we go to stormwater? Thank you, sir we appreciate your testimony.

Mr. Hubiak, you are already sworn in. Please ask Mr. Hubiak the stormwater question.

William A. Hubiak: Mr. Hodge, we are the same as the City and the County under our Subdivision Regulations and improvements are required to have stormwater retention or detention.

In this case, pre and post are the same. They are not adding anything that is impervious to the area. Therefore, we cannot actually require retention or detention. We can require them to do the MS4 regulations for stormwater quality, but you can't actually make them put in a detention basin because they're not increasing the impermeable area on the property.

Gray Hodge: Ok.

Chairman McKee: Any further stormwater or water quality questions for Mr. Hubiak?

David Dixon: What was the discussion about a berm?

William A. Hubiak: We're going to put a berm up to contain water to a point discharge so we can treat it for water quality before it's discharged.

David Dixon: Ok, is that indicated in this Development Plan.

Claudia Wayne: Show him your plan that you've got where it shows it.

Gray Hodge: Point of discharge is not indicated.

Brian Bishop: Commissioner Dixon, there is not a detail showing elevation or discharge point.

David Dixon: Well, should a motion include the existence of this berm, or the future existence of this berm? I see nothing in the proposed motion about any kind of drainage issue whatsoever.

Brian Bishop: We addressed it in the motion via the Graphic Development Plan; was our intent.

David Dixon: So, if the Development Plan is approved, then it will be approved with the berm?

Brian Bishop: That is my understanding but I would probably defer to Mr. Fridy.

David Dixon: If it's indicated on this plan and we approve it, is it required?

Tommy Joe Fridy: That's a difficult question to answer, and here's the reason.

There have been historic incidences where Graphic Development Plans were presented and approved, and then subsequent owners have argued that the Graphic Development Plan only pertains to dimensional matters. I don't particularly adhere to that theory but I've never researched it and I don't believe it's been tested but we've faced this issue before, and that's why staff typically, that's probably a bad choice of words that's why staff in many instances request that applicants submit a Narrative Development Plan that provides for certain things.

Now, in this instance I think it would be difficult to enforce that. How big of berms? Does it have to be an inch tall or a foot tall? Does it have to be two inches wide or four-foot wide?

The reason staff has questioned, asked, and encouraged applicants to submit Narrative Development Plans is because the more narrow the use, the more likely the Planning Commission has historically been to pass them. I'm not suggesting that a Narrative Development Plan would totally solve your issue and your question.

Brian Bishop: Can I piggy-back that?

In this case, our opinion was that a berm would not be shown well on a Narrative Development Plan, it would be hard to describe such an animal. Two, we are going to allow the expertise of Mr. Hubiak in this regard. So, that's how we got to a point where this is on the Graphic Development Plan, so that way you can see it, it's more tangible that way. In a Narrative Development Plan, it would be hard to understand from our standpoint.

Gray Hodge: So, when it says small berm on the Development Plan, small could mean "that" small?

Brian Bishop: Technically but we would depend on the technical expertise of the County Engineer.

David Dixon: So, the County Engineer's office would be the enforcing agency in this regard?

William A. Hubiak: We would be looking at, based on the amount of rainfall we get. If we get up to three (3) and four (4) rains at time, we would have a berm constructed substantially enough to handle those kinds of torrential rains we see in this area. So, it would not be "this" small.

David Dixon: Ok.

William A. Hubiak: It would be substantial enough to catch the run-off on that property to a point of discharge so it can be cleared out.

Gray Hodge: Is that the owners understanding though? That it might be a significant berm rather than a small berm?

Tommy Joe Fridy: Gentlemen, Mr. Chairman?

Chairman McKee: Please.

Tommy Joe Fridy: Consider making your motion subject-to the berm and the entire, whatever the right words are, to filter the water; subject-

to the County Engineer's approval. If the applicants will not comply with the County Engineer's instructions, then it would be brought back to the Planning Commission.

In other words, the approval would be a condition upon the berm, and whatever else might need to be constructed, meeting the County Engineer's approval.

Otherwise, these applicants are going to have to spend a jillion dollars doing the kind of plans you would for a mall or something, and nobody's suggesting that is what is needed.

We also have another mechanism. This lot, and I think it's Lot 1, this Lot 1 is going to have to go to the Board of Zoning Adjustments for a Conditional Use Permit. The Board of Zoning Adjustments have considerably more leeway in requiring conditions than the Planning Commission has. The Planning Commission can, of course, turn down an application, and they have certain leeway but it's not nearly as broad as the Board of Zoning Adjustments. So, that maybe something that the County Engineer would want to insert at the Board of Zoning Adjustments when the request for the Conditional Use is made. That way, it will not have to totally be decided tonight.

David Dixon: So, the proposed motion if one would be made, could be subject-to the County Engineer's approval of drainage improvements.

Tommy Joe Fridy: Yes sir.

David Dixon: Is that simple enough?

Tommy Joe Fridy: Simple enough.

David Dixon: There were at least two other subject-to's that were mentioned earlier. Bonding for screening and what else?

Brian Bishop: The Conditional Use permit approved by the County Board of Zoning Adjustments.

David Dixon: I think that's in here someplace.

Chairman McKee: Are you looking for a certification from the County Engineer that those conditions have been met for your file, for this file?

Tommy Joe Fridy: No, it would be made after the fact.

Chairman McKee: After the fact. But are you looking for a certification from the County Engineer?

Tommy Joe Fridy: Who are you directing that too?

Chairman McKee: Does the Planning Commission require a certification to complete the file?

Brian Bishop: Mr. Chairman, can I jump in there? I think if it would be to the Planning Commission's wishes, staff would make sure and assure that it is done. That we would receive certification from the County Engineer that the proposed berm or any improvements meet his recommendations.

Chairman McKee: Thank you, sir.

Tommy Joe Fridy: And as built.

Chairman McKee: Anything else from Mr. Hubiak?

Thank you, Mr. Hubiak, we appreciate your testimony.

Would you like to hear from the applicant? Do we need to hear from the applicant for...?

Claudia Wayne: The maintenance agreement also.

Tommy Joe Fridy: If you want a maintenance agreement, I would at least suggest that you ask if they agree to sign one, and if they're agreeable to the County Engineer; the drainage facility being built to the County Engineer's specifications and suggestions. Otherwise, they're going to have to spend a lot of money doing a plan.

Chairman McKee: Is it your pleasure that we ask the applicant to agree to a maintenance plan?

You would like?

Mr. Nunley, would you please come to the podium?

Tommy Joe Fridy: He may be represented by counsel.

Chairman McKee: Would you prefer your counsel speak?

Greg Nunley: He can come up with me. I might get lost.

Chairman McKee: Will you please raise your right hand. Do you swear the statement you are about to make is the truth, the whole truth, and nothing but the truth so help you?

Greg Nunley: Yes, I do.

Chairman McKee: Please state your name and address of residence.

Greg Nunley: Greg Nunley, 3986 US Hwy 41 A.

Chairman McKee: Thank you, sir.

Are you going to speak right away, Mr. Shields?

Dane Shields: Not unless... I've talked with Mr. Nunley about this, and they are in agreement...

Chairman McKee: If you're going to start talking, I'm going to need to swear you in please.

"Not unless" ....and then "whoop" it came! (laughter). It's a pleasure to have you back Mr. Shields.

Do you swear the statements you are about to make are the truth, the whole truth, and nothing but the truth, so help you?

Dane Shields: I do.

Chairman McKee: Please state your name and address of residence.

Dane Shields: Dane Shields, 8658 Corydon-Geneva Road, Corydon, Kentucky.

Chairman McKee: Thank you, sir. Now, proceed please.

Dane Shields: We have listened to the suggestions of Mr. Fridy, and the concerns about the berm. Mr. Nunley, and his son Logan are totally willing to construct a berm in conformance and suggestions and the specifications that the County Engineer, and also any discharge requirements or improvements that need to be made for the drainage.

Chairman McKee: I believe the question is, would the landowner be willing to enter into an agreement that is substantially similar to the one the City imposes from time to time?

Greg Nunley: Yes.

Chairman McKee: The answer is yes.

Anything else?

David Williams: I think that takes care of maintenance and everything else, right?

I'm sorry, I don't mean to hold you up here; that's what hearings are for, some things come up that don't come up in Land Development Committee meetings, I apologize.

Chairman McKee: Any other questions for Mr. Nunley or his legal counsel? We thank you, sir. Both of you, thank you very much.

Tommy Joe Fridy: Counselor, who's the owner of record.

Dane Shields: The owner of record is Henderson Auction House, LLC; a limited liability...

Tommy Joe Fridy: Does Mr. Nunley have the authority to speak for that entity?

Dane Shields: He does. That LLC is owned by Mr. Nunley and his son who are both here tonight.

Tommy Joe Fridy: Thank you, I just wanted to get that on the record.

Dane Shields: Yes sir.

Chairman McKee: Thank you Mr. Shields. Are there any questions? Is there anyone in the audience who would like to speak for or against this application or re-zoning?

Seeing none, any further comments or questions from the commissioners?

Hearing none, the Chair will entertain a motion.

David Dixon: How many subject-to's are we up to now?

Tommy Joe Fridy: Four, I think.

Brian Bishop: I believe that's four (4).

