

Henderson City-County  
Planning Commission  
October 1, 2019

The Henderson City-County Planning Commission held a meeting October 1, 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, Bobbie Jarrett, Kevin Herron, David Dixon, Gary Gibson, Kevin Richard, Gray Hodge, and Attorney Tommy Joe Fridy. Doug Bell, Rodney Thomas and Mac Arnold were absent. Staff present: Director Brian Bishop, Claudia Wayne, Theresa Curtis, Heather Lauderdale and Chris Raymer.

***MEETING BEGAN AT 6 PM***

Chairman McKee: Let's call this October 1, 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 Chair will entertain a motion to go into *public hearing*.

***MOTION WAS MADE BY KEVIN RICHARD AND SECONDED BY GARY GIBSON 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.

First on the agenda in public hearing are the minutes from the September 3, 2019 meeting. If you've had a chance to review those, are there any additions or corrections?

***MOTION WAS MADE BY BOBBIE JARRETT AND SECONDED BY DICKIE JOHNSON TO APPROVE THE SEPTEMBER 3, 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, **Rezoning #1097 with a Development Plan/Conceptual Plan.** Mr. Bishop, are you going to lead that discussion?

Brian Bishop: Yes sir.

Chairman McKee: Please proceed.

Brian Bishop: Rezoning #1097 with a Development Plan/Conceptual Plan submitted by JM Development, Inc., for the property located in the City of Henderson on Constanza Drive and Copper Creek Drive (PID# 64-28), containing 43.9 acres (the "subject property"). Applicants are requesting a zoning change/map amendment from Medium Density Residential District (R-2) to Planned Unit Development (PUD) with a development plan/conceptual plan. The applicant is requesting a rezoning to develop a senior living community.

This is the property as you can see. This is currently zoned R-2, this is also zoned R-2. This is what the property looks like without the zoning; this is currently being used as farmland or vacant. This is the plat of the area showing the dimensions, bearings, and distances of the property. And this is the Narrative Development Plan that the applicant has submitted.

If you would, the audience should have copies. We did not realize we would have such a big crowd, but I will do my best to read this, and I will try not to butcher Mr. Hopgood's words.

*“Rezoning #1097 containing approximately 43.9 acres, more or less, for the property located at Constanza and Copper Creek Drive, Henderson, Kentucky, PID #64-28 (the “subject property”).*

*The undersigned Joseph P. Mattingly, President of JM Development, Inc., a Kentucky corporation is the owner of the subject property by deed recorded in Deed Book 621, Page 304, Henderson County Clerk's office, hereby certifies that JM Development, Inc., has the power to rezone the subject property and restrict or limit the use thereof; and, by the execution hereof does hereby restrict the Application to Rezone the subject property with this Narrative Development Plan, and does hereby restrict the use of the subject property, if such Application to Rezone #1097 is approved to an assisted living and independent living facility (and accessory uses) or group of structures limited to assisted and independent living for senior citizens (and accessory uses) within the City of Henderson Planned Unit Development Zone (PUD); and therefore waives the other uses otherwise permitted in the City of Henderson PUD zone. This Narrative Development Plan shall take precedence over and replace any verbiage/wording in the graphic Development Plan submitted with this Application to Rezone, to the extent of the Graphic Development Plan is inconsistent herewith. The restricted uses herein set out and the requirement to gate Constanza Drive may only be changed by making an application to rezone the*

*property with the Henderson City/County Planning Commission. (That is, even if notice and a public hearing may not legally and technically be required, such notice and public hearing will be required in this instance.) The undersigned personally swears, subject to the penalty of perjury, that the foregoing is true and correct to the best of his knowledge and belief.*

*JM Development, Inc.*

*Signed Joseph P. Mattingly, President”*

Are there any questions about the Narrative Development Plan?

Chairman McKee: Questions for staff?

Brian Bishop: Moving on, we will get to the Graphic Conceptual plan.

This is the area we will be looking at, the 43.9 acres that you will see in the red lines. This is the end of Constanza Drive, here. Copper Creek Drive ends approximately here, and then this is Green River Road.

The applicant is requesting that several phases be constructed. Phase I will be the largest phase with a structure housing assisted living and memory care units; 124 units in total.

Phases II through IV would house active, independent living options.

Phase V will provide independent living residences.

Phases VI and VII which you’ll notice is at the end of Copper Creek and Constanza, the small section here will house traditional one family lots and residences.

There are 126 units total in the main structure, here; at approximately 60,000 square feet.

There is one proposed entrance of the new development which you will notice is Green River Road that will be a boulevard-styled entrance. This would be the most appropriate spot as far as sight distance.

There is an entrance proposed off of Constanza, at this end of it where the road currently ends. This would be a gated entrance and the travelling public would not be allowed to go through unless they had some sort of key fob or some sort of mechanism to let them go through the gate.

This would be a cul-de-sac here, this would be a cul-de-sac. There is a natural break here, a large ditch that would divide the two developments. The street will be privately maintained.

That's a really, really brief overview. I do not want to step on the applicants toes because I know they have a presentation they would like to give.

Are there any questions of staff at this time?

Chairman McKee: No questions for staff?

Would you like to hear from the developer now?

Brian Bishop: That would be appropriate now. Before we get into testimony, I would like to make a suggestion, as we've done in the past. There could be a lot of lengthy testimony so staff recommends a five minute time cap for comments. At the end of the session if someone would still like to speak, they can do so after everyone has had at least one term. Staff also recommends ending the hearing at 9:00 p.m. If more time is needed, the Planning Commission can vote for another time to continue the hearing.

Chairman McKee: The Chair will entertain a motion to those stipulations.

Tommy Joe Fridy: No time limits on attorneys.

Chairman McKee: No time limits on attorneys.

***MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY BOBBIE JARRETT TO LIMIT TESTIMONY TO FIVE (5)***

***MINUTES PER SPEAKER, AND TO END THIS HEARING AT 9:00 P.M.***

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: So mote it be.

So, now will the developer please come to the podium?

Mr. Hopgood, you're representing the developer?

Chris Hopgood: I'm here for the applicant.

Chairman McKee: Will you please raise your right hand?

Do you swear the statements you are about to make are the truth to the best of your knowledge; the whole truth and nothing but the truth so help you?

Chris Hopgood: Yes.

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

Chris Hopgood: Chris Hopgood, 318 Second Street, Henderson, Kentucky.

Chairman McKee: Thank you sir, please proceed.

Chris Hopgood: I'm just here to speak on the Narrative Development Plan, and I think everyone understands that the purpose of it is to restrict the rezone to just what's being proposed. So, if anyone ever bought the property and wanted to do something different, they have to come back

in; it says whether a public hearing was required or not, they would have to come back in and seek a public hearing and ask for any changes.

So, the purpose of the Narrative Development Plan is to let everyone know that this rezone is limited to this project. The folks that are actually putting the project together will speak to the nuts and bolts of their development and their project but I just want to make sure that from the start we're talking about a Narrative Development Plan that binds it to just this project.

Chairman McKee: Any questions for Mr. Hopgood?

Thank you sir. You'll be around?

If there are questions that developed in your mind the rules state that you must direct those questions to Chair, who will then ask the appropriate party. So we don't have back and forth that is out of control.

Is there anyone here that would like to speak against this application for rezoning? Against?

Please come forward. Please raise your right hand. Do you swear the statements you are about to make are the truth to the best of your knowledge, the whole truth and nothing but the truth so help you?

Harry Sheeley: I do, sir.

Chairman McKee: Please state your name and address for the record.

Harry Sheeley: My name is Harry Sheeley, I live at 2950 Northridge Pass, Henderson, Kentucky; in Frontier, right off of Osage.

I mainly have questions. I'm not real clear on impacts like infrastructure. I can tell you that living in Frontier, when the wind blows hard my power goes out. So, I wondering with a facility like this, what kind of stress it's going to put on infrastructure such as power and things like that.

Another question I have is any kind of environmental impacts on Audubon Park. Anybody that lives out there knows the deer and everything else cross right through there, it's a pretty big thoroughfare. If we throw up another development in there, what does that do to the traffic or flow of the animals and things like that?

Secondary to that, to be perfectly blunt, I want to be sure there is funding in place to complete the project. You've got two (2) other assisted living's; one expanding, one coming to town, and it's a pretty pricy living area. I don't want a half finished project out my window to be perfectly honest.

