

Henderson City-County
Planning Commission
September 1, 2020

The Henderson City-County Planning Commission held a meeting September 1, 2020 at 6:00 p.m., at the Peabody Building, 1990 Barret Ct, Suite F, *via teleconference*. Members present via teleconference: Chairman David Dixon, Vice-Chairman David Williams, Bobbie Jarrett, Gary Gibson, Rodney Thomas, Dickie Johnson, Gray Hodge, Kevin Richard, Mac Arnold, Stacy Denton and Tommy Joe Fridy. Kevin Herron and Doug Bell were absent. Staff present: Director Brian Bishop, Jennifer Marks, Theresa Curtis, Heather Lauderdale and Chris Raymer.

MEETING BEGAN AT 6:29 PM

Chairman Dixon: I'd like to call this Tuesday, September 1, 2020 meeting of this Henderson City-County Planning Commission to order.

I need to point out that due to a technical delay, this meeting has started late. No discussion or public business has been conducted previous to this point.

“Due to the emergency resulting from the Coronavirus (COVID19), and to help protect the community from the spread of COVID19 by limiting in person contact, this regular September 1, 2020 meeting of the Henderson City-County Planning Commission is being held by video teleconference.

This meeting is being telecast live on Facebook by the Henderson County Kentucky government page for the media and the public to view.”

Madame Secretary, would you call the roll?

Chairman Dixon: Do we have a quorum?

Heather Lauderdale: We do.

Chairman Dixon: Thank you. I'd like to thank all the members of the commission for their patience after working through this technical issue, and for our guest; we've got a couple of guests here, and any members of the public that might be trying to do this and are finally able to at this point.

We're going to go into public hearing. We need a motion to go into **public hearing**.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY RODNEY THOMAS TO GO INTO PUBLIC HEARING.

Chairman Dixon: We've got a motion and second. All in favor say aye.

AYE: ALL (GRAY HODGE DID NOT RESPOND TO THE ROLL)

Chairman Dixon: Any opposed? Any opposed?

NAY: NONE

Chairman Dixon: Very good, we're in public hearing.

The first item to consider is approval of the **minutes from August 4, 2020** teleconference meeting. Everybody should have had a chance to examine and review those minutes. Any changes, additions, subtractions need to be made?

I'll entertain a motion to accept the August minutes.

MOTION WAS MADE BY MAC ARNOLD, SECONDED BY BOBBIE JARRETT TO APPROVE THE MINUTES FROM AUGUST 4, 2020 AS DISTRIBUTED.

Chairman Dixon: Do we have a second?

Very good, all in favor say aye.

AYE: ALL (GRAY HODGE DID NOT RESPOND TO THE ROLL)

Chairman Dixon: Any opposed?

NAY: NONE

Chairman Dixon: The minutes are approved.

The first item on the agenda is the **William and Kristi Hancock Airline Road Agricultural Division**. I think Jennifer is going to lead that discussion.

Jennifer Marks: Thank you Chairman.

First, we have the Ag. Division from William and Kristi Hancock as just mentioned and it was submitted for the property located in Henderson County on Airline Road (PID#77-6.4). Applicants are requesting approval for a three (3) tract division of property, containing approximately 156.98 acres in an Agricultural Zone, which is also located in a Special Flood Hazard area.

As you all recall, we are bringing this to you because we do bring all Ag. Divisions to the Planning Commission for approval.

I believe that we have the surveyor as well as the property owners on if they have any questions or if anyone has any comments or anything they would like to ask.

Chairman Dixon: Are we going to display these overheads or anything?

Brian Bishop: I'm not sure if we can, let's try this real fast.

Jennifer Marks: Hold on just one second.

Chairman Dixon: We're going to try to get a look at this folks. I think it should be in your packet.

Do any members of the commission have any questions for staff about this?

No questions for staff?

Any questions for the owner or the surveyor?

No questions for anybody? I guess we need to entertain a motion.

What is the pleasure of the commission?

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY GARY GIBSON TO APPROVE THE WILLIAM AND KRISTI HANCOCK AIRLINE ROAD AGRICULTURAL DIVISION SUBMITTED BY WILLIAM AND KRISTI HANCOCK FOR THE PROPERTY LOCATED IN HENDERSON COUNTY ON AIRLINE ROAD (PID# 77-6.4).

Chairman Dixon: We have a motion and a second, Madame Secretary please call the roll.

