

Henderson City-County  
Planning Commission  
September 3, 2019

The Henderson City-County Planning Commission held a meeting September 3, 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, Bobbie Jarrett, Kevin Herron, David Dixon, Gary Gibson, Kevin Richard, Rodney Thomas, Mac Arnold and Attorney Tommy Joe Fridy. Dickie Johnson, Doug Bell and Gray Hodge were absent. Staff present: Director Brian Bishop, Theresa Curtis, Heather Lauderdale and Chris Raymer. Claudia Wayne was absent.

***MEETING BEGAN AT 6 PM***

Chairman McKee: Let's call this September 3, 2019 meeting of the Henderson City-County Planning Commission to order.

Madame Clerk, will you please call the roll?

We have a quorum?

Heather Lauderdale: We do.

Chairman McKee: We have a quorum. The first thing on the agenda is to go into public hearing, so the Chair will entertain a motion to go into ***public hearing.***

***MOTION WAS MADE BY KEVIN RICHARD AND SECONDED BY MAC ARNOLD TO GO INTO PUBLIC HEARING.***

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

***AYE: ALL***

Chairman McKee: Are there any opposed?

***OPPOSED: NONE***

Chairman McKee: We are in public hearing.

Next on the agenda in public hearing are the minutes from the August 6, 2019 meeting. If you've had a chance to review those, are there any additions or corrections?

***MOTION WAS MADE BY KEVIN RICHARD AND SECONDED BY RODNEY THOMAS TO APPROVE THE AUGUST 6, 2019 MINUTES AS DISTRIBUTED.***

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

***ALL: AYE***

Chairman McKee: Any opposed?

***OPPOSED: NONE***

Chairman McKee: The minutes are approved as presented.

Next on the agenda we have Ellis-Burke, LLC Agricultural Division & Consolidation, Mr. Bishop please proceed.

Brian Bishop: Yes sir. This is submitted by Ellis-Burke Farm, LLC for the property located in Henderson County at 7532 Cairo-Liles Rd (PID #49-21 & 49-22). Applicants are requesting approval for a division of property for consolidation.

You will notice there are several large tracts on this drawing, there is roughly 87 acres there that will be divided into large tracts that are not intended for residential uses. Had this been a traditional subdivision, that would have come to the Planning Commission and we could have approved that in-house as a minor subdivision. But, as you'll recall, all Agricultural Divisions are required to come before the Planning Commission for full approval.

If there aren't any questions, staff recommends approval.

Chairman McKee: Are there any questions for staff?

Hearing none, the Chair will entertain a motion.

***MOTION WAS MADE BY DAVID WILLIAMS AND SECONDED BY MAC ARNOLD TO APPROVE THE ELLIS-BURKE FARM, LLC SUBDIVISION AND CONSOLIDATION, SUBMITTED BY ELLIS-BURKE FARM, LLC FOR THE PROPERTY LOCATED IN HENDERSON COUNTY AT 7532 CAIRO LILES ROAD (PID# 49-21 & 49-22); FOR APPROVAL OF DIVISION OF PROPERTY FOR CONSOLIDATION.***

Chairman McKee: We have a motion and a second. Any discussion?

Madame Clerk, will you please call the roll?

***ALL: AYE***

Chairman McKee: Any opposed?

***OPPOSED: NONE***

Chairman McKee: So mote it be.

Next on the agenda, **Rezoning #1096 with Development Plan**, Mr. Bishop please proceed.

Brian Bishop: Yes sir. This is submitted by Clark Merrill, ET AL for the property located in the City of Henderson at 1213 Barret Boulevard, Parcel #65-13), containing 8.57 acres (the "subject" property).

Applicants are requesting a zoning change/map amendment from Agricultural (AG) to Highway Commercial (HC) with a Development Plan. The applicant is requesting a rezoning and lot consolidation to construct an assisted living facility.

This is the area that we will be looking at. This is approximately 3.3 acres here. The rezoning is this area here, which is approximately 8.5 acres, and if you'll notice on the aerial map is this area here; it's behind

Wal-Mart, it goes to the existing creek, and then comes back to where Barret Boulevard will be extended at some point.

The applicant is proposing a rather large assisted living facility that is approximately 73,000 square feet in size. They will have a total of 83 units; 56 will be assisted living and 27 will be memory care units.

We have met with the applicants. From this point, what they will do is come back to the Planning Commission with a detailed site plan where we will look at drainage, lighting in a more detailed nature and things along those lines that you're used to seeing.

So with that, staff recommends approval, and I'll do my best to answer any questions you may have.