So, my question would be is there funding in place to complete the project? Am I going to have a half developed area right out my window?

Secondary to that, if the variance is granted it would drastically alter the essential character of the neighborhood. You've got all residential neighborhood, you've got children, and then you're putting in a big complex right in the middle of everything.

So, I mean, you think about the traffic that is going to come through there. I'm assuming, with a facility such as that you're going to have more emergency personnel running up and down the road, and that creates more noise in an area... to be honest with you I moved there because it was quiet; because we're in a neighborhood not to have something outside my window.

That's pretty much all I wanted to say, more questions than anything else. I would be nice to have them answered.

Chairman McKee: Who would you like to respond Mr. Bishop?

Brian Bishop: I can do my best in answering some of those.

Tommy Joe Fridy: Ask Mr. Hopgood who he would like to have answer the questions.

Chairman McKee: Mr. Hopgood, would you like to respond?

Chris Hopgood: I would be fine with Mr. Bishop responding, I can clarify anything if needed.

Brian Bishop: Mr. Sheeley, I want to make sure I got the notes right.

Power supply. This project goes through a review process by all City utilities. HMP&L is the entity that has regulations for this and they have given us no indication that power is not available and sufficient.

Environmental impact, I cannot address animals and I can't address funding. But the things that I can address; this property has been slated for residential development since the late 90's. The original Master Plan showed, to my understanding I was not around in 1997; it originally showed this connecting to Green River Road, and this connecting to Copper Creek. So, this area has always been slated for residential development.

Harry Sheeley: I'm fine with that but I'm worried about my property value.

Chairman McKee: Sir, I'm sorry but if you're going to speak you have to come to the podium.

Harry Sheeley: I'm find with residential but when we start talking about commercial that also affects our property value. If I was going to buy that house and that was sitting there, I don't buy it. The reason I buy it is because it's a residential area not the high commercial development around it.

Chairman McKee: If you're going to comment, do you mind staying at the podium?

Harry Sheeley: I'll stay right here.

Chairman McKee: Thank you very much.

Brian Bishop: Property values, we cannot address. We are not licensed Real Estate Appraisers so we cannot address that.

Traffic? Again, traffic will be reviewed by the Evansville Metropolitan Planning Organization (EMPO), they are basically our engineers that look at that. We have our City Engineer that's looked at traffic and he has not seen any issues with that.

Noise? I can't really address because I do not know the answer to that. Is there anything I missed?

Harry Sheeley: No, I just wanted to make sure everything has been gone through because we all live beside this.

Brian Bishop: Mr. Chairman this would be a good time for me to mention that when this rezoning takes place, there is still another process that will come through. Each section will be treated like a Site Plan so, every section that comes through here will go through the Planning Commission as well. The roads, the structures, the lighting, all of that will get looked at by the Planning Commission again in a much more thorough and detailed method.

Again, the same utilities; HMP&L, HWU, and the City Engineer will all look at that in a much greater detail.

The rezoning conceptual plan is a ten-thousand view, where the site plan is a hundred-foot view. So, we will get much more detailed information.

Harry Sheeley: Thank you.

Chairman McKee: Thank you, sir.

Would you like to hear from the developer the more detailed description of the project?

Mr. Hopgood, who is going to present the detailed description of the project.

Chris Hopgood: Mr. Patrick Beaven.

Chairman McKee: Mr. Beaven will you please come forward.

Jessica Beaven: I'll accept that roll. He's been whispering in my ear, if we have to talk you better go.

Chairman McKee: Could you please raise your right hand?

Jessica Beaven: Yes.

Chairman McKee: Do you swear the statements you are about to make are the truths to the best of your knowledge, the whole truth and nothing but the truth?

Jessica Beaven: Yes sir.

Chairman McKee: Please state your name and address for the record.

Jessica Beaven: Jessica Beaven, 1271 Huntspoint Way, Henderson, Kentucky.

Chairman McKee: Thank you ma'am, please proceed.

Jessica Beaven: So, the design; there's a couple of pictures up front. The actual development itself consists of forty-eight assisted living units, and in the memory care we have designed for twenty-four.

I think it's important to remember that in my area of service, I've worked in assisted living for several years, and we took into consideration where this is located and we wanted to keep people that are aging in an environment that is like a neighborhood.

So, we went with the design in the front that looks like a home. Then, on the back side of this one which I think is the outside structure of each property. So, I think it's nice to remember these are going to look like a home so. We went with an emphasis on a home-like structure where individuals that reside in the community have access to a home without it looking like an institutional-style community. So, we worked alongside Joe Mattingly who owns the property, and we're very excited.

If you have any questions, I'll be happy to answer those as well.

Chairman McKee: Questions? You'll be here for a while?

Jessica Beaven: Yes, I'll be around.

Chairman McKee: Thank you.

We have a question.

David Dixon: Can you describe the open spaces?

Jessica Beaven: The open space here, right?

David Dixon: All the green indicated is open?

Jessica Beaven: Yes.

David Dixon: And the blue is...?

Jessica Beaven: The blue is based on advice that we were told to we need to include some retention basins for rain and other things that may affect some of those neighbors there. So, we did include retention basins that will be more like lakes, more or less. We have planned to have a handicap accessible access to one of those lakes so our residents can go out there and fish, enjoy nature at Audubon Park; things such as that so they can live within our society. So, those green spaces are designed for folks that want to get out, and go walk, and do things like that. Just because we get older doesn't mean we're still not active.

The lakes are designed for handicap accessibility but also to ensure that our neighbors have the assurance that we've taken into consideration flooding, and so those types of things don't become a problem.

David Dixon: Thank you.

Jessica Beaven: You're welcome.

Chairman McKee: Any other questions? You'll be here?

Jessica Beaven: Yes, I'll be here.

Chairman McKee: Is anyone else going to speak on behalf of the development?

Are you going to speak against this development?

Please come forward to the podium.

Will you please state your name and address for the record?

Gary Quick: I will. My name is Gary Quick, Q-u-i-c-k. My wife and I live on Bellewood Drive; 971.

Chairman McKee: Do you swear the statements you are about to make are the truths to the best of your knowledge, the whole truth and nothing but the truth?

Gary Quick: Yes.

Chairman McKee: Mr. Quick, please proceed.

Gary Quick: My issue really is not the design of the development, which I have to admit this is far beyond what I thought was going on here in terms of the development. It's not a bad thing or a good thing, I'm just saying it's larger than what I had imagined.

My issue is Green River Road. I know everyone in this room at one time or another has driven from Gray Stone to Wathen Lane. That little short strip between those two roads is extremely dangerous. I pull out on Green River Road several times a day, and several times a day they almost run over me. I know age has a lot to do with it, I'm ok with that but I'm telling you nobody drives 30 MPH on that stretch of road between those two roads on Green River; they're coming and it's not 30 MPH, I'm guessing it's like 50 MPH and they just don't let the ground hit them very often. I'm urging you as a City/County joint entity to do something with the City and the County about that road between those two other roads, it's dangerous. The weeds now have grown up to about three-feet, right up to the edge of the blacktop. I think, my understanding is that more than one individual homeowners in

Bellewood has visited with the County and County representatives about this problem, and someone recommended why don't you just paint a double, yellow line down the center of that road to keep these people slowed down. I don't know how you slow them down on the right side of the road because they're coming in the middle of the road. There isn't any notice, there's not enough time to get out of the way; even if you're in your own lane. We were told that section of the road is too narrow and can't be marked. I have no idea what that means. Because if the County is struggling to find the centerline of that road that's blacktop, we can help them.

So, I would urge you not to approve this project until that strip of road is addressed. I had no idea you were going to have this much traffic coming down Green River Road. It is absolutely dangerous and I urge you to visit with the City and the County, and get them to do something about this road.

Chairman McKee: Mr. Quick, can you let Mr. Bishop respond?

Gary Quick: Yes.

Brian Bishop: I'll do my best.

The Green River Road was looked at. As I said before we had the Evansville Metropolitan Planning Organization (EMPO) look at the entrance, that is our traffic engineer, we are not equipped to do that.