AYE: ALL (GRAY HODGE DID NOT RESPOND TO THE ROLL)

NAY: NONE

Chairman Dixon: Ok, the motion passes for approval.

The next item on the agenda is the **Right of Way Closure Request** submitted by Palmer Operations, Brian?

Brian Bishop: One second, we are not showing up.

Can everybody see us and hear us?

(EVERYONE STATED THEY COULD SEE AND HEAR THE MEETING)

I'm sorry, I thought we had lost our feed for a second.

Brent, we are not seeing the feed. Here we go, we do have the feed now.

Chairman Dixon: I'm sorry, do we have anybody wanting to comment on the first item, the Hancock Subdivision on Facebook?

Is anyone there that wants to speak?

Brian Bishop: From the public.

Chairman Dixon: Ok, sorry, I forgot about that folks.

Back to the Right of Way Closure.

Brian Bishop: Everyone should be able to see the screen on Facebook and through ZOOM.

The Right of Way Closure request submitted by Palmer Operations, LLC. And Attorney Chris Hopgood, to close an unimproved portion of Lincoln Avenue, approximately 6,513 square feet between Highway 2084 and Hwy 351.

The applicant is requesting that the right of way be closed so that they can consolidate property that they own on both sides they own of the right of way. If you can see, this is the area that would be closed. This is a piece of property that could be used and joined with this piece of property.

They are doing this for future development and right now they cannot do that because that is a public right of way. This request has been send to the City Manager's office. It has been sent to the technical advisors. We would deal with any utilities on this site via easements which would be created with the consolidation plat.

With that, I'll do my best to answer any questions and allow Mr. Hopgood to comment.

Chris, can you hear us?

Chris Hopgood: Yes.

Chairman Dixon: Any questions for staff?

Mac Arnold: Brian, this is Mac Arnold.

Brian Bishop: Yes sir.

Mac Arnold: Looking at the drawing that we've got, the colored one from Associated Engineering?

Brian Bishop: Yes sir.

Mac Arnold: They're showing a ten foot (10') alley right in the middle of that piece of property just across from Palmers. Does anything have to be done with that or does it just disappear when you close the street?

Brian Bishop: My understanding, Mr. Arnold is that will be closed via the plat when that is done but right now their request is only for the alley that is shown in the drawing that is shown on the screen.

Mac Arnold: Ok, alright.

Chairman Dixon: Any other questions for staff? Any questions for the applicant? Any questions for the applicant's attorney, who is available?

David Williams: Excuse me, this is David Williams.

Does the client own both properties; the service station and the property behind on the other side of the right of way?

Chris Hopgood: The service station...

Chairman Dixon: I need to swear you in. I need your name and address sir.

Chris Hopgood: Chris Hopgood, 318 Second Street, Henderson, Kentucky, 42420.

Chairman Dixon: Do you swear to tell the truth, the whole truth, and nothing but the truth?

Chris Hopgood: I do.

Chairman Dixon: Thank you very much, proceed.

Chris Hopgood: The property that's not developed, which would be east of the Lincoln Avenue closure is owned in fee simple by Palmer Operations. The service station is owned by Edward Leasor, who's represented by Cass Wilson and joined in this, and they have a long term lease with Palmer Operations for the service station.

David Williams: Ok, so we have two (2) distinct properties on either side of the right of way?

Chris Hopgood: Correct.

David Williams: My question would be is would half of the right of way go to the property and the other half go to the other?

Chris Hopgood: Yes.

David Williams: Ok, thank you.

Chris Hopgood: You're welcome.

Chairman Dixon: Good, any other questions from Mr. Hopgood?

Thank you counselor, very helpful.

Any other questions? I'll entertain a motion in regards to this right of way closure.

David Williams: I do have a point of order. Is this going to be a recommendation to the City Commission, or what do we do?

Chairman Dixon: Tommy Joe?

Tommy Joe Fridy: It is a recommendation. Only the city can close the alley. The city referred the matter to us to hold a public hearing.

Chairman Dixon: Very good. Good question Commissioner Williams.

David Williams: Tommy Joe, is there anything that we need to include in our question and answering at this point?

Tommy Joe Fridy: No. The record will show that there was no public comment for or against.

Chairman Dixon: We do need to ask if we have anything on Facebook. Nothing on Facebook? Ok.

I think we are now ready to consider a motion unless there are more questions.