David Dixon: Four (4)? Ok, the Conditional Use Permit is in the proposed motion...

Brian Bishop: Yes.

David Dixon: Bonding for screening.

Tommy Joe Fridy: Two (2), two (2) new ones.

David Dixon: Bonding for screening...

Brian Bishop: Bonding, Conditional Use...

David Dixon: Bonding, subject-to County Attorney's approval, and then this maintenance agreement that's going to be written by somebody, sometime or something?

Brian Bishop: It should be pretty close to what the City has. We can provide, help with that one.

So, you have maintenance agreement that's substantially similar to the City, Conditional Use Permit by the Board of Zoning Adjustment, bonding for screening, and then plat approval for the consolidation and re-configuration of the existing property.

***MOTION WAS MADE BY DAVID DIXON AND SECONDED BY MAC ARNOLD IN REGARD TO APPLICATION FOR RE-ZONING #1093, SUBMITTED BY GREG NUNLEY FOR THE PROPERTY LOCATED IN THE COUNTY OF HENDERSON AT 3930 AND 3970 HWY 41 A (PID#46-122) CONTAINING APPROXIMATELY 2.80 ACRES ("THE SUBJECT PROPERTY"). APPLICANT IS REQUESTING A ZONING CHANGE/MAP AMENDMENT FROM AGRICULTURAL (AG) TO HIGHWAY COMMERCIAL (H-C) WITH A GRAPHIC DEVELOPMENT PLAN PROPOSING TO SUBDIVIDE THE SUBJECT PROPERTY INTO TWO (2) PARCELS; TO OPERATE A CHURCH ON ONE PARCEL, AND AN AUTOMOBILE TOWING BUSINESS WITH OUTDOOR STORAGE OF VEHICLES ON THE OTHER PARCEL WHICH REQUIRES A CONDITIONAL USE PERMIT FROM THE COUNTY BOARD OF ZONING ADJUSTMENTS.***

***IN REGARDS TO THIS APPLICATION I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE HENDERSON COUNTY FISCAL COURT APPROVE REZONING APPLICATION #1093 CHANGING THE ZONING CLASSIFICATION FROM AGRICULTURAL (AG) TO HIGHWAY COMMERCIAL (H-C) FOR THE SUBJECT PROPERTY.***

***SUBJECT-TO THE DIVISION OF THE SUBJECT PROPERTY BEING FINALLY APPROVED AND RECORDED, AND SUBJECT TO A CONDITIONAL USE PERMIT TO OPERATE A TOWING BUSINESS WITH OUTDOOR VEHICLE STORAGE BEING FINALLY APPROVED, THAT THE COMPREHENSIVE PLAN BE AMENDED CONSISTENT WITH THE COUNTY'S FINAL***

***ACTION, IF APPLICABLE, THAT SUCH USES (CHURCH ON ONE PARCEL AND TOWING AND OUTDOOR VEHICLE STORAGE ON THE OTHER) MAY NOT BE CHANGED UNLESS AND UNTIL THE THEN PROPERTY OWNER COMES BACK TO THE PLANNING COMMISSION SEEKING APPROVAL AND SUCH REQUEST(S) IS/ARE FINALLY APPROVED, AND I LEAVE THE MOTION OPEN FOR OTHER MEMBERS OF THE PLANNING COMMISSION TO ADD FINDINGS OF FACT IN SUPPORT OF THIS MOTION, BECAUSE:***

***THE SUBJECT PROPERTIES, LOCATED AT 3930 & 3970 HWY 41 A, ARE CURRENTLY ZONED AGRICULTURAL (AG) AND THE PROPERTIES ARE CURRENTLY USED AS A CHURCH AND THE STRUCTURE HAS HISTORICALLY BEEN USED FOR VARIOUS COMMERCIAL USES. THAT THE SUBJECT PROPERTY MUST BE DIVIDED TO ACCOMMODATE THE PROPOSED USES. THE PROPOSED USE WOULD BE FOR THE OPERATION A CHURCH ON ONE PARCEL; AND, IN ADDITION TO THIS REZONING BEING FINALLY APPROVED; THE APPLICANT MUST OBTAIN A CONDITIONAL USE PERMIT FORM THE COUNTY BOARD OF ADJUSTMENTS TO OPERATE AN AUTOMOBILE TOWING BUSINESS WITH OUTDOOR STORAGE ON THE OTHER.***

***THE PROPOSED ZONING CLASSIFICATION IS IN AGREEMENT WITH THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN, IN THAT:***

***THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN SHOWS THIS AREA DEVELOPING HIGHWAY COMMERCIAL.***

***THE EXISTING AGRICULTURAL (AG) ZONING CLASSIFICATION IS INAPPROPRIATE AND THE PROPOSED***

***HIGHWAY COMMERCIAL (H-C) ZONING CLASSIFICATION IS APPROPRIATE, BECAUSE:***

- ***THE SUBJECT PROPERTY WAS PREVIOUSLY USED FOR VARIOUS COMMERCIAL USES SUCH A CONTRACTOR'S OFFICE AND A CHURCH.***
- ***THE SUBJECT PROPERTY IS ADJACENT TO OTHER PARCELS CURRENTLY ZONED LIGHT INDUSTRIAL WITH COMPATIBLE USES, SUCH AS PERSONAL STORAGE UNITS.***
- ***THE CURRENT AGRICULTURAL ZONING IS INAPPROPRIATE, BECAUSE THE PROPERTY HAS HISTORICALLY BEEN USED IN A COMMERCIAL NATURE.***
- ***THE PROPERTY HAS ADEQUATE ROAD FRONTAGE ON HWY 41 A.***
- ***HWY 41 A IS A MINOR ARTERIAL ROADWAY MAINTAINED BY THE KENTUCKY TRANSPORTATION CABINET.***
- ***THERE ARE EXISTING STRUCTURES THAT ARE CONDUCIVE TO THE PROPOSED USE.***

***THE PROPOSED ZONING CLASSIFICATION IS IN AGREEMENT WITH THE GOALS AND OBJECTIVES OF THE COMPREHENSIVE PLAN, IN THAT:***

- ***WISELY PLAN FOR LAND USES IN APPROPRIATE LOCATIONS TO MAXIMIZE QUALITY DESIGN AND MINIMIZE THE ADVERSE IMPACTS OF DEVELOPMENT. (BALANCING LAND USE GOAL # 1)***

- ***IDENTIFIES AREAS OF OPPORTUNITY FOR INFILL, REDEVELOPMENT AND ADAPTIVE REUSE THAT RESPECT THE AREA'S CONTEXT AND DESIGN FEATURES (BALANCING LAND USE OBJECTIVE A).***

***THIS ACTION WILL BE SUBJECT-TO BONDING FOR SCREENING, THE COUNTY ENGINEER'S APPROVAL OF ANY DRAINAGE IMPROVEMENTS, AND THE APPLICANTS SIGNING A MAINTENANCE AGREEMENT SUBSTANTIALLY SIMILAR TO THE CITY'S VERSION OF SUCH DOCUMENTS.***

Chairman McKee: Would any Planning Commissioner like to add to the findings of facts that were enumerated by Commissioner Dixon?

Hearing none; Madame Clerk, will you please call the roll?

***ALL: AYE***

***OPPOSED: NONE***

Chairman McKee: It's approved, and recommended to the County. Thank you all.

The Chair will entertain a motion to **go out of Public Hearing.**

***MOTION WAS MADE BY MAC ARNOLD SECONDED BY KEVIN RICHARD TO GO OUT OF PUBLIC HEARING.***

Chairman McKee: All those in favor, signify by saying aye.

***ALL: AYE***

Chairman McKee: Are there any opposed?

***OPPOSED: NONE***

Chairman McKee: First item on the agenda is the April Finance Report. Mrs. Curtis, are you going to lead that conversation?

Theresa Curtis: Yes sir.

Chairman McKee: Please proceed.

Theresa Curtis: We're at seventy-eight percent (78%) of budget with two (2) months left to go, and if you have any questions, I'm here to answer them.

Chairman McKee: Any questions?

Hearing none, the Chair will entertain a motion.

***MOTION WAS MADE BY BOBBIE JARRETT SECONDED BY GARY GIBSON TO APPROVE THE APRIL FINANCE REPORT AS PRESENTED.***

Chairman McKee: We have a motion and a second, any discussion? All in favor, signify by saying aye.

***ALL: AYE***

Chairman McKee: Are there any opposed?

***OPPOSED: NONE***

Chairman McKee: Finance Report is approved.

Next on the agenda, **Lot #4 The TERMO Company Subdivision and Consolidation Preliminary**. Mrs. Wayne, are you going to lead that discussion?

Claudia Wayne: Yes sir.

Chairman McKee: Please proceed.

Claudia Wayne: This is Lot #4 of the TERMO Company Subdivision and Consolidation Preliminary submitted by Ranae Mehan (owner), for the property located in Henderson County at 5700 Riverport Road (PID#39-1-16). Applicant is requesting Preliminary approval.

The applicants are proposing Lot #4 which is two (2) acres, zoned Heavy Industrial, which this is a Major Subdivision.