Mr. Doug Boom, whom I'll ask to come to the mic next has reviewed the plans, he's the City Engineer for the entrance only. He did not look at the area near Bellewood. So, we'll try to address traffic concerns that way.

As far as the City and County, I'm not sure the County will do much about that part of it because I think it's a City road, which would be City maintained. From my days working with the county before when I was in County Codes, they County's policy is not to stripe county road. It is

a way for them to distinguish between county roads and state roads; it's their policy as I remember it; that's not saying it's still the same that's just what it was at the time.

Gary Quick: I'm not being argumentative but I think they do stripe county roads. I think Wathen Lane from the intersection of Green River Road out to US 41...

Brian Bishop: I'm not saying there aren't exceptions but say you go out to Busby Denton Road right now or another county road, it doesn't have a stripe.

Gary Quick: Well, I'm trying to encourage you for safety reasons and keep someone from getting killed on Green River Road, I'm not talking about the entrance they're trying to put in. I'm talking about merely from Gray Stone up through to Wathen Lane. The City Limits, the Corporate Limits are right at the entrance to Bellewood.

Chairman McKee: You don't know how wide that street is do you?

Gary Quick: Well, I'm told it's not wide enough to put yellow stripes on.

Chairman McKee: So it's not twenty-feet wide?

Brian Bishop: That is not what I said, I did not say that it was not wide enough, I said it was their policy not to do that.

Chairman McKee: We have Doug Boom, our City Engineer who's going to address some of these concerns.

Doug will you please state your name and address for the record?

Doug Boom: Doug Boom, 13548 Hwy 1078 S.

Chairman McKee: And do you swear the statements you are about to make are the truth and nothing but the truth so help you?

Doug Boom: Yes, I do.

Chairman McKee: Please proceed.

Brian Bishop: Before we start, would you please look at the screen? This portion is what I believe Mr. Quick is discussing. Can everyone see that in highlights?

If you go down and look at the Official Road Roster for the City of Henderson, that is maintained by the City of Henderson, not the County. So, the County would not stripe it in any shape, form or fashion.

Doug, I'm sorry.

Doug Boom: That is correct. That is up to the City Limit's up past Bellewood, up to the edge of Bellewood itself is where the City Limit's end. I think he's describing all the way to Wathen Lane, which is in the county.

Chairman McKee: Is that road maintained by the County?

Doug Boom: Yes.

Brian Bishop: Can everyone see that? The highlighted portion?

Doug, would you mind addressing the road width and the entrances please?

Doug Boom: The road width on Green River Road was widened four years ago to two, eleven-foot lanes with curb and gutter. It was a very hilly section, and it was basically leveled out to be a smoother ride along Green River Road.

Any other questions?

Brian Bishop: Mr. Quick, is he getting everything you need?

Gary Quick: I believe that the City is maintaining Green River Road up to approximately fifty-feet of Bellewood Drive. I also believe that it's double striped all the way through there on the City side. Once it gets to the City/Corporate Limit sign it quits, there is no striping. For some

reason the City did stripe that road up to that sign, I believe; somebody will have to help me here. That's the problem, once you get past that and enter into the County it's really dangerous. I'm trying to keep somebody from getting killed here, and I'm really sorry that I've taken so much of your time, I'm way past five minutes but my issue is that you need to do something with Green River Road if you're going to do a development like this on it.

Chairman McKee: Let's see what we can do, thank you Mr. Quick.

Gary Quick: It's a real safety issue and again, I apologize.

Chairman McKee: Thank you, Mr. Boom.

Chris Hopgood: Let me address one thing and then I'll introduce a person that can talk about traffic.

Chairman McKee: Please do.

Chris Hopgood: As to the character of the neighborhood, the plan is to go from R-2 to Planned Unit Development (PUD), and the reason is obviously, this is not R-2 development. So, Planned Unit Development is a transition from the neighbors to this.

I can give you a little folklore from being around; the Colonial on Stadium is next to residential properties. I've been to Solarbron a lot. My mother was there, my uncle was there, and I took care of Mrs. Tillotson and she was at Solarbron. That's out past USI, take a left on McDowell road; homes, homes, homes, and then you're right into their campus. So, that is from a folklore standpoint I can tell you and that is how these needs fit into adjacent to very nice neighborhoods.

Brandy is here from ACES, the engineers, and she can address the traffic.

Chairman McKee: Please, Mrs. Brandy will you please state your name and address for the record?

Brandy Zackery: Brandy Zackery, 1136 South Park Drive, Bowling Green, Kentucky.

Chairman McKee: Raise your right hand. Do you swear the statements you are about to make are the truths, the whole truth and nothing but the truth so help you?

Brandy Zackery: I do.

Chairman McKee: Please proceed, Mrs. Brandy.

Brandy Zackery: So, I just have a little bit of traffic data. We've done some investigations into traffic at Senior Living Facilities on some other projects we've done over the past few years across the state. One of them was actually in Bowling Green just two years ago, and we looked at several different studies. One thing we also did because the parking requirements in Bowling Green were really high for that type of facility at the time, they didn't really have anything designated just for assisted living so it was kind of causing them to have to park at a rate of more like a medical facility with lots of parking spaces.

So, we did a pretty in depth parking study, and part of that actually included visiting multiple assisted living facilities that are already in operation, their beds are all full, and in just kind of looking at their parking; how much parking they had, and how much of it was actually being used.

So, what we found in that parking is a couple of different things. Some of it will kind of it will kind of not make us feel too good about ourselves and our families.

There was a study done by the National Survey of Residential Care Facilities back in 2010, and it actually showed that in assisted living facilities that 90% of residents received a visitor at least once in 30 days. While 8% of the residents had no visitors within a month. Also, 60% of

the visitors had one visitor per week, and only 10% had one visitor per day.

So, we also discovered that about 80% of people who are living in assisted living facilities no longer had automobiles of their own, and even if they did they very seldom drove them.

So, the trips that were being generated from the assisted living facilities were very, very minimal. There were very few trips being generated from especially what they're talking about in Phase I of this development.

Then to kind of go on up that further when the development is fully built out, my understanding is currently zoned Single-Family Residential which could build out just in single family homes. It could be young couples with kids, teenagers; that is a significantly higher...

Brian Bishop: Brandy, that's actually zoned R-2.

Brandy Zackery: R-2, ok.

So, that's still a significantly higher trip generation than a senior community.

Studies from both the Institute for Transportation Engineers, and the previous study mentioned, they indicate that even in a senior living community with independent living, there are very few trips a day; you know, people tend to condense their trips in and out of the house.

You also don't have multiple vehicles typically because you don't have teenagers anymore, and things of that nature that are constantly coming and going.

So, from an engineering standpoint as far as traffic is concerned, we feel like this use will have a significantly less trip generation for cars coming in and out of the property than just a residential development would have.

Chairman McKee: Can you put that to numbers?

Brandy Zackery: So, when we looked at it, what we determined was... the one study that we based our (inaudible) and the one in Bowling Green actually indicated, and that facility was actually 81,000 square feet so I think it was a little larger than the facility they're proposing, and that facility indicated that as far as parking would be concerned it would only require 30 parking spaces. That was based on both the bed count and the employees that would be working at the facility.

Chairman McKee: What about trips?

Brandy Zackery: I can get that number for you, I do not have that number handy.

Chairman McKee: Whenever you can.

Brandy Zackery: I can get that number for you, I can get that in a report to them.

Chairman McKee: Please.

Brandy Zackery: But yes, it is a much less significant number than just residential, single family.

Chairman McKee: Any questions for Mrs. Brandy?

You'll be around for a while?

Brandy Zackery: Yes.

Chairman McKee: I see Mr. Branson is up without his shades, does that mean he's going to talk?

Mr. Hopgood?

Chris Hopgood: Could I implore upon the commission to let Mr. Branson speak on behalf...?

Chairman McKee: Indeed you may. Come on up, Mr. Branson.

As usual, will you please state your name and address for the record?

Dennis Branson: Dennis Branson, 917 Kelly Court, Henderson, Kentucky.

Chairman McKee: Do you swear the statements you are about to make are the truth, the whole truth and nothing but the truth?

Dennis Branson: I do.

Chairman McKee: Please proceed.