David Williams: Mr. Chairman, this is David Williams. I proposed that we

MOTION WAS MADE BY DAVID WILLIAMS AND SECONDED BY MAC ARNOLD TO RECOMMEND TO THE CITY OF HENDERSON THAT THE RIGHT OF WAY CLOSURE REQUEST BE GRANTED SUBMITTED BY PALMERS OPERATIONS, LLC., AND ATTORNEY CHRIS HOPGOOD, TO CLOSE AN UNIMPROVED PORTION OF LINCOLN AVENUE APPROXIMATELY 6,513 SQUARE FEET BETWEEN HIGHWAY 2084 N AND HWY 351.

Chairman Dixon: Do we have a second?

Very good. Madame Secretary, please call the roll.

AYE: ALL (GRAY HODGE DID NOT RESPOND TO THE ROLL)

NAY: NONE

Chairman Dixon: Motion passes, thank you all.

That concludes the public hearing items on tonight's agenda so we need a motion to **leave the public hearing.**

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY MAC ARNOLD TO GO OUT OF PUBLIC HEARING.

Chairman Dixon: All in favor?

AYE: ALL (GRAY HODGE DID NOT RESPOND TO THE ROLL)

Chairman Dixon: Any opposed?

NAY: NONE

Chairman Dixon: Very good, the public hearing is closed and we will move to the non-public items.

The first one being the office Finance Report. I think Theresa is going to help us with that.

Theresa Curtis: (HER AUDIO WAS INAUDIBLE)

Brian Bishop: Theresa, you're going to have to say that again, you're muffled.

Theresa Curtis: Can you hear me, is that better?

Brian Bishop: Not much.

Theresa Curtis: Is that better?

Brian Bishop: Not really. Can you come in here and say it?

Theresa Curtis: Yes.

(Theresa Curtis went to the conference room to address the Finance Report.

Ok, let's try this again.

The Financial Report was sent out in an email. Hopefully all of you had a chance to look at it. But for the first two (2) months of the fiscal year budget we're at 26%.

Did you all understand any of that?

Chairman Dixon: Any questions in regards to the Financial Report?

We need a motion to approve.

MOTION WAS MADE BY DAVID WILLIAMS AND SECONDED BY MAC ARNOLD TO APPROVE THE AUGUST FINANCE REPORT AS SUBMITTED.

Chairman Dixon: We have a motion and a second. All in favor say aye.

AYE: ALL (GRAY HODGE DID NOT RESPOND TO THE ROLL)

Chairman Dixon: Any opposed?

NAY: NONE

Chairman Dixon: Very good, the motion passes.

I'm told there is no Bond Report tonight so we'll move ahead to the next item which is the **Robert Cornbleet Property Site Plan**.

Brian is going to lead that discussion.

Brian Bishop: Yes sir. This is submitted by Robert Cornbleet for the property located at 516 S. Main Street (PID#1-23-1-7). Applicant is requesting site plan approval.

The site plan is for the construction of three (3) apartment buildings. Each unit will have four (4), two (2) bedroom units with garages. The site is 1.13 acres. We have received all necessary approvals from the city departments and city utilities.

There will be bonding in the amount of \$5,695 for erosion control. That number was submitted to us by Mr. Ken Ferry, who is online if you have any questions.

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

Can everyone see the screen that shows the buildings and the proposed site plan?

This is South Main Street, these are the three (3) buildings he is proposing. In the center you will have the proposed rain garden area, like grassy area. There are existing sidewalks along Main Street, which this fronts.

It's a pretty simple site plan but we felt with it being on South Main Street, which has lots of traffic, it would be best for this to come to the Planning Commission and for you to give your approval.

Mr. Cornbleet is here if you have any questions of him.

Chairman Dixon: Any questions for staff on this?

David Williams: Staff recommends approval, correct?

Brian Bishop: Yes sir.

Chairman Dixon: Any other questions for staff?

Do we have any questions for Mr. Cornbleet who is with us here tonight?

Mr. Cornbleet, would you like to speak?

Give us your name and address.

Robert Cornbleet: Robert Cornbleet, 1300 N. Green Street, Henderson.

Chairman Dixon: Good, I need you to tell the truth, the whole truth and nothing but the truth.

Robert Cornbleet: I do.

Chairman Dixon: He does, very good. Proceed, thank you.

Robert Cornbleet: This is just a two (2) bedroom, two (2) bath with garage, about 1200 square feet each. We're going to start two (2) buildings immediately and we've met with all the city utility departments and worked everything out with them; got their approval, including Ken Ferry. We have all of our drains worked out.

