

Henderson City-County
Planning Commission
February 2, 2021

The Henderson City-County Planning Commission held a meeting February 2, 2021 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, Dickie Johnson, Gray Hodge, Kevin Richard, Gary Gibson, Mac Arnold, Stacy Denton, and Tommy Joe Fridy. Doug Bell and Kevin Herron were absent. Staff present: Director Brian Bishop, Jennifer Marks, Theresa Curtis and Chris Raymer. Heather Lauderdale was absent.

MEETING BEGAN AT 6:00 PM

Chairman Dixon: I would like to call this Tuesday, February 2, 2021 meeting of the Henderson City-County Planning Commission to order. I will begin by reading this statement;

“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 February 2, 2021 meeting of the Henderson City-County Planning Commission is being held by video teleconference.

This video teleconference meeting is being telecast live on Facebook at www.facebook.com/HendersonPlanning/live/ page and elsewhere for the media and the public to view. During the public hearing segments of the meeting, the public may offer evidence, comments, positions, suggestions and questions in accordance with the meeting rules.

Madame Secretary, please call the roll.

Theresa Curtis: I sure can. Can everybody make sure you are un-muted before I call roll call.

Chairman Dixon: We need everyone's picture too.

Theresa Curtis: That's correct. Gary, can you unmute?

Chairman Dixon: Do we have a quorum? Do we have a quorum?

Theresa Curtis: Yes, we do.

Chairman Dixon: Very good, thank you.

The first order of business is to go into public hearing, I'll entertain a motion to do that.

MOTION WAS MADE BY GRAY HODGE, SECONDED BY KEVIN RICHARD TO GO INTO PUBLIC HEARING.

Chairman Dixon: Motion and a second; all in favor say aye.

AYE: ALL

Chairman Dixon: All opposed, any opposed?

NAY: NONE

Chairman Dixon: Very good, we are now in public hearing.

First item is the approval of the **minutes for the January 5, 2021 teleconference**. Do we have a motion to approve?

MOTION WAS MADE BY X.R. ROYSTER, SECONDED BY GARY GIBSON TO APPROVE THE MINUTES FROM JANUARY 5, 2021 AS SUBMITTED.

Chairman Dixon: Any discussion? All in favor say aye.

AYE: ALL

Chairman Dixon: Any opposed?

NAY: NONE

Chairman Dixon: Very good, the minutes are approved.

The first item in the public hearing is the Alley Closing Request; I think Mr. Bishop is going to lead that discussion.

Brian Bishop: Yes sir.

This Submitted by MO & US, LLC, represented by Dane Shields Attorney at Law. The request is for the vacating of approximately 144 feet of the 200 foot, 8.75 foot wide unimproved alley running from S. Julia Street to approximately 56 feet from a T-alley at the midpoint off the 1000 block of Powell Street.

This may look familiar to everyone; March of last year, 2020, the City had forwarded us a request very similar to this and at that time the alley was requested to be closed for the entire block from Julia Street to the T Alley that is referred in the description.

Can everyone see the aerial map on the screen?

The previous request was from this line to this line. The property owner that owns these two parcels objected and would not consent to the alley being closed.

So, Mr. Shields can elaborate on that a little bit further but the quick version of that is that a second request has now been forwarded to us, which is from this line to this line. The property owner that is requesting the closure owns these four parcels that front along Powell Street, and then this parcel to the southwest.

They would like to consolidate these two parcels but they cannot with the alley there as it exists.

So, once the alley is closed the properties would be joined and become one parcel instead of five.

With that, I will do my best to answer any questions, and I believe Mr. Shields is here if you have any questions of the applicant as well.

Chairman Dixon: Does the Commission have any questions for staff?

Would the Commission like to speak to the applicant?

Would the applicant's representative like to speak?

Dane Shields: This is Dane Shields, 101 First Street; I represent MO & US, LLC, owner of these properties which includes Metzger's Tavern.

They have plans to...

Chairman Dixon: Excuse me, Mr. Shields.

Dane Shields: Yes sir?

Chairman Dixon: I think we got your name and address, I need to ask you if you promise to tell the truth, the whole truth, and nothing but the truth tonight?

Dane Shields: I certainly do.

Chairman Dixon: Very good, thank you. Please proceed, sorry for my interruption.

Dane Shields: That's just fine.

The owner of Metzger's Tavern at the corner of Julia and Powell Street has expansion plans going out of the back of the tavern, which would essentially go into the alleyway that's un-improved that's currently part of the parking lot but it is an alley.

So, we want to consolidate these tracts, and close the alley so this property can be improved with capital construction, and we are shortening our request.