Dennis Branson: I'm not trying to qualify myself as an engineer or an expert in traffic but I have looked at the Institute of Traffic Engineers Trip Generation Charts, and I think Brandy has already said this but when I looked at the numbers, it was about 30% on the worst side of the development, about 30% fewer trips generated by a senior living complex as opposed to a single family dwelling subdivision.

Brandy indicated that their studies show a facility larger than this one required 60 parking spaces, is that...?

Dickie Johnson: 30.

Dennis Branson: 30 spaces. This subdivision, as it was previously designed I think had 92 lots. Two parking spaces per lot minimum which would be roughly 180 or six times as many parking spaces required. So, you can kind of figure it out in your head how that would relate to trips generated; senior living versus single family conventional subdivision that has been designed for this area.

You wanted to know the numbers, I think that kind of gives you a feel of what those would be.

Chairman McKee: Any questions for Mr. Branson?

Thank you, sir.

Yes? Are you speaking against or for?

Ma'am, are you speaking against?

Michelle Nally: Yes.

Chairman McKee: Please come to the podium. Will you please state your name and address for the record?

Michelle Nally: Michelle Nally, 3061 Green River Road.

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

Michelle Nally: Yes.

Chairman McKee: Please proceed.

Michelle Nally: I'm not sure I'm speaking against the development but I am speaking with concerns about the traffic on Green River Road, and the entrance placement.

I know four years ago when the road was re-done, there was a grade taking down over the hill that is right near the entrance, and that was addressed somewhat. We still have a lot of issues in that area with people driving extremely fast through Green River Road. I am concerned about elderly people, people in general pulling out and in into that area with that being a blind spot coming over that hill. When the original road was taken down a few years ago, you still cannot see through the road. We have a lot of issues because we live there, we see it constantly. The gentleman that spoke before is correct. We have people driving 55, 70 MPH through there, and it is extremely dangerous. Now that we have had sidewalks put in, we have a lot more foot traffic which is awesome for our neighborhood but we have a lot more children riding their bicycles, they're riding their scooters, the families are out, they're using the sidewalks but it's extremely dangerous. We are concerned about people coming in and out of that area with that blind spot, and it doesn't matter if you're elderly or not, it could be employees working there or people going to visit, or people living there in and out;

it's just a dangerous place to have an entrance. That would be what I would address here because it affects all of us, and I just want to make sure the traffic studies have been done, and I had spoken to someone involved in the original drawings years ago, and I was told originally there was no entrance plan for Green River Road, all the entrances would be done out of the Constanza area over in that subdivision.

So, to me that would be a safer area to enter with the process that we have going on right now, and the traffic that we have there. So, that's all I have to say.

Chairman McKee: Thank you, ma'am.

Would you please like to address her concerns, Mr. Bishop?

Brian Bishop: I will do my best to address some of those concerns.

I'm going to ask Mr. Boom to address some of the traffic concerns. I cannot really address what happened before, as I said I was not around in 1997 but the current widening on Green River Road as you'll notice on the screen clearly planned for an entrance onto this property based on the previous Master Plan and the previous intended use.

As the lady said, I'm sorry I missed your name ma'am, they have included sidewalks which is great for the neighborhood; which we all want to increase pedestrian traffic but the entrance that is proposed is not where the current entrance is constructed.

The current entrance is not in the highest point of the road. The proposed entrance will be at the highest point in the road. So, I'll do my best to answer her concerns with that; if that helps at all.

Doug Boom: What is the address opposite of where the entrance is, or is going to be as planned?

David Williams: By the way Doug, what are the sight lines like along Green River Road?

Doug Boom: Pardon me?

David Williams: The sight lines along Green River Road, what are they like?

Doug Boom: In the particular area where they want to put this entrance is at the highest point of the road. There is a telephone pole in that general area and the alignment they want to do along with their drive is in the vicinity. So, basically it's at the top of the hill.

Dickie Johnson: So that would be the best sight distance from either direction?

Doug Boom: Yes.

Brian Bishop: Doug, that's the entrance there, correct?

Doug Boom: Yes.

Brian Bishop: I can get us closed based on the existing contours. Mr. Boom, this looks to be the highest point, correct?

Doug Boom: Yes. What is the street address right across the street?

Brian Bishop: It appears to be 3099. Roughly, that is the approximate location of the proposed entrance. The applicant, through our process of discussing it, agreed to move the entrance to the highest point to make it the most safe; not the existing entrance.

Chairman McKee: Mr. Bishop, are you suggesting there was an entrance off Green River Road delineated prior to this application and it has been moved?

Brian Bishop: That is an existing entrance that you can see on the aerial photograph here...

Chairman McKee: One lady suggested there wasn't one located on Green River Road, it was up on Constanza. So, there is one there it just wasn't being utilized.

Brian Bishop: This one was constructed during the widening of the road. The previous Master Plan showed this going to Green River Road. So, at least from 1997 on there has been a proposed entrance onto Green River Road.

But this development is not proposing to use this entrance, they are proposing to move the entrance to the highest point here so sight distance will be most optimized.

Chairman McKee: Does the developer have the option to close that old entrance?

Brian Bishop: It will be required to be closed.

Chairman McKee: Thank you. Mr. Boom? That's it? You're just witnessing?

Doug Boom: Yes sir.

Chairman McKee: I heard Brian say can I get a witness? (laughter)  
Thank you sir.

Mr. Hopgood?

Chris Hopgood: One point Mr. Beaven wanted me to bring up on traffic is that with this development, Constanza is gated. There will be no flow-through from the other part of the neighborhood through Green River Road. I think in the original Master Plan that was called to be open so, this would actually restrict that.

Chairman McKee: Thank you sir. Will you mind to stay at the podium?

Mr. Quick, are you still here?

We have a unique situation here. It appears to me the development is in the City, and the street you're concerned about is in the county.

Gary Quick: That's the way I understand it.

Chairman McKee: So, the question becomes how can your issue be resolved, and I don't understand how it can be resolved by this development.

Gary Quick: Well, that's what we've been kind of hearing for about the last 5-10 years; it can't be fixed.

Chairman McKee: You've requested the County Judge and the County Road Supervisor; you've made requests to them?

Gary Quick: I have personally, and I know of other people who live on Bellewood who have done the same thing. Now, I was thinking this was a City-County committee?

Chairman McKee: Yes.

Gary Quick: So, I was thinking that perhaps this committee, because it represents both could somehow or another figure out why or what could be done to improve the safety on Green River Road at that Corporate Limit sign on out to Wathen Lane because I cannot tell you how dangerous it is. It's just dangerous.

Chairman McKee: Let me ask Mr. Bishop; would a request from this commission be in order?

Brian Bishop: I have no problem doing that. I understand Mr. Quick's concern, it's just the Planning Commission does not have the authority to do that. From a recommendation standpoint, we will do our best to recommend that to the Fiscal Court.

Chairman McKee: That's the best we can do, Mr. Quick.

Gary Quick: I think that's what I was going for here, was stick your nose in it.

Chairman McKee: You got that done, and you got a witness!

Gary Quick: Thank you.

Chairman McKee: Yes sir, thanks for coming.

Mr. Hopgood, anyone else from your side?

Is this against?

Kevin Hazelwood: Well, not against; I have a question.

Chairman McKee: You're curious?

Kevin Hazelwood: Yes. Kevin Hazelwood, 3107 Copper Creek.

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

Kevin Hazelwood: Yes.

Chairman McKee: Thank you, please proceed.

Kevin Hazelwood: The question I have is in Section 6. Is it going to remain in Gray Stone Subdivision or is it going to be off of Gray Stone Subdivision; and if it's going to stay with the Restrictive Covenants of Gray Stone Subdivision?

Chairman McKee: Do you know the answer to that Mr. Bishop?

Brian Bishop: I think that's best suited for the developer.

Chairman McKee: Mr. Hopgood?

Tommy Joe Fridy: Restrictive Covenants are out of our jurisdiction.

Chairman McKee: Did you hear the question?

Chris Hopgood: I did, I did. Mr. Mattingly is actually the developer of Gray Stone, I don't know whether he can speak to that or not as to the covenants.

Chairman McKee: Mr. Mattingly, would you like to speak to that?

Would you please state your name and address for the record?

Joe Mattingly: Joe Mattingly, 5555 Timber Lane here in Henderson.

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

Joe Mattingly: I do.

Chairman McKee: Please proceed Mr. Mattingly.