One thing they did not point out, we have a rain garden or a depression to catch the water, which it's more than just the big center thing in the parking lot. It's all along the property, and also there is a grass strip out front.

We've done this same building before, it's been successful. It can be seen at a couple of different locations, and that's all I can say unless you have a specific question for me.

Chairman Dixon: Any questions for Mr. Cornbleet folks?

David Williams: Yes. What kind of outside treatment are you going to do? Siding treatments on this one?

Robert Cornbleet: All brick. One (1) story.

Brian Bishop: Commissioner Williams, did you hear that?

David Williams: Yes. As one of the future neighbors of this future development, I'm very supportive of it. I think that's going to take care of a piece of property that needed treatment.

Robert Cornbleet: Thank you.

Chairman Dixon: Any other questions or comments on this issue?

Mr. Cornbleet, thank you very much.

Robert Cornbleet: Is that all?

Chairman Dixon: If there are no other questions, I'll entertain a motion regarding this item.

MOTION WAS MADE BY RODNEY THOMAS, SECONDED BY MAC ARNOLD TO APPROVE THE ROBERT CORNBLEET PROPERTY SITE PLAN, SUBMITTED BY ROBERT CORNBLEET FOR THE PROPERTY LOCATED AT 516 SOUTH MAIN STREET (PID#1-23-1-7). APPLICANT IS REQUESTING SITE PLAN APPROVAL.

Chairman Dixon: We have a motion and a second. Madame Secretary, please call the roll.

AYE: ALL (GRAY HODGE DID NOT RESPOND TO THE ROLL)

NAY: NONE

Chairman Dixon: Motion passes, thank you very much folks.

We've got some Administrative Business on the agenda.

Thank you gentlemen.

Robert Cornbleet: Thank you everybody, I appreciate it.

Chairman Dixon: We have an update on the County Zoning Ordinance re-write. Brian?

Brian Bishop: I believe everyone on the Planning Commission knows that staff has been working with the county technical folks, along with the County Codes Administrator, the County Engineer, the County Attorney's Office, along with private members of the community; notably Mr. Dennis Branson to re-write and re-do the County Zoning Ordinance.

We feel like it's time to seek input from the Planning Commission and from the Fiscal Court.

So, what we would like to do is start discussing time lines with everyone. We have created a draft timeline and given ourselves our own deadline so that we don't get bogged down so that way we're making progress.

So, what we are asking is if staff sends you the document in the next three (3) to four (4) days, maybe five (5) at most, that if we could have a work session with the Fiscal Court approximately on the 15th of September.

Then from there, the Fiscal Court would originate the zoning text request and then we would hold the official public hearing.

So, at this point what we are asking for is a good time for us to have the work session with Fiscal Court. Once we have our date we'll reach out to the County Judge/Executive and we will make sure Fiscal Court can meet with us on those dates.

So, at this point I'm asking that everyone kind of look at their calendar, and see if perhaps the 15th, 16th, or 17th would work for a joint work session.

Chairman Dixon: 15th, 16th, or 17th of September. We hope to have this meeting in the evening, correct?

Brian Bishop: Yes. We would like to have it in the evening and we would love to have it in person. What we had talked about was having

this in the Fiscal Courtroom so that we could all be spaced adequately but still be in person so we do not have to deal with ZOOM technicalities. Especially with the County Zoning Ordinance because it's a hefty document and there are several important items we would need to discuss. So, we would prefer to do that in person if at all possible.

Chairman Dixon: Does anyone have a problem with any of those dates? 15th, 16th, or 17th, that's a Tuesday, Wednesday, and a Thursday.

Stacy Denton: I will not be able to attend any of those dates.

Chairman Dixon: Does anyone else foresee any issues with that?

Rodney Thomas: I can't do the 16th or 17th. I can do the 15th.

Chairman Dixon: Good. The 15th would be two (2) weeks from tonight. Does that work for everybody, except Stacy and I'm sorry you can't make it; we want to proceed if we can.

Brian Bishop: Stacy, I will get that document to you and then Jennifer and I will be available to answer any questions that you have prior to the meeting or after the meeting.

Chairman Dixon: Yes.

Stacy Denton: Sounds good.

Chairman Dixon: So, it sounds to me like we want to shoot for Tuesday, September 15. Go ahead and work on that Brian.

Brian Bishop: Yes sir.

Chairman Dixon: Then let us know.

Brian Bishop: We will confer with the Fiscal Court members, and then I will let everyone know via email. We will send out a meeting invite.