The owner at the end of the T-alley didn't really object, he just wasn't going to sign anything cooperating so we just decided to revise our request and shorten it so now he has an alleyway behind his property, and he adjoins the T cross property that Mr. Bishop; the T-alley that Mr. Bishop referred to, and he has frontage on Powell Street.

So he will have a public right of way on three sides, and a good neighbor on his east, which would be us.

We are asking this Commission to consider that and approve it. In March it was a unanimous approval and we would appreciate your consideration tonight to approve the shortened alleyway.

Chairman Dixon: Thank you Mr. Shields. I think we're being asked to make a recommendation to the City, is that correct?

Brian Bishop: That is correct.

Chairman Dixon: Very good.

Brian Bishop: Chairman Dixon, I neglected to mention that I spoke to Mr. Michael Pressley who is the owner that Mr. Shields and I both referred to of these two tracts to the southeast, his concern was that his property not lose access to the alley as it exists; and that will not happen. They will still have access to this alley at the intersection that is shown on the map.

Chairman Dixon: Any other questions for staff or the applicant's representative?

Do we have anybody on Facebook indicating an interest in this item?

Does not appear to be so, correct?

Brian Bishop: Correct, we have no comments at this time.

Chairman Dixon: Did everybody who needed to be notified about this get notified?

Brian Bishop: Yes sir.

Chairman Dixon: And have an opportunity to speak?

Very good, what is the pleasure of the Commission? Would someone like to make a motion in this regard?

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY MAC ARNOLD TO RECOMMEND APPROVAL TO THE CITY FOR THE APPEAL SUBMITTED BY MO & US, LLC, REPRESENTED BY DANE SHIELDS ATTORNEY AT LAW. THE REQUEST IS FOR

THE VACATING OF APPROXIMATELY 144 FEET OF THE 200 FOOT, 8.75 FOOT WIDE UNIMPROVED ALLEY RUNNING FROM S. JULIA STREET TO APPROXIMATELY 56 FEET FROM A T-ALLEY AT THE MIDPOINT OFF THE 1000 BLOCK OF POWELL STREET.

Chairman Dixon: We have a motion and a second; any further discussion?

David Williams: Mr. Fridy, was that motion in order?

Chairman Dixon: Tommy Joe, can you hear us?

Tommy Joe has apparently fallen off the call.

We have a motion and a second...

Tommy Joe Fridy: That's correct.

Chairman Dixon: Madame Secretary, please call the roll.

AYE: ALL

NAY: NONE

Chairman Dixon: Is that everyone?

Theresa Curtis: Yes.

Chairman Dixon: Motion passes.

This might also sound familiar; Ms. Marks will lead this discussion.

Jennifer Marks: Thank you.

This will be **#1113 ASSIGNMENT OF ZONING CLASSIFICATION IN CONJUNCTION WITH ANNEXATION PHASE 2-** The City of Henderson has requested that the Planning Commission hold a public hearing, recommend a zoning classification and amend the Comprehensive Plan for forty-one (41) lots in the Bent Creek Subdivision and Bent Creek Estates Subdivision, a portion of Mallard Lane, Blue Heron Lane, and Gadwall Lane, the subject area contains approximately 19.22 acres (collectively referred to herein as,

“Bent Creek Subdivision” or the “subject area” or the “subject property”). A map of the subject area is posted on the Planning Commission’s Facebook page, at the above link, and such map is incorporated herein by reference; and, a copy of the map may be obtained from the Planning Commission by calling (270) 831–1289. The subject area is currently zoned *County Single-Family Residential District (R-1)*; and staff is recommending a *City Single-Family Residential District (R-1) zoning classification for such area, which includes the following forty-one (41) lots of Bent Creek Subdivision.*

This, again, will be very familiar to everyone as, I believe it was December when we held the first, Phase I for Bent Creek.

Again, we are just making a recommendation to the City with a zoning classification. I have some info that I will read into the record but first I wanted to answer any questions that anybody might have regarding this.

Chairman Dixon: Does this rezoning agree or disagree with the Comprehensive Plan.

Jennifer Marks: It is in agreement with the Comprehensive Plan and the Future Land Use Map.

Chairman Dixon: Any questions for staff on this matter from the Commission?

Ms. Marks, would you like to proceed then?

Jennifer Marks: Yes. I’m going to go ahead and read into the record a proposed motion as well as the findings of facts for this zoning classification.