Joe Mattingly: To answer Mr. Hazelwood's question; I can't say that we're going to have the same Restrictive Covenants as Section 5 and 5A.

Kevin Hazelwood: No, 6.

Joe Mattingly: Well, you're asking about 6. You asked me if it would have the same Restrictive Covenants as Section 5 which is probably not even noted on that particular...

Kevin Hazelwood: No, it's not.

Brian Bishop: Mr. Mattingly, can I jump in here for a minute?

Joe Mattingly: Yes.

Brian Bishop: I think there is a little bit of confusion. Mr. Hazelwood is asking for Section 5 of the existing Gray Stone, Mr. Mattingly is referring to Section 6 of this Development Plan.

Joe Mattingly: Mr. Hazelwood was asking about, I assume, Section 6.

Brian Bishop: Correct.

Joe Mattingly: Ok, alright. One thing that I can say is that we may reduce the square footage but we definitely will not allow a detached garages in that particular section.

Chairman McKee: So, have you, and the developer, and their design architect folks had that conversation?

Joe Mattingly: No. This particular area, I may retain ownership of this.

Chairman McKee: I see.

Mr. Hazelwood, did that answer your question?

Kevin Hazelwood: Not really.

Chairman McKee: Actually, what I heard is there is no answer at this point. Is that correct?

Joe Mattingly: Basically. I mean, it's undeveloped, and one thing that we're not doing is the original development like Mr. Branson says; turning 90 residents through here, and now were only limited 12 residences to come.

Kevin Hazelwood: But is it going to be a part of Gray Stone or is it going to be a part of this development?

Joe Mattingly: Everything in here was part of Gray Stone.

Kevin Hazelwood: Yes, ok but is this a part of that development? Or is it separate?

Joe Mattingly: It will be separate.

Kevin Hazelwood: It will be separate?

Joe Mattingly: It will be separate. Yes, that's correct.

Kevin Hazelwood: Ok.

Joe Mattingly: Yes, it will be separate.

Kevin Hazelwood: That's what I need to know.

Chairman McKee: Thank you Mr. Hazelwood. Thank you Mr. Mattingly.

Any other questions?

We will now take folks that would like to speak for the development. Would anyone like to speak for the development?

Let's go back; did everyone get their questions answered that were on the against list? Are there any open questions that did not fully get answered? You're ok? Thank you.

Yes?

Will you please state your name and address for the record?

Henry Sawyer: Henry Sawyer, 3121 Green River Road.

Chairman McKee: Raise your right hand. Do you swear the statements you are about to make are the truths, the whole truth and nothing but the truth so help you?

Henry Sawyer: Yes sir.

Chairman McKee: Please proceed Mr. Sawyer.

Henry Sawyer: I just wanted to add to the traffic concerns. As residents, we see a lot of traffic going to what used to be a City dump, and it's just constant trash on the road; I think we all can agree we've been picking up trash. So, it's going to add to that concern.

Another question I would like to know is what their timetable is. I mean, we haven't heard anything about a timetable or as far as when the development might start. The brochure that was sent out, we all assumed which is a terrible thing to do, that the entrance was already there to be used as the development of Constanza to come on through.

One, my concern is the traffic that's there already, and it's not wide enough as this gentleman pointed out you can get hit at any given time trying to maneuver in and out. There are certain times of the day that it's wonderful but it's a terrible road to travel almost all the time. I just wanted to add that to it so, thank you.

Chairman McKee: Thank you sir. Mr. Bishop, would you like to respond to Mr. Sawyer's concerns?

Brian Bishop: I'll do my best.

As far as time frame, I cannot speak to that. That is probably better to speak to the developer about.

The width of Green River Road is approximately 20'-22'. As we stated before, I will gladly talk to Fiscal Court and suggest that be widened. Is there anything else I've missed, I'm sorry.

Henry Sawyer: The trash; I even used it with my father years ago travelling that road to go to the dump. It's a constant use through there to get to the dump of which the access is around on the Ohio River side; Stratman Road.

Brian Bishop: I feel your pain because I live on North Elm Street so, my yard is always full of McDonald's wrappers but that is something we can ask the City and County to step up enforcement as far as littering, and I know that's been discussed in the past.

As far as trash, that's not something we can really address other than we can pass along like we can with the widening of the road.

Henry Sawyer: And the speed thing, to even put up one of the monitors to show people the speed they were travelling didn't seem to help. So, I'm as concerned as everyone else in our neighborhood. We love the street development. We love the sidewalk, we love the lights. Our children and grandkids are all using it, we just don't want that to get messed up with extra traffic.

I work in some of the rest homes as well, and the facilities; there's a lot of extra traffic we're not hearing about as far as vehicles coming in and out.

Brian Bishop: Can I make a suggestion?

Henry Sawyer: Yes.

Brian Bishop: Do you happen to know what the speed limit is on the road?

Henry Sawyer: 30. It was 35, they did lower it to 30.

Brian Bishop: Have you guys requested any increased patrolling or enforcement?

Henry Sawyer: Yes.

Brian Bishop: That was my suggestion. You beat me to it, sorry.

Chairman McKee: Once again, as Mr. Bishop has explained there are certain things we can do, most of the things you're concerned about we can't do much about. Bring it to their attention.

Henry Sawyer: Other than a little more stepped up patrolling of usage, it's a road it's not a highway to the dump.

Chairman McKee: You have valid concerns. Thank you, sir. Thank you Mr. Sawyer.

Would anyone else like to speak? Please come up Mr. Branson, you're already under.

Dennis Branson: I thought it might help people better understand, and maybe put their minds a little more at ease about the entrance issue.

As Brian said, and he showed you where the entrance that the City constructed was. That entrance was supposed to be the extension of Constanza when Wolf Hills Subdivision was originally designed. Constanza was going to come through the drainage detention basin and exit at Green River Road at that constructed entrance which the City built in anticipation of that connection. It never was a good, safe connection, and Wolf Hills was scheduled to have that connection and the current one at Copper Creek as the only two entrances into the subdivision that the golf course was part of originally back in the 1990's. When that became Gray Stone Subdivision that plan got altered a little bit but Constanza was still planned to come through.

We had a conversation with EMPO regarding that particular entrance, and the developer decided to take that out because of safety concerns. It was never a safe place really because of its proximity to Osage Drive; it doesn't meet Access Standards Manual, sight distance isn't great, and we decided to put the entrance that's being proposed at the apex of the hill because it has the greatest sight distance and it's the safest place for vehicular access to the property.

So, that coupled with the fact that the trip generation, actually the traffic generated for this development as opposed to ultimately what was going to be built there, and was planned to be built there is significantly less than that, this is a lot better and a lot safer plan. One of the things that's kind of hard to see on the Development Plan due to the scale of it is the developer is proposing to request that the City paint SLOW stripes at the anticipated access point, and I don't know if you can zoom in on that and actually see where the SLOW stripes are even shown on the Development Plan. That will be up to the City to decide whether they want to do that but the developer is going to ask the City that they be allowed to do everything allowable to help make that a safer access point even beyond what's being added to the site right now. You can't really zoom in close enough, can you?

Brian Bishop: Well, this software isn't super friendly.

Dennis Branson: You can barely make them out right out the entrance where they're showing the giant SLOW painted on the pavement, and the SLOW bars. It's hard to make out but it should enhance the safety of that intersection as well.

Chris Hopgood: Can you address Mr. Sawyer's question about the time frame? Assuming this is approved, the time frame to move forward.

Dennis Branson: If the rezoning is approved...

Tommy Joe Fridy: Let me interrupt. How is Mr. Branson qualified to answer that question?

Chris Hopgood: Well, in that...

Tommy Joe Fridy: Do you have agency for the developer?

Dennis Branson: I do not. I was going to speak to the surveying and engineering phases of the project, that's all.

Tommy Joe Fridy: That's not, that's not....that doesn't mean that you're...

Chris Hopgood: Let me see if I can answer it.

Dennis Branson: Yes.

Chris Hopgood: And you can help me with your part of the engineering and surveying...

Tommy Joe Fridy: You certainly can answer about surveying and engineering.

Dennis Branson: I know that.

Chris Hopgood: If this is approved and this goes with the system that we have, there is time for people to object at the City Commission. If there is no objection then the plan is final and approved. But then the developer has to come back with, Brian correct me if I'm wrong because I'm thinking on my feet, with a Development Plan...