If you look to the Riverport Road part of it, the Henderson Water Utilities as part of economic development, they're putting in a fire hydrant there for them, and they also, the applicants, are asking for a sidewalk waiver, and it says,

*“Due to the fact that a sidewalk along the frontage of Lot#4 of the TERMO Company Subdivision and Consolidation will serve no purpose such as access to nearby public or private facilities such as parks, shopping centers or schools. We respectfully request a waiver of sidewalks as shown in the Subdivision Regulations.”*

There will be bonding but we will address that with the Site Plan that's coming up next.

If there's any questions I'll try to answer them.

David Williams: Mr. Chairman?

Chairman McKee: Please, go ahead.

David Williams: What is the frontage road?

Claudia Wayne: The frontage road; their entrance will be off of the Riverport Road, which we'll cover that in the Site Plan.

David Williams: What is the closest sidewalk to this property?

Claudia Wayne: I think it's US 60 and ...

Brian Bishop: The intersection of US 60 and Hwy 425.

Claudia Wayne: Uh huh.

David Williams: Which is how far?

Brian Bishop: We can measure that for you, I do not know.

David Williams: Is it a mile.

Mac Arnold: No, I don't think so.

David Williams: Is there sufficient easement in the event that a sidewalk is called for?

Claudia Wayne: There is a proposed forty-foot (40') PU easement that runs along...

Brian Bishop: Let me jump in there.

Claudia Wayne: Go ahead.

Brian Bishop: Commissioner Williams, on this one we asked that it not be submitted on this plat because of two (2) things.

One, there is an extremely wide right of way there which is one-hundred feet (100').

Then, the additional forty-feet (40') of setback and easement, so we felt there were vast amounts of space for sidewalks in the right of way that it would be unnecessary for us to encumber the property with another easement.

David Williams: Ok, so let me ask you and staff; you're ok with no sidewalk here?

Brian Bishop: In this instance, yes.

Claudia Wayne: Yes.

David Dixon: What we're seeing on the screen here is the entire lot as it exists now, correct?

Brian Bishop: That is correct, sir.

Claudia Wayne: Yes, except the corner...

David Dixon: Where is the proposed lot going in then?

Brian Bishop: Roughly...

Claudia Wayne: Right there.

Staff does recommend approval.

Brian Bishop: Commissioner Dixon, this is what the property would look like. This is Riverport Road, this is the two (2) acres, and then it has road frontage along Hwy 136 for the remainder of the property.

David Dixon: I see that, I didn't see the rest of it.

Chairman McKee: Just for clarity, those easements you describe, the hundred-foot (100') easement you described...

Brian Bishop: The right of way...

Chairman McKee: The right of way I mean, does it go all the back the Riverport Road.

Brian Bishop: If I'm not mistaken, it is diminishing as it goes further back Riverport. It's wider near the entrance, and then it gradually reduces as it goes further North down the road.

Chairman McKee: Can you estimate how much the... the minimum dimension of the...

Brian Bishop: I would probably let the surveyor answer that because he's done the survey work to document that.

Claudia Wayne: That would be Clifton or Denny, either one.

Chairman McKee: Who is the surveyor?

Brian Bishop: I believe Mr. Krahwinkel is the surveyor of record.

Chairman McKee: Would you be willing to come to the podium Mr. Krahwinkel?

May I swear you in? Do you swear the statements you are about to make are the truth, the whole truth and nothing but the truth so help you?

Clifton Krahwinkel: I do.

Chairman McKee: Please state your name and your address of residence please.

Clifton Krahwinkel: Clifton Krahwinkel, 505 Canoe Creek Drive, Henderson, Kentucky.

Chairman McKee: Thank you sir. The question was the minimum dimension at the far end of the right of way.

Clifton Krahwinkel: The minimum dimensions, are you talking about where it gets the most narrow?

Chairman McKee: Yes.

Clifton Krahwinkel: Well, it varies all the way through there.

Chairman McKee: Oh, it does?

Clifton Krahwinkel: It has a few different off-sets; I think the most narrow it gets is seventy-five foot (75'). As it gets up closer to those existing lots that are on the east side, I believe it gets down to seventy-five foot (75') but I would have to pull the plat to know for sure.

Chairman McKee: If by some strange occurrence, sidewalks caught fire, there's plenty of room to put them in?

Clifton Krahwinkel: There is ample room in the right of way for sidewalks anywhere you would like them.

Chairman McKee: Thank you. Any other questions? Thank your Mr. Krahwinkel, we appreciate it.

David Dixon: This is all zoned Heavy Industrial?

Brian Bishop: Correct.

David Williams: The only reservation I have is that a lot of companies now are instituting wellness programs, and those wellness programs generally require exercise and generally a low impact exercise is walking.

I noticed that in the subdivision that the Kentucky Geological Survey's office is in has no sidewalks. But we're seeing more and more people utilizing the road to walk in and out.

So, this is a reservation I have here on this. Given that I had no objection in the Land Development Committee meeting for this site, and I'm not going to raise it now but it's just a reservation that I have going forward. I just wanted to state that.

Claudia Wayne: Would you like for me to check and see if they would, where it says proposed forty-foot (40') PU easement, add sidewalk also there?

Brian Bishop: PU and sidewalk? Does that address your...

David Williams: Is it a problem? I don't think it's a problem is it? As far as the PU is going to be there so it can be used for whatever public improvement we need, correct?

Tommy Joe Fridy: Public utility might not be the same, I'm not sure that it isn't but I'm certainly not sure that it is. Now is the time to ask...

David Williams: Let's just add it in then Theresa, if you don't mind.

Chairman McKee: How are you going to know where to put that sidewalk easement?

Tommy Joe Fridy: It won't be an additional one, just change the wording from Public Utility to Public Utility and sidewalks.

Chairman McKee: I got ya.

Tommy Joe Fridy: The location could be anywhere in that easement.

Brian Bishop: The location is already defined of that easement.

Claudia Wayne: I don't know what all is in that easement.

Chairman McKee: Is that a function of the surveyor?

Brian Bishop: I believe so.

Chairman McKee: Mr. Krahwinkel, you're already sworn in.

Does adding the word sidewalk; is that a public utility easement? Public utility and sidewalk easement? Does that cause you any heartburn?

Clifton Krahwinkel: It does not cause me any heartburn at all.

Tommy Joe Fridy: I'm not sure he has the authority... Are the applicants here?

Claudia Wayne: She's in California.

Clifton Krahwinkel: I did want to bring up something that was mentioned earlier. The right of way for Hwy 136 in that particular area is also very wide, and that was the reason, in the LDC meeting that along Riverport, and along Hwy 136 that there is ample right of way for a sidewalk to be built and it would not have to impede the property itself that we're trying to create.

Chairman McKee: The next item on the agenda is the Site Plan, correct? And the Public Utility easement will be delineated there?

Clifton Krahwinkel: It's a proposed easement so, I don't know if it's on a Site Plan or not.

David Dixon: It's on this plan that we have here.

Chairman McKee: Mr. Fridy?

Tommy Joe Fridy: Would you ask your client, customer if they would be willing to add Public Utility and Sidewalk easement, and if they agree supplement your plat, amend your plat.

Clifton Krahwinkel: I don't think there would be an issue with that.

Chairman McKee: Does that satisfy you, Commissioner Williams?

David Williams: Yes, it does.

Chairman McKee: Thank you, Mr. Krahwinkel. Any questions for staff or anybody else?

Is there anybody in the audience who would like to speak? Denny, I've hardly ever seen you have hardly anything to say.

Thank you, sir. Hearing none, the Chair will entertain a motion.

David Dixon: Is this going to require a subject-to as well, in regard to this change in denotation on the easement? Sounds like it to me.

Dickie Johnson: Yep, I would think.

Claudia Wayne: I don't...

Brian Bishop: Mr. Dixon I would suggest no in that staff has the authority to sign final plats, and if you will trust us, we will not sign or record the final plat if that agreement has not been met. But if it makes you feel comfortable, we'll gladly do it.

David Dixon: I'm just asking, should it be in the motion.

Claudia Wayne: I mean...

David Dixon: I mean, in case somebody is going to make a motion.

Claudia Wayne: I mean, I didn't think it was put to Clifton that only if she would do that, if she was in agreement with adding that to the plat.

Brian Bishop: So, theoretically if she's not in agreement, are we denying the plat?

Claudia Wayne: Yeah, that's, I think...

Chairman McKee: Mr. Branson, would you like to comment?

Let me swear you in. Do you swear to tell the truth, the whole truth, and nothing but the truth so help you?

Dennis Branson: I do.

Chairman McKee: Please state your name and your place of residence address.

Dennis Branson: Dennis Branson, 916 Kelly Court.

Chairman McKee: Thank you, please proceed.

Dennis Branson: We all know that Mr. Williams is a strong proponent of sidewalks, and we've had lots of discussions about them, and our hearts are pretty much in the same place. But I would like to remind the commission that, as Mr. Krahwinkel stated, we had already determined there was enough right of way in the road should sidewalks ever need to be constructed out there. They would naturally be put where sidewalks normally are put, and that easement holds a public right of way already.

So, I just wanted to say that so that if you're inclined to make that easement issue a condition of the approval on the Preliminary Plat, the end result is still going to be the same. There is plenty of road right of way if sidewalks were ever built out there, they would be built in the road right of way anyway, so. I would just ask that precedence not be set in this situation because we run in to this quite frequently; that we think about sidewalks on down the road, no pun intended, and we assess whether or not they are sufficient right of way for those sidewalks to be built without them being built back on the property itself, and necessitating a sidewalk easement specifically for those.