Are there any objections to an in-person meeting? Our request to the County Judge is that we're going to meet on the 15th in the Fiscal Courtroom.

Chairman Dixon: Any questions? I want everybody to feel comfortable. Let's give it a try, it is a very spacious room.

So, that's the update on that. This zoning board session would be the next step, then eventually we would hold our own public hearing at the planning commission, and then make a recommendation that we go back to Fiscal Court for their final decision.

Tommy Joe Fridy: The 15th is not a public hearing, it's only a work session.

Brian Bishop: Yes, Mr. Fridy is correct.

Chairman Dixon: The public would not be invited. If we're all there, they have to be invited, right?

Tommy Joe Fridy: They can attend, they can't speak at a work session.

Brian Bishop: Mr. Fridy's correct, I believe. Our intent is to have a presentation so that way these changes in this hefty document are there. We can make an actual presentation with Power Point, we can answer questions, and we can explain the logic behind it.

So that way we wanted as much input from the Fiscal Court and the Planning Commission as possible.

Then, Mr. Fridy correct me if I'm wrong, once we make the official presentation to the Planning Commission, the public would be able to give input at that time.

Tommy Joe Fridy: That's accurate.

The Planning Commission and Fiscal Court could vote to have participation at a work session but it would not count as a public hearing.

But it is unusual and probably not advisable to have public input at a work session.

Chairman Dixon: But members of the Planning Commission and Fiscal Court can make suggestions and... we're reviewing a draft document it is not final.

Tommy Joe Fridy: Absolutely.

Chairman Dixon: Very good, so Brian will keep us up to date on that.

Other business? Brian, you have another other business item?

Brian Bishop: Yes sir. We've kind of just touched on this. I think tonight really highlights some of the issues with ZOOM and the technical issue. If we're able to find a venue that we can adequately space ourselves, does anyone not feel comfortable with having an in-person meeting for the October meeting? Then ultimately the public hearing meeting and the work session that we previously discussed.

In essence, the staff is asking if you're comfortable with in-person meetings yet.

Dickie Johnson: I am.

Chairman Dixon: In a larger space.

Brian Bishop: Yes. My initial thought was the Fiscal Courtroom because we would have the ability to have GIS and Power Points displayed on their large screen. I think most everyone has been in the Fiscal Courtroom, there's large pews we could adequately space out and still be close enough to one another so we could hear each other speak and see the presentation.

Chairman Dixon: What's the consensus of the commission? Should we investigate this possibility?

David Williams: Will masks be required to all participants?

Brian Bishop: I would say yes.

Rodney Thomas: I've got no problem with it.

Stacy Denton: I'm fine with it.

Gary Gibson: I'm ok.

Mac Arnold: I'm fine with it too.

David Dixon: We'll look into that. If somebody should have a concern, or should think of something please Brian know about it, ok?

Charlie McCollum: This is Charlie McCollum. Shouldn't we have this on Facebook whether or not we have it because we have to limit the number of people in the courtroom?

Brian Bishop: There is no reason it could not be broadcast on Facebook.

Charlie McCollum: I think that would probably be good. Thank you.

Tommy Joe Fridy: Then you are having a virtual meeting but anyone that chooses can attend personally. Any member of Fiscal Court or the Planning Commission can attend personally.

Chairman Dixon: Yes, I guess that would give the members of the two (2) bodies the option to attend personally or not; even better.

Brian, let's see what we can do here, ok? It's worth exploring at least, it may not come to pass.

Any other business Brian?

Brian Bishop: No sir.

Chairman Dixon: Does anyone else have any business for the good of the cause?

Once again I want to thank everybody for your patience this evening. You had more than I did, let's put it that way.

Brian Bishop: From a staff's standpoint we apologize. What we think is happening is that ZOOM is obviously working, so there was obviously some kind of disconnect between ZOOM communicating with Facebook.

So, again we apologize for that.

Chairman Dixon: I will entertain a motion to adjourn.

MOTION WAS MADE BY DAVID WILLIAMS AND SECONDED BY GARY GIBSON TO ADJOURN.

Chairman Dixon: All in favor?

AYE: ALL (GRAY HODGE DID NOT RESPOND TO THE ROLL)

Chairman Dixon: Any opposed?

NAY: NONE

Chairman Dixon: Very good, we stand adjourned.

MEETING ENDED AT 6:58 PM

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

Planning Commission Meeting of, September 1, 2020 to the best of my ability.

Heather Lauderdale, HCCPC Clerk

X