Chairman McKee: Questions for staff?

Brian Bishop: If anyone's not familiar with where it is, you'll see this is Wal-Mart here, this is Owensboro Health adjacent and across the street, and then you have Lowe's.

David Dixon: Where does the street end now?

Brian Bishop: The street currently ends approximately here. It ends in a cul-de-sac, the proposed development will have no discharge points onto a newer proposed street, and they will have both entrances and exits onto the existing Barret Boulevard. Which is the cul-de-sac here, and then along Barret Boulevard across from Owensboro Health.

Mac Arnold: It's extended down to the end of the property then?

Brian Bishop: No in this case. They do not propose that. Mac it's hard to see on this screen but the entrance will discharge here, and then at some point Barret Boulevard will have to be extended before another lot can be developed. But, for this particular development, that need is not going to happen.

They're going to design to the existing road.

Chairman McKee: Any other questions for staff?

David Williams: Everything meets with the Comprehensive Plan?

Brian Bishop: It does, sir. The Future Land Use map shows all this developing in a commercial nature.

Chairman McKee: Any other questions for staff? Would you like to hear from the developer?

Hearing none, is there anyone here who would like to speak for or against this rezoning application? I'm not going to get to swear anybody in tonight; it doesn't look like.

Seeing none, the Chair will entertain a motion.

***MOTION WAS MADE BY DAVID DIXON AND SECONDED BY RODNEY THOMAS TO APPROVE APPLICATION FOR REZONING # 1096 WITH DEVELOPMENT PLAN – SUBMITTED BY CLARK MERRILL, ET AL FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON, AT 1213 BARRET BLVD. (PID 65-13), CONTAINING 8.57 ACRES (THE “SUBJECT PROPERTY”). APPLICANTS ARE REQUESTING A ZONING CHANGE/MAP AMENDMENT FROM AGRICULTURAL DISTRICT (AG) TO HIGHWAY COMMERCIAL DISTRICT (H-C) WITH A DEVELOPMENT PLAN TO ENABLE CONSOLIDATION WITH AN ADJOINING LOT.***

***I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE HENDERSON BOARD OF COMMISSIONERS (THE “CITY”) APPROVE REZONING APPLICATION # 1096 WITH A DEVELOPMENT PLAN CHANGING THE ZONING CLASSIFICATION FROM AGRICULTURAL DISTRICT (AG) TO HIGHWAY COMMERCIAL DISTRICT (H-C) FOR THE SUBJECT PROPERTY, SUBJECT TO THE CONSOLIDATION BEING FINALLY APPROVED AND RECORDED, 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 PARCEL PID 65-13, LOCATED AT 1213 BARRET BLVD., ZONED AGRICULTURAL DISTRICT (AG) AND THE ADJOINING PROPERTY, PID # 65-13, ZONED HIGHWAY COMMERCIAL DISTRICT (H-C) AND CANNOT BE CONSOLIDATED UNLESS THE TWO PARCELS HAVE THE SAME ZONING CLASSIFICATION.***

***THE EXISTING AGRICULTURAL (AG) ZONING CLASSIFICATION IS INAPPROPRIATE AND THE PROPOSED HIGHWAY COMMERCIAL DISTRICT (H-C) ZONING CLASSIFICATION IS APPROPRIATE, BECAUSE:***

***THE SUBJECT PROPERTY IS ADJACENT TO OTHER PARCELS THAT ARE CURRENTLY ZONED HIGHWAY COMMERCIAL AND OCCUPIED BY LARGE RETAIL STORES SUCH AS WALMART AND LOWES.***

***THE APPLICANTS HAVE INDICATED THAT THEY INTEND TO USE THE CONSOLIDATED PROPERTY FOR A COMMERCIAL USE BY CONSTRUCTING AN ASSISTED LIVING FACILITY.***

***THIS RECOMMENDED HIGHWAY COMMERCIAL ZONING CLASSIFICATION OF THE SUBJECT PARCEL WILL NOT ADVERSELY AFFECT THE OTHER PROPERTIES IN THE AREA.***

***THE NEW CONSOLIDATED LOT WILL FRONT ON BARRET BOULEVARD, WHICH HAS A CUL-DE-SAC.***

***THE PROPERTY IS SERVED BY ADEQUATE INFRASTRUCTURE/UTILITIES.***

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

***ECONOMIC DEVELOPMENT OBJECTIVE 6: ENCOURAGE THE DEVELOPMENT OF WELL-LOCATED AND DESIGNED COMMERCIAL AREAS WHILE CONSIDERING THE TRAFFIC IMPACT ON THE LOCAL TRANSPORTATION SYSTEM***