There are some situations where it's necessary, it think to have that as kind of to have assurance that should they ever be built; we've got the place to put them. In this situation, and many others, it's probably not necessary enough for it to be a problem for the Preliminary Plat approval

David Williams: Is there actually a problem here Mr. Fridy? Who would make the decision as to whether we could use that right of way for a sidewalk? Is it a government authority that owns the right of way?

Brian Bishop: The Government body having jurisdiction, which in this case would be KYTC.

David Dixon: And they would build the sidewalk too, if they wanted one correct?

Brian Bishop: Correct.

David Williams: Originally, I had no objection to you know, ok, we had sufficient right of way, we'd be ok with a sidewalk waiver...

Chairman McKee: KYTC has the responsibility for Riverport Road?

Brian Bishop: Hwy 136, I thought we were talking about Hwy 136 in this regard.

David Dixon: I guess it would be two (2) jurisdictions.

Brian Bishop: Riverport Road, if I'm not mistaken is a local road which would be Henderson County; Hwy 136 would be KYTC.

Chairman McKee: And the one-hundred-foot (100') right of way that we've been discussing is Hwy 136?

Dennis Branson: Correct.

Claudia Wayne: Yes.

Chairman McKee: It's not Riverport Road?

Claudia Wayne: No.

Dennis Branson: Riverport Road is very wide. When we did that, we put in a typical, highway wide pavement; a pavement with shoulders, and I think it was seventy-five (75) to ninety (90).

Chairman McKee: Just by that comment, Commissioner Williams, sidewalks on Hwy 136 is probably not what you were talking about. It's Riverport Road you were talking about.

David Williams: Actually, exercising within the community of the industrial park.

So, now as the plat is now drawn for the subdivision, is there sufficient room for even the widening of the access road and a sidewalk in there as well?

Dennis Branson: Widening the pavement?

David Williams: Yes.

Dennis Branson: Oh yeah.

David Williams: Ok, alright.

Brian Bishop: Commissioner Williams, if you can see here in this portion, it's one-hundred-fifteen feet (115') in width, and then it expands out even further towards Hwy 136.

David Williams: I was ok with this in the LDC meeting, and I'm not going to raise an objection. Like I said, that's something I wanted to point out.

Dennis Branson: The wellness issue, you're talking about; overall.

Thank you.

Chairman McKee: Thank you, Mr. Branson.

You're withdrawing your comments about the sidewalks? (Directed towards David Williams)

David Williams: Yes.

Chairman McKee: Any other questions for staff?

Any other questions, period? Any comments?

Do you have enough information to make a motion?

Claudia Wayne: It will be two (2) motions.

Chairman McKee: Two (2) motions?

Claudia Wayne: Yes. Sidewalk waiver.

Chairman McKee: Sidewalk waiver?

Claudia Wayne: Uh huh.

Chairman McKee: Separate motion.

If you're ready, the Chair will entertain two (2) motions.

***MOTION WAS MADE BY DAVID WILLIAMS AND SECONDED BY DAVID DIXON TO RECOMMEND APPROVAL OF LOT #4 THE TERMO COMPANY SUBDIVISION AND CONSOLIDATION PRELIMINARY SUBMITTED BY RANAE MEHAN (OWNER), FOR THE PROPERTY LOCATED IN HENDERSON COUNTY AT 5700 RIVERPORT ROAD (PID#39-1-16). APPLICANT IS REQUESTING PRELIMINARY APPROVAL.***

Chairman McKee: That's motion number one (1).

David Dixon: So, the first motion has to do with the subdivision?

Brian Bishop: The first is sidewalk waiver.

David Dixon: Well, that's not the motion that was just stated.

David Williams: Oh, we need a sidewalk waiver first?

Claudia Wayne: That's with the Preliminary, we're just on the Preliminary.

Brian Bishop: I think you're getting ahead of yourself. Number 2 is the subdivision, number 3 is the Site Plan; we've not addressed the Site Plan officially.

Chairman McKee: Is that where the sidewalk waiver will come in?

Claudia Wayne: No, the sidewalk waiver goes with the preliminary.

Chairman McKee: That's where we are. So, how did we get ahead of ourselves?

David Dixon: Preliminary subdivision?

Claudia Wayne: Yes.

Brian Bishop: Correct.

David Williams: Ok.

Chairman McKee: We have the Preliminary Subdivision with one motion, sidewalk waiver as a second motion, correct?

Claudia Wayne: Right.

David Williams: Let me re-state and make sure that we have it right...

***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY DAVID DIXON TO APPROVE LOT #4 OF TERMO SUBDIVISION AND CONSOLIDATION PRELIMINARY PLAT SUBMITTED BY RANAE MEHAN (OWNER), FOR THE PROPERTY LOCATED IN HENDERSON COUNTY AT 5700 RIVERPORT ROAD (PID #39-1-16). APPLICANT IS REQUESTING PRELIMINARY APPROVAL.***

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

***ALL: AYE***

***OPPOSED: NONE***

Chairman McKee: Now the sidewalk.

***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY MAC ARNOLD TO APPROVE THE SIDEWALK WAIVER FOR SAID PROPERTY.***

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

***ALL: AYE***

***OPPOSED: NONE***

Chairman McKee: So mote it be.

Next on the agenda, **Lot #4 The TERMO Company Subdivision and Consolidation Site Plan**. Mrs. Wayne, are you going to lead that discussion too?

Claudia Wayne: Yes.

Chairman McKee: Please proceed.

Claudia Wayne: Lot #4 The TERMO Company Subdivision and Consolidation Plan Site Plan. This is submitted by Ranae Mehan (owner), for the property located in Henderson County at 5700 Riverport Road. Applicant is requesting Site Plan approval.

This submitted by the developer, Tri-State Rental, Inc. This will be located at the corner of Riverport and Hwy 136. They're proposing a six-thousand square foot (6,000') building for their construction company and truck hauling; they haul grain.

The proposed entrance will be off of Riverport Road. We do have all the approvals. The approvals will be subject-to the final plat being approved and recorded, bonding for the entrance for \$20,000, erosion control for \$5,000, handicap parking for \$5,000; the total bonding amount will be \$30,000.

I think the developers are here if you have any questions of them.

Chairman McKee: Questions for Mrs. Wayne?

Hearing none. Would you like to hear from the developer? Hearing no interest in that, are there any other questions or comments?

Hearing none, the Chair will entertain a motion.

***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY DICKIE JOHNSON TO APPROVE LOT #4 THE TERMO COMPANY SUBDIVISION AND CONSOLIDATION SITE PLAN AS SUBMITTED, BY RANA MEHAN (OWNER) FOR THE PROPERTY LOCATED IN HENDERSON COUNTY AT 5700 RIVERPORT ROAD (PID #39-1-16). APPLICANT IS REQUESTING SITE PLAN APPROVAL. SUBJECT TO THE FINAL PLAT APPROVAL AND BEING RECORDED, BONDING FOR THE ENTRANCE FOR \$20,000; EROSION CONTROL \$5,000;***

***BONDING FOR HANDICAP PARKING \$5,000; TOTAL BONDING AMOUNT \$30,000.***

Chairman McKee: You need subject-to's?

David Williams: Subject to...

Claudia Wayne: Subject to the final plat approval and being recorded, bonding for the entrance for \$20,000; erosion control \$5,000; bonding for handicap parking \$5,000; total bonding amount \$30,000.

David Williams: Mr. Fridy, do I need to re-state that?

Tommy Joe Fridy: You can incorporate what she said.

David Williams: Please incorporate what she said.

Chairman McKee: We have a motion and second. Does everyone understand the motion? Any questions about the motion? Hearing none, Madame Clerk will you please call the roll?

***ALL: AYE***

***OPPOSED: NONE***

Chairman McKee: So mote it be.

Next on the agenda, **SKN Properties, LLC Subdivision Preliminary Plat**. Mr. Bishop, are you going to lead that one?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: Believe it or not, this is probably the most complicated one of the night so, stick with me here.

This property is located in the City of Henderson at 2030 US Hwy 41 North (PID# 65L-1). Applicant is requesting preliminary approval for a subdivision.

This is currently how the property exists. I believe this is known as the Ramada Inn property. This is Barret Boulevard, this is Hwy 41 North, this is currently the Thornton's Convenient Store.

The applicant is proposing four (4) new lots out of this property, which is currently roughly 3.72 acres. The lots would range anywhere from .6 to .16 acre in size. The applicant is proposing this be done in phases.

The reason for the phasing is that they are a lot of buildings on this lot. If you'll notice, the motel itself wraps nearly around the entire perimeter of the property.

Kevin Richard: Brian, just to clarify that is the hotel next to the Ramada, right?

Claudia Wayne: Yes.

Brian Bishop: Ok, I apologize, I got off base.

We're still on Barret and 41 North though, so we're good.

These are the four (4) lots that are being proposed. Phase I would be Lots 1 & 2, which would require this building here being demolished, in addition to this carport, which it may be hard to see on the screen, which is roughly here, and then this. (Referring to the GIS map projected on the screen).