Again, **#1113 ASSIGNMENT OF ZONING CLASSIFICATION IN CONJUNCTION WITH ANNEXATION PHASE 2-** The City of Henderson has requested that the Planning Commission hold a public hearing, recommend a zoning classification and amend the Comprehensive Plan for forty one (41) lots in the Bent Creek Subdivision and Bent Creek Estates Subdivision - Blue Heron Lane,

Gadwall Lane, and a portion of Mallard Lane, the subject area contains approximately 19.22 acres (collectively referred to herein as “Bent Creek Subdivision”, “the subject area” or “the subject property”.)

I’m going to go ahead and read into the record as well, the 41 lots and parcel ID’s that will be included in this zoning classification.

Parcel #ID	Property Address	Parcel #ID	Property Address
67C-44	609 MALLARD LN	67C-68	561 BLUE HERON LN
67C-45	605 MALLARD LN	67C-69	565 BLUE HERON LN
67C-46	601 MALLARD LN	67C-70	569 BLUE HERON LN
67C-47	597 MALLARD LN	67C-71	573 BLUE HERON LN
67C-48	593 MALLARD LN	67C-72	572 BLUE HERON LN
67C-49	589 MALLARD LN	67C-73	568 BLUE HERON LN
67C-50	585 MALLARD LN	67C-74	562 BLUE HERON LN
67C-51	544 BLUE HERON LN	67C-75	558 BLUE HERON LN
67C-52	540 BLUE HERON LN	67C-76	590 MALLARD LN
67C-53	536 BLUE HERON LN	67C-77	594 MALLARD LN

67C-55	528 BLUE HERON LN	67C-78	598 MALLARD LN
67C-56	520 & 524 BLUE HERON LN (PC LIST TWO LOTS)	67C-79	609 GADWALL LN
67C-58	525 BLUE HERON LN	67C-80	611 GADWALL LN
67C-61	533 BLUE HERON LN	67C-81	615 GADWALL LN
67C-62	537 BLUE HERON LN	67C-82	612 GADWALL LN
67C-63	541 BLUE HERON LN	67C-83	608 GADWALL LN
67C-64	545 BLUE HERON LN	67C-84	604 GADWALL LN
67C-65	549 BLUE HERON LN	67C-85	602 GADWALL LN
67C-66	553 BLUE HERON LN	67C-86	606 MALLARD LN
67C-67	557 BLUE HERON LN	67C-224	VACANT

Chairman Dixon: Are you sure that's it? (Laughter)

Jennifer Marks: Yes.

Chairman Dixon: Good job.

Jennifer Marks: Then, a motion;

I move that the Planning Commission recommends that the City of Henderson assign a City Single-Family Residential District (R-1)

zoning classification to this subject “Bent Creek Subdivision” area; that the Comprehensive Plan be amended to include this area in the City Zoning Map, if and when it is annexed into the City; and, if and when the City assigns a zoning classification in accordance with applicable law, that such zoning classification be appropriately shown in the Comprehensive Plan and the Future Land Use Map; 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 recommended Single-Family Residential District (R-1) zoning classification is in agreement with the current City zoning classification and is in agreement with the Future Land Use Map of the Comprehensive Plan which shows this area developing as R-1 (low density residential).

The subject area is a developed single family residential subdivision.

Chairman Dixon: Very good. Are there any questions for staff from the Commission?

David Williams: Mr. Chairman, I motion that Jennifer’s motion be admitted as testimony in support of the motion.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY MAC ARNOLD TO ADMIT THE TESTIMONY FROM JENNIFER MARKS IN SUPPORT OF THE MOTION.

Chairman Dixon: We have a motion and a second. All those in favor of the procedure say aye.

AYE: ALL

Chairman Dixon: Any opposed?

NAY: NONE

Chairman Dixon: Very good.

Now I guess, do we have anyone else who wants to comment? Anyone on Facebook here? No one is joining us on our meeting.

Brian Bishop: Doesn't appear to be.

Chairman Dixon: I see no indication of outside interest.

We'll wait just a second to make sure people have ample time to reach us through Facebook or other means.

We're seeing none, so...

Brian Bishop: Hang on, we have a comment from Frank Boyett that says, "I'm here."

Mr. Boyett, would you like to add anything or ask a question?

I'm not sure if Frank wants to say anything or is just saying "hi".

I think Frank is just saying "hi" it appears. Hi Frank!

Chairman Dixon: Thanks for joining us Mr. Boyett.

We have, based on Mr. Williams motion and its approval, we have entered this motion and its findings of facts in to the record.

I think we could entertain a motion if someone is so moved; the motion as presented.

MOTION WAS MADE BY DAVID WILLIAMS, SECONDED BY GRAY HODGE TO APPROVE THE MOTION AS PRESENTED.