Brian Bishop: Site Plan.

Chris Hopgood: Site Plan.

Brian Bishop: A Site Plan for each individual section. Just so everyone understands, the Site Plan will be really similar with what we did with Colonial Assisted Living. Each site plan will basically be treated like its own, small subdivision with construction drawings for streets, water lines, sewer lines, and things of that nature.

Chris Hopgood: So, that obviously, that will come back for the time in October. Then, the soonest the Site Plan can be submitted will be

sometime after the appeal time in October. And then the time frame; if you can, tell me how much time you anticipate getting that in from an engineering and surveying standpoint?

Dennis Branson: Yes.

I would anticipate... first they have to get the crops out. Then have to have the contract with the topographical survey worked out; that has to be done. Then it will be turned over to the engineers, and they're going to be submitting plans to the State for sewer and water extensions. I would guess that construction probably can't start until at least the end of the year, first of next year. That would be my guess.

Chris Hopgood: Does that answer your question, Mr. Sawyer?

Thank you.

Chairman McKee: Thank you all very much.

Would you say that the timeline is dependent on construction and occupancy? As you kick each phase in?

Jessica Beaven: Uh huh.

Chairman McKee: So, sitting here tonight you really can't nail that down. You've got to wait until that happens.

Chris Hopgood: I think we are due for some rain. Weather we can't control.

Chairman McKee: Thank you.

Is there anything else that the developer would like to present to the Planning Commission? Would anyone else like to speak for this application?

Did we hear from everyone who wanted to speak against?

David Williams: Mr. Chairman?

Chairman McKee: Yes?

David Williams: Can we ask for a poll, or a show of hands as to the people not speaking (inaudible, speaking too low).

Chairman McKee: Mr. Williams, please go ahead.

David Williams: I would like to see a show of hands among you who have not spoken whether you stand in favor of the project; if you would, raise your hand.

Chairman McKee: If you're in favor of it.

David Williams: Ok, thank you. And I didn't see all the hands go up so, for those of you who are against it, would you raise your hand please? Against the project.

Chairman McKee: Mr. Sawyer, do you want to speak again?

Please do.

Henry Sawyer: I'm not sure that we're all here for or against at this given time, we just don't know enough about it yet. Maybe I'm speaking out of turn; we're all heading in that direction and it would be a nice place to have to live someday and walk around, and I would love to go out there and fish. I just was blindsided a little bit, we get this in the mail, and we just didn't know.

So, to ask for a show of hands who wants to approve or not approve, I don't think this is the time.

David Williams: Most everyone in the audience did not speak, I was just kind of curious as to their consensus or their feelings were; whether they were in favor or not in favor of this project.

Chairman McKee: Thank you, Mr. Sawyer.

David Dixon: Mr. Chairman?

Chairman McKee: Yes, Commissioner?

David Dixon: I have a question for staff, if I may.

Chairman McKee: Please do.

David Dixon: I want to make sure that I'm clear about this.

If this rezoning with these restrictions; it's restricted to this use...

Brian Bishop: Yes it was outlined in the Narrative Development Plan.

David Dixon: Right, and the traffic flow issues that are in that plan. If this is not approved, and it remains R-2 Medium Density Residential, what kind of development could be put there?

Brian Bishop: They would need to re-submit the Master Plan, which we approved at last month's meeting.

David Dixon: My question is what will the current zoning allow?

Brian Bishop: The current zoning would allow one family, two family developments.

David Dixon: Duplexes?

Brian Bishop: Correct.

David Dixon: Ok.

Chairman McKee: 92?

Brian Bishop: I believe as Mr. Branson stated from his numbers, and he would know better than I because he drew it, there were approximately 92 houses or lots proposed at that location.

Chairman McKee: They could either have single or duplexes on them.

Brian Bishop: Correct.

Chairman McKee: So, theoretically there could be 184 units.

Brian Bishop: Correct.

Chairman McKee: Multiply that by cars...

Brian Bishop: I'm sorry, 184 parking spots; required parking spots, and then therefore 184 parking spots generates....however many trips.

Chairman McKee: So, you couldn't put a duplex on each lot?

Brian Bishop: In R-2 you could.

Dickie Johnson: So, that would double.

Brian Bishop: Yes. Theoretically 4.

Chairman McKee: So, it's up to a much higher number?

Brian Bishop: Correct.

David Dixon: With no requirements as to green space, or anything like that?

Brian Bishop: No. They would simply submit the Preliminary Plat, the Final Plat and the construction drawings in accordance to the Master Plan that previously existed for the one that is in effect now.

David Dixon: And all that applies if it stays like it is now?

Brian Bishop: Correct.

David Dixon: Very good, thank you.

Chairman McKee: Thank you, Commissioner.

Yes, please come forward now.

Would you please state your name and address for the record?

Reese O'Nan: My name is Reese O'Nan, and I live at 6566 Haley Lane.

Chairman McKee: And do you swear the statements you are about to make are truths so help you, so help you?

Reese O'Nan: Yes sir.

Chairman McKee: Thank you Reese, please proceed.

Reese O’Nan: So, I was downstairs when the whole speak for this was said so I’m sorry I was a little slow.

Chairman McKee: No problem.

Reese O’Nan: However, me personally, I view this as a great entrepreneurship for young people in this community. I’m a young person myself, and I want to view Henderson as a place where this place can grow. I look at this as an opportunity for Henderson and young people to grow starting a young business here.

That’s all I really need to say.

Chairman McKee: You’re a gentleman of scholar, thank you.

Well said too, yes.

Anyone else like to speak? R.K., you don’t want to speak? Ladies and gentleman this is very unusual that R.K. does not want to speak. Thank you sir, thank you very much we appreciate you coming.

Is there anyone else that would like to speak?

Yes, please come forward.

Mr. Pritchett will you please state your name and address for the record please?

Brian Pritchett: My name is Brian Pritchett, and I live at 8683 Corydon-Geneva Road, Corydon, Kentucky.

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

Brian Pritchett: Yes, I do.

Chairman McKee: Please proceed.

Brian Pritchett: Years ago when I was a younger guy, friends of ours lived on Green River Road; Kenny and Polly Buckle, and they live right there where the road is (inaudible), ok? And I just kind of wanted to

soften your concerns. I have seven grandkids, three kids; 35, 33, and 32; and seven grandkids. My main concern is them and it always will be.

I know that's a tight road, I drive down it quite a bit too but I know the plans they have. That is my daughter, safety was one of the main concerns because I asked him. Green River Road's not an interstate so, safety was a main concern when we first talked about it.

I just want to ease your concerns because I think the high point is the best point. I'm sitting on this side of the crowd, my family is on that side of the crowd so, I'm listening. I know they're going to do the best, have a wonderful facility and have the best for Henderson. I always tell my Jessica just like you said, she's got a room for me. I'm 59 so I'm not that far away either, you know? They have put a lot of work, and resources, and the people that I'm amazed about are the people that are backing them that live in this community and want it to succeed; everything is positive. It's been a blessing just to be able to do it. I always said my daughter; God's gift to her is older people, she genuinely loves them. And she gives such attention; my son's is about this much, Jessica... and a lot of people here... the Colonial people wanted to come, you know?

So, I just wanted to say that because if I lived on Green River Road, my first concern is going to be the children that are on their bikes and everything. You see it all the time in the news, and I just wanted you to know the concern was there before they even got to this point, ok? But I appreciate it very much.

Chairman McKee: Thank you Mr. Pritchett.

Brian Pritchett: Thank you.

Chairman McKee: Would anyone else like to speak? Please.

Colin Taylor: I'm Colin Taylor, 3479 Holloway Lane.

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

Colin Taylor: Absolutely.

Chairman McKee: Please proceed sir.

Colin Taylor: I just want to speak to the work ethic and the due diligence that I've seen from them working with their business and development at our technology lab, and I think anyone who thinks that this project will stall or not move forward just needs to understand that these are very serious individuals and they are more than capable of succeeding in this effort.

Chairman McKee: Thank you, sir.

Would anybody else like to speak?

Seeing none, the Chair will call for a motion.

Brian Bishop: If everyone on the Planning Commission would find in front of them a proposed motion for approval, and the related finding of facts.