Then, Phase II would be when Lots 3 & 4 would be subdivided which would require the demolition of this portion of the building.

Site Plans would come back to the Planning Commission for each lot as they're developed. Sidewalks are now accepted on Hwy 41 so, we would like to address sidewalks on each, individual Site Plan.

The Final Plat would not be signed by staff until these buildings are demolished because we do not want to create a zoning violation by having the buildings going over new property lines that have just been created.

I know it's kind of a weird plat, are there any questions at all as we're going along?

Mac Arnold: The way you're talking about this, I'm assuming the motel is going to try to stay in business even though they're demolishing part of it?

Brian Bishop: Correct.

For example, when Lots 1 & 2 are created, the remaining portion of the motel would stay in operation because this portion of the building would be demolished, and then the carport here which would allow this portion and this portion to stay in business.

David Dixon: Lots 1 & 2 are the ones that would be fronting...well, one (1) would be facing both Barret and 41 N, two (2) would front Barret, is that correct?

Brian Bishop: I believe that is correct.

You have a joint entrance here, and you have a joint entrance here.

Claudia Wayne: They'll have an entrance off of Barret also on Lot 1.

Brian Bishop: Currently, you have this entrance, and this existing. The new entrance for Lot 1 would be right here, which is shown right there.

Clear as mud?

David Dixon: Have we ever done this before?

Brian Bishop: This is all new territory for us.

I've got to a point where my running joke is all the easy lots have been done.

Chairman McKee: Are there questions for legal counsel?

Tommy Joe Fridy: It would be subject-to demolition.

David Dixon: None of what we do tonight, if we should do anything would take effect until the existing buildings are demolished?

Brian Bishop: Staff would not sign the final plat until the buildings are demolished.

Dickie Johnson: For each lot?

Brian Bishop: I'm sorry?

Dickie Johnson: For each proposed lot?

Brian Bishop: Different phases, that's the key. Phase I covers Lots 1 & 2. Phase II is Lot 3 & 4.

Dickie Johnson: Ok.

Gray Hodge: What's the space between 1 & 4?

David Dixon: That's an exit out to 41 North.

Brian Bishop: That is 15.62 feet. That is actually just there so they could keep road frontage on Hwy 41 so that we do not alter the addressing along 41; so, it's more consistent for Emergency Services.

Lot 4 would actually enter here, and the existing entrance here.

Gray Hodge: Say that again.

Brian Bishop: This access point...

Gray Hodge: Yeah.

Brian Bishop: Is to maintain the address so that we do not change addresses along 41 North; to not complicate...

Gray Hodge: So, there's not actually going to be an entrance off of 41 but there will be an address?

It's so narrow, what can you get...

David Dixon: There's already an entrance.

Brian Bishop: Nothing is going to go there.

See this existing entrance, this will be upgraded.

This is the existing entrance here. That narrow strip goes there. That is so that they still have road frontage on 41 North to keep the address. The entrance will be upgraded, and they will have an entrance here as well.

Gray Hodge: So, part of Lot 1 will become the entrance to that area back there?

Brian Bishop: That will be covered by a cross-sectional ingress/egress easement. The point of that is so that these lots all have free-flowing traffic from 41 and Barret Boulevard so that way cars entering here, never have to get on Hwy 41. So, that way we reduce traffic flow on Hwy 41 North.

It's kind of hard to see on that screen.

Gray Hodge: Does traffic coming off of 41 go straight onto...it hits Lot 1?

Brian Bishop: It has two (2) options. It can enter Lot 1 here, or it could enter Lot 1 here on the existing entrance. Then there will also be another entrance here that will have access.

Gray Hodge: So, the only way to access Lot 4 would be across Lot 3?

Brian Bishop: No, you still have it here; Lots 1, 4, & 3. And then you have here, Lots 2 and 4.

Chairman McKee: Can I ask a question?

It appears to me that we have... the subdivision is an issue, and the phasing is an issue but access is a separate issue that's going to be dealt with by easements and things of that nature because the entrance off of Hwy 41 for Lot 4 is going to be bigger than fifteen feet (51'), correct?

Brian Bishop: Correct.

Chairman McKee: So, they'll be using some of the other lots for the entrance and a road going back.

Brian Bishop: Exactly, and that was the point, and Denny please feel free to jump in, when we met and discussed this the point of it was so that these lots would have cross-access across one another. So that way traffic is staying off Barret and 41 because that's a very busy intersection. We wanted as much traffic as possible to stay on the property.

David Dixon: This design that I see has two (2) entrances on 41 North, correct?

Brian Bishop: They currently have two (2) entrances on 41 North, yes.

David Dixon: They will remain?

Chairman McKee: Mr. Branson, you're already sworn in, please proceed.

Dennis Branson: Actually, we have had a similar situation that we approved before at Holiday Inn Express and Comfort Inn; very similar.

You granted a road frontage variance (inaudible; papers being passed out and people talking) ...something similar, not exactly. We created three (3) lots up there. One was for the Holiday Inn Express, one was for the Comfort Inn, and one was for a new lot we created to be vacant for future development back in the back.

Now, actually Tom Allinder surveyed that originally, the Planning Commission required that all of the area be used for the common good of all of the lots, and that's a similar situation that we've got here.

The big entrance there that's existing for the motel, the main entrance right there, it will remain intact, and it will be a joint entrance to be used by all lots. We've got a note on the plat that requires all of the lots to

provide inner-connectivity between each Site Plan so that everybody that develops one of these lots has to provide inner-connectivity between all of the other lots. Those things will depend upon progress of the Site Plans as they're submitted one by one; each one will have to do that and you'll have the opportunity to review how that access is going to be.

The entrance that they've proposed down here, is a joint entrance and it will be used for, again, all of the properties. Those ingress/egress privileges or rights will be provided for in the Restrictive Covenants and on the face of the plat as each lot is developed.

What we talked about was doing separate easement dedication plats at the time that each Site Plan is done. It can get real complicated, it kind of got complicated up where I was telling you about; they've been dealing with that in recent months in fact. But it's very doable as long as we just keep in mind the ultimate goal is inner-connectivity. The rights of each owner, I mean, that's a civil issue, an issue between the owners to make sure they get the rights they're supposed to have. We'll plat as many as necessary but two (2) main entrances for project one is this future one here, and one is this big one right here, existing.

Chairman McKee: Just for my information, Denny, it appears that the lot lines are not necessarily are going to match the development. So, will there be legal documents executed that show easements, cross-easements connectivity, or just the plat?

Dennis Branson: We had not anticipated showing specific ingress/egress easements because we don't know how each lot is going to develop because we don't have any Site Plans, and so we're kind of at a loss on how to dictate two (2) future owners; where those easements need to be. We're just going to have to handle it Site Plan by Site Plan, development by development.

On the Comfort Inn/Holiday Inn Express example that I had given you, they covered that initially and you guys approved that subdivision two

(2) times back in the 90's by a broad statement that just says, this is not a quote but all the parking on the whole project is for all the motels, and that both motels have access across all of the property of each prospective motel, even though they were on separate lots. That got to be a problem, and we're actually working on that now. But, when we came back for the third lot which you guys approved, I'm going to guess a couple of years ago Brian?...

Brian Bishop: Roughly.

Dennis Branson: We did because the development was completed at that time, we did create a specific, platted, joint access and maintenance agreement area or easement for all three (3) lots. We were able to do that because everything was built. The parking was in, the buildings were in, the internal traffic patterns were established; this one, we can't do that yet but if I have anything to say, if I'm still living and breathing, it will be on paper because it really screwed it up. You guys required a maintenance agreement in writing when they did that, but they never executed it. Claudia's been real helpful in helping me get them to get that completed. In fact, we're just now getting that completed this week after being what, twenty-five (25) years? Chris is taking care of getting that done, we're just now getting to that point. Thankfully we've got a title company, pretty sure they're on top of it working with me, making sure that gets done.

David Williams: So, Denny what happens if you have lot owners on this development, and one of them just digs his heels in... just refuses to cooperate and therefore kind of robs the other owner of the use of their property because they cannot...

Dennis Branson: That's up to the lovely lawyers to make sure the language that's in there is sufficient to protect the owners of both when they do the agreement. They'll do a good job of it; I don't see how we as a community can predict that or prevent heads from butting like that. This is going to be very expensive property, probably one of the most

expensive lots in the community for commercial development; they're going to dot every i and cross every t, no doubt about that.

Mac Arnold: Denny, just a question. I noticed the way making the first two (2) lots there, you're basically taking away an awful lot of the existing parking, is that going to affect anything of the existing motel? Also, I noticed that what is defined as handicapped spots seems to be in the part that is being re-developed. So, are they going to establish new handicap facilities for that existing motel?

Dennis Branson: When they get the second phase, which will be Lots 3 & 4, there's going to be, I don't want to say a lot, but there will be issues that the developer will have to answer regarding parking, and that's one of the notes that I put on the plat if I recall, that sufficient parking will have to be provided for the motel at all stages of the division and development. I was concerned about that because they've got parking around behind the building here, there's some parking area there...probably needs to be cleaned up some but I wanted to make sure that gets on the Final Plats and the Preliminary's so you guys get a chance to see that language so that everybody is on notice that they can't come back and say, well we didn't know; you didn't tell us, we didn't realize it. I've looked at parking spaces and counted them, and according to what I've been told is going to be the end number of units, there should be adequate parking; not should be, there will be adequate parking to meet the ordinance for the motel.