***BALANCING LAND USE, OBJECTIVE (B): GUIDE DEVELOPMENT TO EXISTING CENTRALIZED AREAS SERVED BY ADEQUATE INFRASTRUCTURE TO AVOID DECENTRALIZED AND SCATTERED DEVELOPMENT.***

***TRANSPORTATION OBJECTIVE 8: HIGHWAY COMMERCIAL USES SHALL BE IN CLOSE PROXIMITY TO HIGHWAY INTERCHANGES FOR MAXIMUM CONVENIENCE AND ECONOMY TO THE TRAVELLING PUBLIC, WHILE MINIMIZING THE IMPACT TO THE COMMUNITY IN TERMS OF TRAFFIC CONGESTION, LOCAL COMMUTING PATTERNS AND ACCESS.***

***THE PROPOSED ZONING CLASSIFICATION IS IN AGREEMENT WITH THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN, WHICH SHOWS THE AREA DEVELOPING COMMERCIAL.***

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

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

***ALL: AYE***

Chairman McKee: Any opposed?

***OPPOSED: NONE***

Chairman McKee: So mote it be.

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

***MOTION WAS MADE BY BOBBIE JARRETT AND SECONDED BY KEVIN RICHARD TO GO OUT OF PUBLIC HEARING.***

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

***AYE: ALL***

Chairman McKee: Are there any opposed?

***OPPOSED: NONE***

Chairman McKee: We are out of public hearing.

In the non-public hearing items; first on the agenda is the **August Finance Report**. Mrs. Curtis, are you going to share those with us?

Theresa Curtis: Yes sir.

Chairman McKee: Please proceed.

Theresa Curtis: We're two months into the fiscal year, and we're at 23% of our budget. If you have any questions, I'm here to answer them.

Chairman McKee: Questions for Mrs. Curtis?

***MOTION WAS MADE BY DAVID WILLIAMS AND SECONDED BY BOBBIE JARRETT TO ACCEPT THE AUGUST FINANCE REPORT AS SUBMITTED.***

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

***AYE: ALL***

Chairman McKee: Are there any opposed?

***OPPOSED: NONE***



Chairman McKee: August Finance Report is approved as presented.

Next on the agenda, **Gray Stone Subdivision Revised Master Plan**; Mr. Bishop, please proceed.

Brian Bishop: Yes sir.

If you would, will you guys please find the section out of the Subdivision Regulations that specifically address Master Plan. We do not deal with this on a daily basis, and we've not had a large subdivision recently that would really need us to require to talk about it. So, we'll put that up there so you guys can read and maybe brush up a little bit.

Master Plan is essentially a conceptual plan for a subdivision in the same way that a rezoning exhibit or a development plan gives you an idea of what the rezoning will look like.

A Master Plan is going to give you an idea of what the property will look like once it's developed.

So, moving on, this is submitted by JM Development Inc., for Section 3, (1.425 acres) at the determination of Constanza Drive; Section 3A (36.362 acres), and Section 4 (6.421 acres) at the determination of Copper Creek Drive, located in the City of Henderson and being PID# 64-28. Applicants are requesting Revised Master Plan approval.

This is the area that we will be looking at. If you'll notice, the end of Constanza Drive has three lots that will be more traditional lots in nature; think of those as one family lots. At the end of Copper Creek, there are roughly twelve lots that will be more traditional, family lots. The large balance of the property, which is approximately acres will be intended for an Assisted Living Facility. You guys should be prepared to see that next month for a rezoning and a development plan as well.

That will be coming back to us, and once the rezoning is approved they will also be coming back with a site plan for that as well.

So, I know this a little bit outside of what we normally do, is there any questions or anything you would like me to elaborate on?

David Dixon: Why does the Master Plan come before the rezoning?

Brian Bishop: A Master Plan comes before this because it gives the developer an idea that the process can proceed. They would not want to submit a rezoning for a property that they cannot conceptually get a subdivision approved. They're independent of one another.

A rezoning deals with the land use itself, and the subdivision basically tells you how the property will be subdivided.

David Williams: So, we should approve this Master Plan subject-to the rezoning.

Brian Bishop: I would say no, they are independent of one another.

One thing to keep in mind is Master Plans expire after three years. So, for example if this project does not proceed within the three year time frame, they would come back for another updated, revised Master Plan.

David Dixon: What does the original Master Plan show here?