Dickie Johnson: We need to read this whole motion? I'm sorry, this is going to take the rest of the night but I will try.

***MOTION WAS MADE BY DICKIE JOHNSON AND SECONDED BY DAVID DIXON REZONING #1097 WITH A NARRATIVE DEVELOPMENT PLAN AND A GRAPHIC DEVELOPMENT PLAN/CONCEPTUAL PLAN – SUBMITTED BY J M DEVELOPMENT, INC., FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON ON CONSTANZA DRIVE AND COPPER CREEK DRIVE, (PID #64-28), CONTAINING 43.9 ACRES (THE “SUBJECT PROPERTY”). APPLICANTS ARE REQUESTING A ZONING CHANGE/MAP AMENDMENT FROM MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2) TO PLANNED UNIT DEVELOPMENT DISTRICT (PUD) WITH A NARRATIVE***

**DEVELOPMENT PLAN WHICH RESTRICTS AND LIMITS THE USE. THE APPLICANT IS REQUESTING A REZONING TO DEVELOP A SENIOR LIVING COMMUNITY.**

**I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE HENDERSON BOARD OF COMMISSIONERS (THE "CITY") APPROVE REZONING APPLICATION # 1097 WITH A NARRATIVE DEVELOPMENT PLAN, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, CHANGING THE ZONING CLASSIFICATION FROM MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2) TO PLANNED UNIT DEVELOPMENT DISTRICT (PUD), AS LIMITED AND RESTRICTED BY THE NARRATIVE DEVELOPMENT PLAN, FOR THE SUBJECT PROPERTY, THE NARRATIVE DEVELOPMENT PLAN PROVIDES, AMONG OTHER THINGS FOR THE MATTER TO BE ADVERTISED AND FOR THE PLANNING COMMISSION TO HOLD ANOTHER PUBLIC HEARING, IF THE APPLICANT PROPOSES CHANGES, 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 64-28, IS LOCATED AT THE TERMINATION OF CONSTANZA DRIVE AND COPPER CREEK DRIVE AND IS NOW ZONED MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2). THE PROPOSED USE OF ASSISTED AND INDEPENDENT LIVING FOR SENIOR CITIZENS (AND ACCESSORY USES FOR THE RESIDENTS) IS NOT ALLOWED IN THE CURRENT ZONE BUT IS ALLOWED IN THE PLANNED UNIT DEVELOPMENT DISTRICT (PUD), AS RESTRICTED.**

**THE EXISTING MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2) ZONING CLASSIFICATION IS INAPPROPRIATE AND THE PROPOSED PLANNED UNIT DEVELOPMENT DISTRICT (PUD),**

**ZONING CLASSIFICATION, AS RESTRICTED AND LIMITED BY THE NARRATIVE DEVELOPMENT PLAN, IS APPROPRIATE, BECAUSE:**

**THE NARRATIVE DEVELOPMENT PLAN LIMITS AND SUPERSEDES MOST OF THE NARRATIVE PROVISIONS OF THE GRAPHIC DEVELOPMENT PLAN/CONCEPTUAL PLAN.**

**THE ASSISTED LIVING PORTION OF THE PROPOSED DEVELOPMENT ADJOINS AND IS BUFFERED ON THE EAST BY THE BRIDGES GOLF COURSE (THE “GOLF COURSE”), WHICH IS OWNED BY THE CITY OF HENDERSON.**

**THE HENDERSON AREA HAS AN AGING POPULATION THAT EITHER HAS OR WILL RETIRE IN THE NEAR FUTURE. MANY OF THESE RETIREES WILL SEEK TO DOWNSIZE FROM EXISTING HOUSING AND WILL SEEK MORE ACCOMMODATING HOUSING OPTIONS.**

**THE APPLICANTS HAVE AGREED TO LIMIT THE USE OF THE PROPERTY TO ASSISTED LIVING AND INDEPENDENT LIVING DEVELOPMENT FOR ONLY SENIOR CITIZENS.**

**THIS PLANNED UNIT DEVELOPMENT DISTRICT (PUD) ZONING CLASSIFICATION, WITH THE LIMITING NARRATIVE DEVELOPMENT PLAN, WILL ENHANCE AND NOT ADVERSELY AFFECT THE OTHER PROPERTIES IN THE AREA.**

**THE NEW DEVELOPMENT WILL BE PRIMARILY ACCESSED FROM GREEN RIVER ROAD, WHICH HAS BEEN RECENTLY WIDENED AND UPGRADED IN THIS AREA. GREEN RIVER ROAD WILL ADEQUATELY HANDLE THE INCREASED TRAFFIC.**

***THE PROPOSED DEVELOPMENT WILL MAKE A SMALLER DEMAND ON GREEN RIVER ROAD AND CONSTANZA DRIVE THAN IF THE PROPERTY HAD BEEN DEVELOPED AS IT IS CURRENTLY ZONED.***

***THE APPLICANT HAS AGREED THAT ACCESS TO AND FROM CONSTANZA DRIVE WILL BE GATED FOR USE BY ONLY RESIDENTS OF THE DEVELOPMENT WITH KEYPADS; THEREFORE, THE PROPOSED DEVELOPMENT WILL NOT CREATE BURDENSOME THROUGH TRAFFIC FOR THE EXISTING SUBDIVISION.***

***THE PROPOSED DEVELOPMENT PROVIDES ADEQUATE OPEN SPACE AND GREEN SPACE.***

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

***HAVING FIRST DETERMINED THAT THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE EXISTING DEVELOPMENT; THE REZONING REQUEST IS FURTHER JUSTIFIED BECAUSE THE AREA HOUSING MARKET HAS NOT CREATED SUFFICIENT DEMAND TO JUSTIFY THE DEVELOPMENT OF THE PROPOSED SUBDIVISION UNDER THE CURRENT ZONING CLASSIFICATION.***

***THIS DEVELOPMENT WILL ALLOW THE SENIOR CITIZEN RESIDENT'S ACCESS TO THE GOLF COURSE WITHOUT NEEDING TO COMMUTE TO A GOLF COURSE FOR RECREATION AND EXERCISE.***

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

***BALANCING LAND USE OBJECTIVE A: IDENTIFY AREAS OF OPPORTUNITY FOR INFILL, REDEVELOPMENT AND ADAPTIVE REUSE THAT RESPECT THE AREA'S CONTEXT AND DESIGN FEATURES. THIS IS AN INFILL DEVELOPMENT.***

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

***BALANCING LAND USE, OBJECTIVE (C): PROMOTE MIXED USE NEIGHBORHOODS TO CREATE A VIBRANT BUILT ENVIRONMENT.***

***HEALTHY NEIGHBORHOODS (A): PROMOTE STABILITY OF EXISTING NEIGHBORHOODS AND ALL ASPECTS OF HOUSING INCLUDING INFILL, REDEVELOPMENT, AND ENCOURAGE NEW DEVELOPMENT WHERE APPROPRIATE.***

***HEALTHY NEIGHBORHOODS (D): PLAN FOR HOUSING THAT ADDRESSES THE MARKET NEEDS FOR ALL RESIDENTS, INCLUDING, BUT NOT LIMITED TO, MIXED-USE AND HOUSING NEAR EMPLOYMENT AND COMMERCIAL AREAS.***

***HEALTHY NEIGHBORHOODS (G): ENCOURAGE RECREATIONAL AND COMMUNITY FACILITIES INTO DEVELOPMENTS TO AFFORD ACTIVE LIVING ALTERNATIVES FOR RESIDENTS.***

***THE PROJECT PROVIDES MUCH NEEDED ASSISTED LIVING AND RETIREMENT FACILITIES FOR THE ELDERLY AS ENCOURAGED IN HOUSING OBJECTIVE 2 AND 3.***

***THE PROPOSED ZONING CLASSIFICATION IS NOT IN AGREEMENT WITH THE FUTURE LAND USE MAP OF THE***

***COMPREHENSIVE PLAN, WHICH SHOWS THE AREA DEVELOPING LOW DENSITY RESIDENTIAL.***

Chairman McKee: Mr. Fridy?

Tommy Joe Fridy: If you missed a word or mispronounced a word, do you intend for this...

Dickie Johnson: I will submit this as my motion, that is correct. I tried to pronounce everything correctly...