David Dixon: Are we being asked to give preliminary approval or are we being asked to....yep, preliminary approval for just Lots 1 & 2?

Brian Bishop: No. All four (4) lots.

David Dixon: Ok, so this phase thing, that's not part of any motion or anything like that.

Dennis Branson: The phase, did you say?

David Dixon: Yes, phase...

Brian Bishop: The phasing is more for reference.

Dennis Branson: When we do a major subdivision we will, what we call sectionalize; I just didn't use that word, I couldn't use sectionalize, I just called it phases. It's really Section I would be Lots 1 & 2, future Section II would be Lots 3 & 4, and that's what the Preliminary Plat is all about, all four (4) lots.

Chairman McKee: It's just like bonding, etc., etc., ...

Dennis Branson: That will be when the final plat comes back.

Chairman McKee: How can you be sure, Mr. Bishop that all these things are going to work out?

Brian Bishop: The final plat doesn't come back.

From our standpoint, staff feels that bonding should not even be discussed in this regard because we do not want to bond a violation. Staff will not sign the plat until the buildings, like for example on Lots 1 & 2, are completely demolished.

Dennis Branson: As opposed to bonding?

Brian Bishop: Correct. Because we basically just bonded a violation.

Dennis Branson: Gotcha.

Chairman McKee: So, ingress, egress, and access you're not concerned about at this point?

Brian Bishop: That's probably a little strong. I think it is hard to nail-down all of that. I think that will be best handled on individual Site Plans.

Because at this point, we don't know what specifically is going on Lot 1 or specifically going on Lot 2.

Gray Hodge: But we know there has to be access there, right?

Brian Bishop: We do, correct.

Gray Hodge: So, what's the... wouldn't it be possible to indicate on these preliminary plans where that's intended to go, and then down the road if someone wants to change that, do it at that time.

Brian Bishop: I believe it is.

Claudia Wayne: It is.

Brian Bishop: Because you have existing lots here, existing entrance here...

Dennis Branson: That's a good comment, and that's what I thought too. This we're showing as a proposed entrance; see these arrows right here? I'm showing a proposed entrance that would be a joint entrance along the line between Lot 4 and Lot 2 as a future entrance, and that's kind of locked in.

Gray Hodge: How is it locked in though? I don't understand how it's locked in if there's not language in either the way it's platted now or in the way it's approved by the Planning Commission that there will be an entrance there.

Dennis Branson: The reason I'm showing it on the preliminary plat is so that when you guys review and approve the preliminary plat, it actually has to be there. They can't come back later and want it down here in the middle of Lot 2.

Brian Bishop: That is also going to be subject-to the City Engineer's approval. He's not going to grant access to a city street that he does not deem appropriate.

For example, like Denny said, they're not going to bring it to Lot 2 because Doug's not going to approve the entrance.

David Dixon: Plus, it comes back to us.

Brian Bishop: Site Plan and possibly even a variance from the Access Standards Manual.

David Dixon: Is there not another entrance onto 41 proposed?

Claudia Wayne: There's two (2).

Brian Bishop: There's two (2) existing.

Dennis Branson: There are two (2) existing and that's all that we're proposing.

David Dixon: Ok, so, when you go back... when you're pointing at the entrances there should be one (1) near the top of the screen...

Brian Bishop: There's one (1) here.

David Dixon: Yes.

Brian Bishop: There's one (1) here.

David Dixon: Right.

Dennis Branson: I've kind of got this confusing. I'm showing all of the entrances, both existing and proposed which kind of makes you think these are all proposed; I'm just now seeing that.

David Dixon: The existing ones are going to stay there?

Brian Bishop: Correct.

Dennis Branson: These up on 41 are existing and they are going to stay, and they can't be moved. This is an existing entrance here, and it's proposed to stay. This is a proposed entrance that I thought should be shown to the Planning Commission and locked at that location so that you guys can see where it's going to be when the Site Plans come back, their feet can be held to that fire as far as the location and safety of that entrance.

David Dixon: They just pointed that out so now we have two (2) entrances on both streets.

Brian Bishop: Correct.

David Dixon: Two (2) on 41, two (2) on Barret.

Brian Bishop: Four (4) total. Three (3) are existing and one (1) is proposed.

David Dixon: Yes, that's the one, until you pointed it out. The one in the middle of Lot 1, I didn't even notice that.

Dennis Branson: That's kind of light...

Brian Bishop: I think a lot of it is how is projected, it's just hard to see up here.

Gray Hodge: So, Lots 1 & 2 have created that proposed entrance won't be there. So, the only way to get to the back part of the hotel is going to be off 41, and drive all the way back there.

Brian Bishop: Not necessarily.

Dennis Branson: No, I think when Lot 2 is developed, that entrance has to be in.

Gray Hodge: When it's developed or if it's developed? But, right now it would be platted, and the demolition can take place but that entrance would not be there.

Dennis Branson: Good point. For example, when we come back with a final plat for Section I or Phase I, which is Lot 1 & 2; they can sell Lot 1, I'm thinking out loud here, they can sell Lot 1, retain Lot 2. The building would have been gone by that time because that's going to be required to be demolished...

Mac Arnold: That entrance is going to have to go in anyway just to give Lot 4...

Dennis Branson: That needs to be addressed on the Site Plan.

Claudia Wayne: Yes.

Dennis Branson: That needs to be dealt with on the Site Plan.

Brian Bishop: Hang on Denny, so you're saying if you come in with a Site Plan for Lot 1, you're going to build this entrance?

Dennis Branson: That needs to be built.

Gray Hodge: Doesn't that affect the value of Lot 2?

Dennis Branson: And is say that because we're doing a Final Plat of Lot...I'm thinking out loud here, and maybe I shouldn't...

Brian Bishop: You're digging yourself a hole.

Dennis Branson: I am but that's ok, I do that every day. Ask Tommy.

Brian Bishop: So, hypothetically to Commissioner Hodges' point; if Lot 1 develops, it's the first lot to go, it would enter and exit on Hwy 41 here and Barret Boulevard here. Is that your question?

Gray Hodge: Well, it could, it might not. Or do we have to have two (2) entrances to a lot?

Brian Bishop: It couldn't at that point because this would not exist.

Dennis Branson: It needs to be built, it has to be built for the motel, Brian.

Claudia Wayne: Yeah, it's got to be built...

Mac Arnold: Yes, it's got to be built. Initially, just for the motel's sake...

Dennis Branson: It has to be there for the motel which is going to be on the remainder composed of Lots 3 & 4 which aren't divided yet.

Claudia Wayne: Right. Exactly. This is going to be existing.

Dennis Branson: That would be what I would ask, what I think the Planning Commission should require. I agree.

Claudia Wayne: Yeah, because there would be no way to get to...

David Dixon: The existing building that needs to be removed for Lot 1 and 2 to be approved, right? This is not going to be improved until that demolition takes place?

Brian Bishop: Correct. That is this building here, and then the canopy here.

David Dixon: So, could you partially demolish that arm of the building, and then approve Lot 1?

Brian Bishop: You're talking about this portion here?

David Dixon: Yes, just cut that off. It just barely sneaks into Lot 1 as it is.

Brian Bishop: So, you're saying trim the building right here?

David Dixon: You're creating a violation when you do that.

Claudia Wayne: Yeah.

Gray Hodge: Well, trim it a little farther back, and leave a substantial portion...

Brian Bishop: But you can't do that if you want this entrance built with Lot 1.

Dennis Branson: But that's not what the applicant has asked for.

Gray Hodge: But there's nothing that says that's going to be built.

Dennis Branson: The applicant has asked for the approval of two (2) lots in Section I, two (2) lots in Section II. So, it will either have to be tabled or withdrawn to come back with a preliminary plat to reflect that new sectionalization for just one (1) lot to be approved.

David Dixon: Ok, so, it's Lots 1 and 2 together, or neither one?

Dennis Branson: Correct.

Gray Hodge: And for Lots 1 and 2 to be approved, that entrance has to be put in.

Dennis Branson: I believe so, yes. I don't believe that that is something you guys, I mean I think you should require it but I don't think that's... once it gets to that stage you've got to put it in anyway to operate the motel.

Brian Bishop: Ok Denny, let's make sure we're all on the same page; if Lot 1 is sold, the owner or future owner is going to have to, *have to* build this entrance on a piece of property he does not own?

Gray Hodge: No.

Dennis Branson: No.

Claudia Wayne: No.

Rodney Thomas: The motel is.

Dennis Branson: The owner of the property, the owner of the motel is going to see that it gets done; the applicant.

Tommy Joe Fridy: Before it's sold.

Dennis Branson: Yes.

Claudia Wayne: Yeah, yeah.

David Williams: The property is currently owned by one (1) person, right?

Claudia Wayne: Yes.

Tommy Joe Fridy: Right.

David Williams: So, it could be a requirement of the sale on his behalf that the new entry be made?

Dennis Branson: It could be what, David?

David Williams: It could be a requirement of his sale to the new owner that the new entry be...

Dennis Branson: It could, it could but you guys can't...