Chairman Dixon: We have a motion and a second, any discussion? Very good, Madame Secretary please call the roll.

AYE: ALL

NAY: NONE

Chairman Dixon: Is that everybody?

Theresa Curtis: That's everybody.

Chairman Dixon: Very good, motion passes.

That concludes the public hearing items. I'll entertain a motion to go out of public hearing.

MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY GARY GIBSON TO GO OUT OF PUBLIC HEARING.

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

AYE: ALL

Chairman Dixon: Any opposed?

NAY: NONE

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

Next item is the **January Finance Report**, Mrs. Curtis?

Theresa Curtis: In January 2021, we're at 63%, and we have five months left in our budget; I just need approval.

MOTION WAS MADE BY GRAY HODGE, SECONDED BY GARY GIBSON TO APPROVE THE JANUARY 2021 FINANCE REPORT.

Chairman Dixon: We have a motion and a second.

All in favor of approval say aye.

AYE: ALL

Chairman Dixon: Any opposed?

NAY: NONE

Chairman Dixon: Very good, motion passes.

The next item is the **Bond Report**, Ms. Marks?

Jennifer Marks: Thank you.

We do have one bond to discuss tonight for Gray Stone Estates Subdivision, this is section 5A, 5B, and 5C. We currently have a bond with H&M, LC for the amount of \$84,731 for sidewalks.

As of recent, H&M, LC., has dissolved and they will be providing individual letters of credit so I'm going to provide you two different amounts that we do have left on those sidewalk numbers.

For JM Development, the total amount will be \$52,109, and then Brad Hazelwood has \$24,529 and those will be the two amounts that we will send them information on to update the letters of credit that we currently have for that project.

I just need approval for those amounts.

MOTION WAS MADE BY MAC ARNOLD, SECONDED BY BOBBIE JARRETT TO APPROVE THE BOND REPORT AS SUBMITTED.

Chairman Dixon: We have a motion and a second.

All in favor of approval say aye.

AYE: ALL

Chairman Dixon: Any opposed?

NAY: NONE

Chairman Dixon: Thank you, the bond report is approved.

Administrative business; we have one item that is not on the agenda; it's in regard to continuing education.

I would like to entertain a motion for the training we received on January 26, 2021 in regard to the I-69 Project update presented by the Kentucky Transportation Department, Gary Valentine, for two (2) hours of continuing education credits for Planning Commissioners who attended.

Would anyone like to make a motion?

MOTION WAS MADE BY BOBBIE JARRETT, AND SECONDED BY MAC ARNOLD TO APPROVE THE TRAINING WE RECEIVED ON JANUARY 26, 2021 IN REGARD TO THE I-69 PROJECT

UPDATE PRESENTED BY THE KENTUCKY TRANSPORTATION DEPARTMENT, GARY VALENTINE, FOR TWO (2) HOURS OF CONTINUING EDUCATION CREDITS FOR PLANNING COMMISSIONERS WHO ATTENDED.

Chairman Dixon: We have a motion and a second.

All in favor of approval say aye.

AYE: ALL

Chairman Dixon: Any opposed?

NAY: NONE

Chairman Dixon: The next item is the **2021 Planning Commission Committees**. These committee assignments are attached to the tail-end of your packet. I want to thank everybody for participating and volunteering to serve in this extra capacity.

If anyone else would like to help out with the Bond and Finance Committee, the Budget Committee or the Land Development Committee or the GIS Advisory Committee, you are welcome to do so. Just let us know.

Any other business Mr. Bishop?

Brian Bishop: Not at this time sir.

Chairman Dixon: Our next meeting will be...

Theresa Curtis: March 2.

Brian Bishop: Thank you Theresa.

March 2.

Chairman Dixon: We don't have anything before then? No special meetings or nothing?

Bria Bishop: No, you guys are getting off easy this time.

(Laughter)

David Dixon: That's going to be a whole month off, guys.

Very good, does anyone have anything else they would like to bring before the Commission?

If that is the case, then I will entertain a motion to adjourn.

MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY MAC ARNOLD TO ADJOURN.

Any discussion? All in favor of approval say aye.

AYE: ALL

Chairman Dixon: Any opposed?

NAY: NONE

Chairman Dixon: Very good, we stand adjourned. Thank you all so much for your help, everybody be safe.

MEETING ENDED AT 6:30 PM

I, HEATHER LAUDERDALE, hereby certify that the foregoing is a true and accurate transcription of the Henderson City-County Planning Commission Meeting of, February 2, 2021 to the best of my ability.

Heather Lauderdale, HCCPC Clerk

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