Tommy Joe Fridy: I think you did...

Chairman McKee: Out of an abundance of caution.

Dickie Johnson: I understand, and I'm in agreement.

Chairman McKee: We have a motion and a second. Would any Commissioner like to add findings of facts to those that were mentioned by Commissioner Johnson?

Dickie Johnson: Sorry it took so long but it is a long motion.

Chairman McKee: So, do you want me to read it again?

Madame Clerk will you please call the roll?

***ALL: AYE***

***OPPOSED: NONE***

Chairman McKee: I think, Mr. and Mrs. Beaven, that there might have been 30 or 40 potential clients in the room tonight from being here so long. Congratulations on this leg of your project.

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

***MOTION WAS MADE BY KEVIN RICHARD AND SECONDED BY GARY GIBSON 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 in public hearing.

Next on the agenda is the **September Finance Report**, Mrs. Curtis?

Theresa Curtis: We're at thirty-one percent (31%) of budget at the end of September. If you have any questions, I'm here to answer them.

Chairman McKee: Any questions for Mrs. Curtis?

The Chair will entertain a motion.

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

Chairman McKee: Questions? Comments? All in favor, signify by saying aye.

***AYE: ALL***

Chairman McKee: Are there any opposed?

***OPPOSED: NONE***

Chairman McKee: Finance Report is approved. The **Bond Report**, Mrs. Wayne?

Claudia Wayne: Yes, Dannlin Subdivision, the Henderson County Detention Center, Section 1, Lot 1 for 395 Borax Drive. They have completed the sidewalks for the Parole and Probation Office, and accepting the sidewalks there to recommend to the City.

***MOTION WAS MADE BY BOBBIE JARRETT AND SECONDED BY DICKIE JOHNSON TO APPROVE THE BOND 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: The Bond Report is accepted as submitted.

Next on the agenda is **Section 5-C Gray Stone Subdivision Preliminary Plat Major Subdivision**, submitted by H&M, LC for the property located in the City of Henderson (formerly Lot 246, Section 5B Gray Stone Subdivision, PID#64j-246) on Hickory Wood Court. Applicants are requesting Preliminary approval for 19 lots.

Mrs. Wayne, please proceed.

Claudia Wayne: They've submitted the 19 lots, and it was a condo; 246 was one large lot that has condos on it. There are a few condos that have been built, and the rest was just open space. The Condo Association voted unanimously to do away with the condominium, and I'm going to read a letter that you have before you from Chris Hopgood.

***"Dear Mr. Bishop,***

***I represent the Hickory Wood Condominium owners and Attorney W.C. Wilson III represents H&M, LC.***

***The applicant for the submitted plat creating 19 lots is H&M, LC with unanimous consent (by Resolution dated February 25, 2019) of each of the Hickory Wood condominium owners.***

***The application was signed by Joseph P. Mattingly, a duly authorized member of H&M, LC. H&M, LC owns the property subject to the rights of the unit owners in the condominium regime. My clients authorized the filing of the application.***

*The Hickory Wood unit owners unanimously desire to dissolve the condominium association and create separate lots for each of their unit with H&M, LC retaining the undeveloped lots for sale or development as residential dwellings. Each proposed lot has been approved unanimously by the condominium owners. Appropriate subdivision restrictions for this section of Gray Stone have been accepted by H&M, LC and my clients. Variances for lot line issues have been filed with the Board of Zoning Adjustments for approval once this subdivision plat has been approved. The division of the costs for the survey work has been resolved between my clients and H&M, LC and each party is paying their own respective attorney fees.*

*Please advise if you have any questions regarding this opinion letter.*

*Respectfully,*

*J. Christopher Hopgood”*

They are dividing up the lots, and there are variances that do have to be given from the City Board of Zoning Adjustments and this will be subject to the variances being approved from the City Board of Zoning Adjustments.

Staff does recommend approval. Mr. Hopgood is here to represent the condo owners if any of you have any questions.

Chairman McKee: But first are there any questions for staff?

Kevin Richard: I have just one. What is the current zoning? Is it R-2 in this area?

Claudia Wayne: Yes.

David Dixon: Can you be more specific about the variances? What kind of variances are we talking about?

Claudia Wayne: Side yard, and a lot width variance...

Chairman McKee: Mr. Fridy?

Tommy Joe Fridy: The opinion letter of Mr. Hopgood will be made part of this record.

Claudia Wayne: Yes.

Tommy Joe Fridy: Excuse me.

Claudia Wayne: There are lot width variances, and side yard variances.

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

Chris Hopgood: You can see the outline of the units there, just some of these lot lines are close and would not had these not been initially developed as lots would not have met the requirements. So, we had to get variances for their side lots.

David Dixon: For existing structures, not future structures?

Chris Hopgood: That's correct.

There's this group here, and then this group down here.

Kevin Richard: That's why I asked about the zoning because it looks like several lots have multiple units on them.

Chris Hopgood: There are two duplex units.

Brian Bishop: In a R-2 zone.

Chairman McKee: Zoned correctly.

Chris Hopgood: Yes.

Chairman McKee: Any questions for Mr. Hopgood? Thank you sir.

Any questions for staff? Would anybody else from your side like to speak Mr. Hopgood?

Chris Hopgood: A few of the folks are here but it was unanimous.

Chairman McKee: You're are affirming that he did represent your cause, right? You've already signed on the dotted line so you can't take it back now. Thank you.

Any questions for anybody, period?

With staff's recommendation, the Chair will entertain a motion.

***MOTION WAS MADE BY DAVID DIXON AND SECONDED BY KEVIN RICHARD TO APPROVE SECTION 5C GRAY STONE SUBDIVISION PRELIMINARY PLAT MAJOR SUBDIVISION, SUBMITTED BY H&M, LC FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON (FORMERLY LOT 246, SECTION 5B GRAY STONE SUBDIVISION, PID#64J-246) ON HICKORY WOOD COURT. APPLICANTS ARE REQUESTING PRELIMINARY APPROVAL FOR 19 LOTS. SUBJECT TO THE PASSAGE OF THE REQUESTED VARIANCES BY THE CITY BOARD OF ZONING ADJUSTMENTS.***

Chairman McKee: Do we have a second?

Kevin Richard: I second the amended motion.

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, thank you very much.

Is there any administrative business to come before us?

Brian Bishop: Just a brief update. Next month we will have our audit presentation, and next month you should expect the Solar Farm update to the County Zoning Ordinance and the City Zoning Ordinance.

The County voted to originate the text amendment today, and I expect the City to do so shortly. So, we should hear both zoning text updates next month.

Other than that, that's all I have.

Chairman McKee: Can you remind us when the committee to review the County Zoning Ordinance meeting is?

Brian Bishop: If you will give me one second to look at the calendar I can.

Chairman McKee: I left my phone in the car.

Brian Bishop: I have on my calendar the 15<sup>th</sup> of October at 8:30 a.m. at the Planning Commission office.

Chairman McKee: Does that sound right?

Dickie Johnson: Yep.

Chairman McKee: Ok, October 15, you're all invited. The public is invited so please come if you can.

David Dixon: Could you expand a little bit on this solar issue. This is the first I've heard of it, did I miss something?

Brian Bishop: Well, we talked about it briefly last month I believe. Solar farms are becoming much more prevalent and I think they're going to be coming pretty quickly. The current City and County zoning ordinance does not regulate those in any way. So, staff has worked with City Codes Department, and we touched with Randy a little bit in, and the County and City Attorney. We have a proposed text amendment largely based on what Owensboro has done, they've recently gone through the same process.

So, what we will do is look at an ordinance that will regulate location of the solar panels, screening, lighting, and things of that nature.

David Dixon: Ok, good. Thank you.

Chairman McKee: Any other questions about that?

Is there any other business to come before the Planning Commission?

Hearing none, the Chair will entertain a motion to adjourn.

***MOTION WAS MADE BY DICKIE JOHNSON AND SECONDED BY KEVIN RICHARD TO ADJOURN.***

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

***AYE: ALL***

Chairman McKee: All opposed?

***OPPOSED: NONE***

**MEETING ADJOURNED AT 7:31 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, October 1, 2019 to the best of my ability.**

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**Heather Lauderdale, HCCPC Clerk**

**X**

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