David Williams: But what I'm saying is there are numerous ways this entryway can get built without isolating Lot 1.

Dennis Branson: That's not a big-ticket item when you talk about razing that part of the motel, two-story motel. In my opinion, if I was a Commissioner, I would make that a condition of the approval of the... I would make that go hand in hand with the demolition of the building, that that entrance goes in. He has to have it anyway, and that would protect or account for the concerns on that.

David Dixon: So, is this staged to make that requirement tonight? Or do we need to have it re-done and dropped off to us?

Claudia Wayne: It would be the final plat.

Dennis Branson: I understand we're at a little bit of a disadvantage, I'm talking about... and Tommy Joe has gratefully pointed out that the owners need to be speaking for themselves or have proper representation. Often, I've spoken before this Commission for forty (40) years, represented a lot of subdivision, and helped with a lot of subdivisions.

Tonight, it's me talking to you about what has been applied for, and what's on that plat. You can make whatever requirements you deem necessary but there is no one here to agree to those.

Brian Bishop: Are you requesting this be withdrawn?

Tommy Joe Fridy: No.

Dennis Branson: No.

Claudia Wayne: No.

Dennis Branson: I'm suggesting; I like what I've heard and I think you need to require it; that's my personal opinion.

Mac Arnold: Subject-to in other words?

Dennis Branson: I think that just needs to be made a requirement.

Doug Bell: But if we don't have, pardon me, but if we don't have the owners here to speak to it, why are we tabling this thing? This is, obviously complex as it is and...

Brian Bishop: But its more than tabling because there are going to be new notes and everything added for the construction. That's why I said withdraw it. Because you still have to add...

Doug Bell: I'm sorry, but withdraw.

Brian Bishop: Yes. Because if you're tabling it, we're saying there needs to be new notes for the entrance, maybe detailed to the entrance since it's a public improvement...

Doug Bell: So, we're just guessing?

Brian Bishop: We're just guessing.

Chairman McKee: Just for clarity, what is the difference between making an approval subject-to a requirement, and withdrawing it and coming back?

Dennis Branson: How would you make construction of an entrance subject-to construction of an entrance?

Chairman McKee: But your opinion is, it needs to be withdrawn?

Dennis Branson: No. I would think you would just need to make the approval; I'm going to use the word condition but I don't know if that's proper.

Tommy Joe Fridy: It is proper.

Dennis Branson: Ok, condition with the condition that the entrance be built at the time the building is demolished.

David Dixon: That sounds like a subject-to to me.

Tommy Joe Fridy: Same thing. Condition is a little stronger word; conditioned upon. Subject-to is the way that it's always been used in this body.

Here's the difference David. Subject-to it's approved subject-to. And condition, it's not approved until the condition is met.

David Dixon: Ok.

Tommy Joe Fridy: It's conditioned approval as opposed to approving it subject-to; it would be a little easier to enforce with a true condition. And this is a pretty serious...

Doug Bell: Mr. Chairman, may I ask a question of staff?

Chairman McKee: Yes please.

Doug Bell: Is it your recommendation you withdraw this?

Brian Bishop: I would say, yes.

Tommy Joe Fridy: We don't have the ability to withdraw it.

Dickie Johnson: We can table it.

Dennis Branson: Do I have the authority?

Tommy Joe Fridy: No, you do not.

Dennis Branson: I didn't think so.

Tommy Joe Fridy: Typically, you do not.

Dennis Branson: I just wanted to ask you; I didn't think I did.

Chairman McKee: Commissioner Bell?

Doug Bell: Question for staff. Is it your recommendation we table this?

Brian Bishop: Yes.

Mac Arnold: Does tabling stop him from starting demolition?

Tommy Joe Fridy: Absolutely. No, no, no! It wouldn't have lots.

Dennis Branson: Listen, we've been working on this idea for several years. Me, Kiran, and Tim Skinner, a month is not going to matter. So, as far as I know, there is nobody sitting out there ready to write Kiran a check for this lot anyway. So, if it helps at all to table it, I think that would be a good thing.

David Dixon: I have a question. If we should table it, what happens in that month? What do we change here? We're going to have new language here or something?

Brian Bishop: That's my...One, the property owner is here at the next meeting. Two, my concern is that we're still addressing an entrance that we have no bonding amount for, we have no detailed entrance for, we're basically just guessing at that. Which is fine when we're doing preliminary approval but now, we're into construction. We're dealing with construction then we probably need construction drawings related to it.

David Dixon: So, if we table it then we'll have more information and we can re-consider it?

Brian Bishop: But if it's tabled, you're only tabling this. You're not addressing new evidence.

Dickie Johnson: No, they can bring new evidence.

Claudia Wayne: No.

Tommy Joe Fridy: You're not preventing them from amending their application.

David Dixon: What good is it to table it if we can't fix it?

Dennis Branson: We can, yeah, we can.

Dickie Johnson: Yeah, we can.

Tommy Joe Fridy: You basically have two choices. You either table it or you deny it. Either one, there's not a time limit on coming back if you deny it.

Rodney Thomas: Well it's the same thing isn't it?

Dickie Johnson: It will save them some money having to be re-advertised.

Tommy Joe Fridy: In this instance, it's the same.

Rodney Thomas: So, if we deny it, they can come back with better terminology. Where if we table it, we'll get the same thing from them next month.

Gary Gibson: Well, if we table it, we won't have to go through the whole process all over again. Is that person in a hurry to get this done, are we holding him up by tabling it?

Brian Bishop: The timeframe is the same.

David Dixon: It would be a greater delay if we deny it, would it not?

Brian Bishop: The timeframe is the same.

Mac Arnold: If we table it, he's still going to have to come in for site approval as far as on that entrance and all, right? To make sure you get all the details?

Brian Bishop: That was my point. There's no detail for that entrance by tabling it. If we withdraw it or deny it, we'd come back with a new application with new, updated language, and the notes that are sure to change, and you have a more detailed entrance.

Dennis Branson: If you table it.

Brian Bishop: If you deny it.

Tommy Joe Fridy: Either one. It's probably more aesthetically pleasing to the applicant to table it.

Dennis Branson: That's what I was just getting ready to say.

David Dixon: I'm in favor of tabling it too if that allows us to get the information we need to make an informed decision when we bring it back off the table.

Tommy Joe Fridy: If you table it, and the applicant doesn't bring you back what you want, you can deny it at the next meeting. So, it is your decision, of course, but I don't see that you're giving up anything to table it as opposed to denying it.

Dennis Branson: Tommy, if it's tabled, can't the applicant withdraw it?

Tommy Joe Fridy: Absolutely.

Dennis Branson: Subsequently, like tomorrow?

Tommy Joe Fridy: Absolutely.

Dennis Branson: And then submit another...

Tommy Joe Fridy: Absolutely.

David Dixon: They could bring in an amended plan, could they not? With another note on it or something.

Tommy Joe Fridy: Yeah.

Chairman McKee: Is anybody not ok with that strategy?

Seeing none, the Chair will entertain a motion to table this application.

***MOTION WAS MADE BY BOBBIE JARRET, SECONDED BY  
RODNEY THOMAS TO TABLE SKN PROPERTIES, LLC  
SUBDIVISION PRELIMINARY PLAT.***

Chairman McKee: We have a motion and a second. All those in favor, signify by saying aye.

***ALL: AYE***

Chairman McKee: Are there any opposed?

***OPPOSED: NONE***

Chairman McKee: Thank you.

Chairman McKee: Next on the agenda, **River's Edge Subdivision Revised Master Plan**. We've already heard the Narrative, please guide us to the motion Mr. Bishop.

Brian Bishop: River's Edge Subdivision Revised Master Plan, submitted by Hackberry Development, LLC (owners Dorsey Ridley, Brent Wilkerson, and Brad Hazelwood) for the property located in the City of Henderson, adjacent to River's Edge Drive (PID#46-54.1). Applicants are requesting Revised Master Plan approval.

This is what we talked about earlier when we discussed Lots #1 & 2. This would be Lot #2 in this area here, and then this is the newly proposed construction, which is the cul-de-sac.

We would go from previous lots 5-25 to lots 5-7 I believe if I'm reading that correctly. So, the densification is greatly reduced, and you have far less construction due to the road being shortened. The reason for this is the lack of market viability. They have not found the market to be suitable to the previous Master Plan, and they are requesting that it be updated to this version.

David Dixon: How big are those lots, I can't tell. Do I have that?

Brian Bishop: Lot #5 would be 1.7 acres, Lot #6 would be 2.10 acres, Lot #7 would be 34,894 square feet.

They go in order of Lots #5, 6, & 7. So, this is the smallest, and then these two (2) are larger and have 1.7 and 2.10 acres.

Chairman McKee: Any other questions for staff? Hearing none, the Chair will entertain a motion.

***MOTION WAS MADE BY DAVID DIXON, SECONDED KEVIN RICHARD BY TO APPROVE RIVER’S EDGE SUBDIVISION REVISED MASTER PLAN SUBMITTED BY HACKBERRY DEVELOPMENT, LLC (OWNERS DORSEY RIDLEY, BRENT WILKERSON, AND BRAD HAZELWOOD) FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON, ADJACENT TO RIVER’S EDGE DRIVE (PID#46-54.1). APPLICANTS ARE REQUESTING REVISED MASTER PLAN APPROVAL.***

Chairman McKee: We have a motion and a second. Madame Clerk, will you please call the roll?