Brian Bishop: The original Master Plan shows all one family lots with the existing Constanza Drive basically going to the northwest, and then you would have seen a cul-de-sac here, and then eventually curving over to connect to the existing Copper Creek.

Mr. Dixon, if it helps we have the original Master Plan from 2005, I believe. I'm sorry that was probably late 90's when the first Master Plan was approved; if that helps.

Or if you guys think it might cause more confusion, we didn't put it in the packet but we've made it available.

Chairman McKee: Any other questions for staff?

David Dixon: So what we're approving is actually just a big map here?

Brian Bishop: Correct. Basically, it's a conceptual subdivision is the best way to describe it.

Kevin Richard: So, in a nutshell we're approving the concept but no specifics.

Brian Bishop: Correct. You're approving the concept of a subdivision, no the rezoning.

Chairman McKee: So, if we approve the subdivision then the rezoning would get a recommendation from us?

Brian Bishop: The rezoning will come back next month. Theoretically they could have submitted at the exact, same meeting but the rezoning was not ready yet. One thing you'll notice is a rezoning is public hearing item, where the Master Plan revision is a non-public hearing item which is why you don't hear them back to back.

Clear as mud?

Chairman McKee: But we would still recommend to the City that they approve the rezoning, it wouldn't be final until the time lapsed or they moved on it.

Brian Bishop: But the Master Plan is at the full discretion of the Planning Commission, not the Board of Commissioners or the Fiscal Court.

Chairman McKee: When can they start construction? What approvals must they have before they can start?

Brian Bishop: They will need the Revised Master Plan, they will need the rezoning, and they will need a site plan.

Chairman McKee: And that site plan has to come back here?

Brian Bishop: Yes sir, a detailed site plan comes back here.

Chairman McKee: Any other questions for staff?

David Dixon: I'm sorry, so we could approve a Revised Master Plan and theoretically deny a rezoning?

Brian Bishop: Absolutely.

Chairman McKee: Or a site plan. Any other questions for staff? Any questions for anybody?

***MOTION WAS MADE BY RODNEY THOMAS AND SECONDED BY BOBBIE JARRETT TO APPROVE THE REVISED MASTER PLAN SUBMITTED BY JM DEVELOPMENT, INC., FOR SECTION 3, (1.425 ACRES) AT THE DETERMINATION OF CONSTANZA DRIVE; SECTION 3A (36.362 ACRES), AND SECTION 4 (6.421 ACRES) AT THE DETERMINATION OF COPPER CREEK DRIVE, LOCATED IN THE CITY OF HENDERSON AND BEING PID# 64-28. APPLICANT IS REQUESTING REVISED MASTER PLAN APPROVAL.***

Chairman McKee: We have a motion and a second. Any discussion?

Madame Clerk, will you please call the roll?

***AYE: ALL***

***OPPOSED: NONE***

Chairman McKee: So mote it be.

Next is the **Merrill Place Subdivision Revised Master Plan**, Mr. Bishop please proceed.

Brian Bishop: This is submitted by Clark Merrill, ET AL for the property located in the City of Henderson at the termination point of Barret Boulevard, (being Parcel #65-13). Applicants are requesting a revised Master Plan approval.

As in the one before this, this is a Master Plan for another subdivision that had been looked at by the Planning Commission in approximately 2005. The reason why this is at this point in the meeting because it's a

non-public hearing item, and the rezoning for the parcel that you would see on here was a public hearing item; two different scenarios.

The balance of this property is behind Wal-Mart and Lowe's, and it proceeds east of Balmoral Subdivision. This section 13 would be one family residences, and they would provide a buffer from the existing Balmoral Subdivision into the more commercial nature of these lots that would be proposed along these new streets.

Staff recommends approval, and I'll do my best to answer any questions you may have.

Chairman McKee: Questions for staff?

David Dixon: What is being revised?

Brian Bishop: We should probably go to the previous version of that.

David Dixon: What we just rezoned, was that the revision?

Brian Bishop: There's more to it than that.

David Dixon: Ok, then I would like to know.

Brian Bishop: If I'm not mistaken, this is the earliest version if not the first version of this Master Plan.

You'll notice that you'll see a lot more one family residences behind the southeast of Lowe's. The market just hasn't developed in that nature so, the developer feels that the commercial uses are probably more beneficial at this point. So, you'll notice the change. You'll notice a larger number of commercial lots, and larger sized lots in the commercial area. But the developer has committed to making sure that the lots adjacent to the existing Balmoral stay residential so that way they create a buffer between the commercial uses and the residential uses.