***ALL: DAVID WILLIAMS, BOBBIE JARRETT, MAC ARNOLD, KEVIN RICHARD, DICKIE JOHNSON, GARY GIBSON, RODNEY THOMAS, DAVID DIXON, DOUG BELL.***

***ABSTAIN: GRAY HODGE***

***OPPOSED: NONE***

Chairman McKee: So mote it be.

Mr. Raymer, would you be offended if we postponed your presentation until the next meeting?

Thank you, sir, very much it’s going on eight o’clock.

The next item on the agenda is **Administrative Business**.

Mr. Bishop, please proceed.

Brian Bishop: Staff recommends that **Section 3.2(4), of the Henderson City County Subdivision Regulations be deleted**. The text says;

*“Divisions in a Special Flood Hazard Area. All divisions in a special flood hazard area will be forwarded to the full Planning Commission for approval after review by Staff. When a portion of a proposed subdivision lies within a special flood hazard area only that portion outside the special flood hazard area will be considered when computing the*

*minimum required lot size for the development. Special flood hazard areas shall be noted prominently on the face of all plats.”*

We have discussed this several times. A lot of times when subdivision come in and they have a small portion of the proposed lot being created in the floodplain, this language requires that we bring it here, no matter how insignificant it is.

For example, the first item on the agenda, we had Division of Parcel 2, Deed Book 605 Page 225 Hackberry Development; a portion of that was in the flood plain. That portion of that lot will never be built on because it's riverbank. So, that was a hinderance to that developer, and we feel this would make the process more efficient.

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

Chairman McKee: Questions for Mr. Bishop?

David Williams: Brian, is this something that the Commission had recommended or asked you to come into?

Brian Bishop: Yes, that is something we looked at the meeting before last if I'm not mistaken.

Chairman McKee: Any other questions?

David Dixon: Coming from the City Commission you're saying?

Brian Bishop: No, the Planning Commission. We discussed this not at last months meeting, but the one before I believe.

David Williams: I remember us talking about it.

Dickie Johnson: Is this basically going to allow you to sign off on it in-house instead of having to bring it to us?

Brian Bishop: Exactly. Say for example if it was a Minor Subdivision in the Reed area, they're creating a lot that has 1.5 acres, and half an acre of that is in a flood plain, we would bring it to you. Even though

it's technically a Minor Subdivision which would be approved in-house otherwise, this gives us the ability to do it.

So, the applicant is saved anywhere from two (2) to four (4) weeks, depending on when it's submitted.

David Dixon: In which cases would it come to us?

Brian Bishop: Major Subdivisions in a floodplain would still come to you. For example, the first thing we heard, Division of Parcel 2, Deed Book 605, with the language being deleted, that would not come to you guys, that would have been approved in house as a minor subdivision.

Gray Hodge: Is that the burden of the staff that you don't have now though... I'm trying to think. The purpose behind it is good but inevitably there are unforeseen consequences to something like that.

Brian Bishop: Theoretically but the review process is still the same. The only step being taken away is the rubber stamping, so to speak, of this because when the plat comes in it's still submitted to all the technical advisors as far as utilities, any technical issues with the road or entrances, that still takes place.

So, the only thing being deducted, for lack of a better word is us presenting this to the full Planning Commission.

Claudia Wayne: And the people being held up for a period of time because we have to, if they bring it in the first, you know, the end of the month or the middle of the month, we have to wait and they have to wait until the Planning Commission meeting for us to record the plat. So, they have to wait. It kind of makes it hard on them.

Gray Hodge: The longest they would have to wait is four (4) weeks, right?

Claudia Wayne: But still.

David Williams: I would say also, if there is a situation where you feel uncomfortable making a decision, you can always refer it to the full Planning Commission.

Brian Bishop: Correct.

David Williams: It's not like an item coming to the Planning Commission, it makes it easier on them.

David Dixon: So, what would be up to your discretion whether it comes to the Planning Commission or not?

Rodney Thomas: Have we ever denied one?

Brian Bishop: Not that I'm aware of.

Herb McKee: Where is there language in the Subdivision Regulations that tell you how to handle a request that involves a floodplain?

Brian Bishop: I believe we're looking at it.

Chairman McKee: That's the only one?

Brian Bishop: Off the top of my head I would have to scour the Subdivision Regulations but I believe that's it.

We have other mechanisms to deal with floodplains. We have the City and County Flood Damage Prevention Ordinance; we have the floodplain being referenced in the Zoning Ordinances themselves. So, there are multiple areas to address it.

Chairman McKee: The question is, if an applicant says I want you to approve this in house. Where do you get the authority to say I don't want to do that, I want to take it to the full Planning Commission?

Brian Bishop: I believe if you look in the Zoning Ordinance it says that if there is anything... the Planning Commission has approval of anything that has major planning significance. Whether it be Site Plans or anything like that...

Chairman McKee: That's your call?

Brian Bishop: That is what I would hang my hat on.

Chairman McKee: And that's your call?

Brian Bishop: Correct.

Chairman McKee: Ok.

Tommy Joe Fridy: I believe it's an inherent power. He doesn't have the duty to approve it, he has the right. He has the inherent power to bring it to the Planning Commission for approval.

Chairman McKee: So, Commissioner Hodge if he inhouse approved five (5) or six (6) that you didn't think he should be approving, you could bring him up before charges.

David Dixon: How would we know he's approved these? Should we have a report?

Brian Bishop: We can do that.

David Dixon: Sorry, sorry. I take it back.

Doug Bell: I don't think we want to... I guess we've talked about it before and...

Brian Bishop: Was that the March meeting, Theresa, that we talked about it?

Theresa Curtis: Yes.

Brian Bishop: If I remember correctly, guys please correct me, we had laid out a list of proposed changes. The City has submitted their recommendations, we have not orchestrated that with the County yet which I hope to have done next month. So, they have reviewed it and this recommendation, not the Subdivision Regulation but anything Zoning Ordinance related still goes back to the City and County governing bodies.

Chairman McKee: So, removing this language, we have the authority to do that?

Brian Bishop: Correct, in the Subdivision Regulations.

Chairman McKee: But the other regs...

Brian Bishop: Anything Zoning Ordinance or Flood Damage Prevention Ordinance, we're making recommendations.

Chairman McKee: And those will come back here too?

Brian Bishop: Some already have. Like tonight we had the boundaries of the City Zoning Ordinance, and then we'll have a county version similar to that, and then the Flood Damage Prevention Ordinance; any changes of that, we recommend changes to that as well.

Chairman McKee: Any questions for staff?

All your questions have been addressed? The Chair will entertain a motion.

***MOTION WAS MADE BY DAVID WILLIAMS SECONDED BY DICKIE JOHNSON TO APPROVE THE PROPOSED AMENDMENTS TO THE HENDERSON CITY-COUNTY SUBDIVISION REGULATIONS; ARTICLE III, PROCEDURES AND REQUIREMENTS FOR MAJOR SUBDIVISIONS, SECTION 3.2(4) GENERAL PROCEDURE. PROPOSED TO REMOVE THIS SECTION FROM THE SUBDIVISION REGULATIONS; "DIVISIONS IN A SPECIAL FLOOD HAZARD AREA. ALL DIVISIONS IN A SPECIAL FLOOD HAZARD AREA WILL BE FORWARDED TO THE FULL PLANNING COMMISSION FOR APPROVAL AFTER REVIEW BY STAFF. WHEN A PORTION OF A PROPOSED SUBDIVISION LIES WITHIN A SPECIAL FLOOD HAZARD AREA ONLY THAT PORTION OUTSIDE THE SPECIAL FLOOD HAZARD AREA WILL BE CONSIDERED WHEN COMPUTING THE MINIMUM REQUIRED LOT SIZE FOR THE***

***DEVELOPMENT. SPECIAL FLOOD HAZARD AREAS SHALL BE NOTED PROMINENTLY ON THE FACE OF ALL PLATS.”***

Chairman McKee: The motion is to remove that language. We have a motion and a second, is there any discussion?

Madame Clerk, will you please call the roll?

***ALL: AYE***

***OPPOSED: NONE***

Chairman McKee: So mote it be.

Is there any other business to come before this Planning Commission tonight?

David Williams: Mr. Chairman, I would like to call attention to the Planning Commission the passing of Howard McKee, your father, on April 30, 2019, and we wish to extend you our full condolences.

Chairman McKee: Thank you. I might add that a gift was delivered to my house today that I haven't looked at yet but I'm very appreciative and grateful. Thank you for all your consideration, I appreciate it.

Anything else we need to do?

***MOTION WAS MADE BY DAVID WILLIAMS SECONDED BY RODNEY THOMAS TO ADJOURN.***

Chairman McKee: All those in favor signify by saying aye.

***ALL: AYE***

Chairman McKee: Opposed?

***OPPOSED: NONE***

Chairman McKee: We are adjourned.

**I, HEATHER LAUDERDALE, hereby certify that the foregoing is a true and accurate transcription of the Henderson City-County**

**Planning Commission Meeting of, May 7, 2019 to the best of my ability.**

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**Heather Lauderdale, HCCPC Clerk**

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