One thing you'll notice too, is that the floodplain has drastically changed on this Master Plan. This was prepared under the 1991 flood maps

which were not as near accurate as the one that we have now; the 2017 version.

So, you'll notice a huge difference in flood plains if you would like to compare those.

David Dixon: It's also called for a great reduction in the number of residential lots and the addition of several larger, commercial lots.

Brian Bishop: Correct.

Commissioner Dixon, you'll notice these lots are much larger and the street pattern is a lot different but, you still see this area is staying residential. This would allow access completely around and back out to Highway 60 and then connect into the existing neighborhood this way.

This would allow the residences that already exist in Balmoral to have an access point to Wal-Mart so that way they do not have to go out to Highway 60 and come back around this way.

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

***MOTION WAS MADE BY DAVID DIXON AND SECONDED BY BOBBIE JARRETT TO APPROVE THE MERRILL PLACE SUBDIVISION REVISED MASTER PLAN AS SUBMITTED BY CLARK MERRILL, ET AL FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON AT THE TERMINATION POINT OF BARRET BOULEVARD, BEING (PARCEL #65-13).***

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

Madame Clerk, will you please call the roll?

***AYE: ALL***

***OPPOSED: NONE***

Chairman McKee: So mote it be.

Next on the agenda, **Section 3 Merrill Place Commercial Subdivision & Consolidation Lot #17 Preliminary Plat Major Subdivision.**

Mr. Bishop, please proceed.

Brian Bishop: Yes sir. This is submitted by Clark Merrill, ET AL, for the property located in the City of Henderson at 1213 Barret Boulevard (PID #65-13). Applicant's area requesting Preliminary approval for consolidation.

This is the same property that we had spoken about before. You'll notice that the area that we talked about previous, the roughly 8.5 acres would be joined into the existing 3.4 acres; I believe it is.

The reason why this is before you is because any subdivision that is commercial or industrial in nature comes to the Planning Commission for approval. It is not considered a Minor Subdivision like a traditional Minor Subdivision that was zoned Residential or Agriculture.

So, this more of a formality, and staff recommends approval.

Chairman McKee: Questions for staff?

Hearing none, the Chair will entertain a motion.

***MOTION WAS MADE BY BOBBIE JARRETT AND SECONDED BY GARY GIBSON TO APPROVE SECTION 3 MERRILL PLACE COMMERCIAL SUBDIVISION AND CONSOLIDATION LOT #17 PRELIMINARY PLAT MAJOR SUBDIVISION SUBMITTED BY CLARK MERRILL, ET AL FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON AT 1213 BARRET BOULEVARD, BEING PID #65-13.***

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

Madame Clerk, will you please call the roll?

***AYE: ALL***

***OPPOSED: NONE***

Chairman McKee: So mote it be.

Is there any other Administrative business to come before this group?

Brian Bishop: No, I think you guys are getting off a little easy tonight. So, I would expect the next couple of months to be a little busy. We're going to have some rezoning's. If Mrs. Stinnett and I can get on the same page, hopefully we have a Downtown Master Plan at some point to present to you guys. She's been very gracious with offering help that I need very much. So, thank you Donna, I appreciate it very much.

We'll probably be looking at some updated sections to the County Zoning Ordinance so, we will probably be busy the next couple of months.

Chairman McKee: What's the date of the next committee meeting?

Theresa Curtis: October 1. Are you talking about the next PC meeting?

Chairman McKee: No, the next committee meeting of the County Ag review...

Brian Bishop: I would need to get to my calendar for that. It had been scheduled for the 23, if I'm not mistaken but I think we had a conflict there. Commissioner Williams, that's right, we had it scheduled for the 23.

Chairman McKee: The 23 of September.

Brian Bishop: Correct.

Chairman McKee: So, the public is invited if anybody has anything they would like to review about the County Zoning Ordinances, including Planning Commissioners.

So, you have your notice.

Anything else to come before the meeting?



***MOTION WAS MADE BY DAVID WILLIAMS AND SECONDED BY BOBBIE JARRETT TO ADJOURN.***

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

***AYE: ALL***

Chairman McKee: Any opposed?

***OPPOSED: NONE***

Chairman McKee: We are adjourned.

**MEETING ADJOURNED AT 6:26 P.M.**

**I, HEATHER LAUDERDALE, hereby certify that the foregoing is a true and accurate transcription of the Henderson City-County Planning Commission Meeting of, September 3, 2019 to the best of my ability.**

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**Heather Lauderdale, HCCPC Clerk**

**X**

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