

Henderson City-County
Planning Commission
March 1, 2022

The Henderson City-County Planning Commission held a meeting March 1, 2022 at 6:00 p.m., at the Peabody Building, 1990 Barret Ct., Suite F, and via teleconference. Members present: Chairman David Dixon, Vice-Chairman Kevin Richard, Bobbie Jarrett, Dickie Johnson, Gary Gibson, Mac Arnold, Stacy Denton, Kevin Herron, Gray Hodge, X.R. Royster, Frank Boyett and Tommy Joe Fridy. Doug Bell was absent. Staff present: Director Brian Bishop, Jennifer Marks, Theresa Curtis, Heather Lauderdale and Chris Raymer.

MEETING BEGAN AT 6:00 PM

Chairman Dixon: I would like to call this Tuesday, March 1, 2022 meeting of the Henderson City-County Planning Commission to order and read the following 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 March 1, 2022 meeting of the Henderson City-County Planning Commission is being held by ZOOM video teleconference as well as in person.

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, collectively referred to as comments in accordance with the meeting rules.

Chairman Dixon: Thank you all for being with us tonight. I also want to welcome our newest Planning Commission member, Mr. Frank Boyett, who’s here with us at the Planning Commission office. Most

everybody knows Frank and I want to thank him for his willingness to serve and I know we will benefit from his expertise.

Madame Secretary, could you please call the roll?

Chairman Dixon: Do we have a quorum?

Heather Lauderdale: Yes, we do.

Chairman Dixon: Thank you.

We've got some public hearing business this evening folks, so I'll entertain a motion to go into **public hearing**.

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

We have a motion and second, any discussion?

All in favor of entering public hearing, please say aye.

AYE: ALL

Chairman Dixon: Any opposed?

NAY: NONE

Chairman Dixon: We're in public hearing.

The first item of business is the approval of the minutes from the February 1, 2022 meeting.

MOTION WAS MADE BY KEVIN RICHARD, SECONDED BY BOBBIE JARRETT TO APPROVE THE FEBRUARY 1, 2022 MINUTES AS DISTRIBUTED.

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

All in favor of entering public hearing, please say aye.

AYE: ALL

Chairman Dixon: Any opposed?

NAY: NONE

Chairman Dixon: Very good.

The next item of business is a Right of Way closing request. Mr. Bishop would you like to discuss that?

Brian Bishop: Yes sir. Mr. Chairman, also Mac Arnold just popped in, for the record.

Chairman Dixon: Please note that, Madame Secretary.

Brian Bishop: **Right of Way Closure Request** submitted by David Floyd of NDA Enterprises to vacate a public alleyway located between 405 and 415 Eighth Street located in the City of Henderson. The request is for a 9.75 foot by approximately 131 foot long alley off Eighth Street, between 405 & 415 Eighth Street, and a 12 foot by approximately 65 foot long alley running west to east along north property line of 415 Eighth Street and a new alleyway be designated of approximately 15 foot by approximately 120 foot long running north and south between 415 and 419 Eighth Street from an existing alley running east to west parallel with Eighth Street as part of the consolidation of properties.

I'm going to share the map so that will make more sense, I know that's a lot of weird language to throw at you.

Everyone should see a plat showing the right of ways we are going to discuss here in one second....can everyone see that?

Dickie Johnson: Ok.

Brian Bishop: So, this is the area that is being described as being closed.

You'll notice the green area goes northeast and then southwest here that's being closed.

The blueish area that is going northeast to southwest is the area that is going to be dedicated via a plat that will come into the Planning Commission office. The reason why this is being done is that the trash

folks still use alley that you see here. They come in the northwest direction and now they come this way. But once these lots are all consolidated to facilitate the development, they will now traverse the property using the property using the blue area.

So, we're only closing the green area at this time. Let me re-phrase that, we holding a public hearing and requesting that the alley be closed to the City.

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

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

Gray Hodge: I have a quick question. Where you're proposing to put the alley, it looks like there is a property line or a fence line...am I seeing that right? There's not any utility or anything in there, is there?

Brian Bishop: Commissioner Hodge, you're talking about right there?

Gray Hodge: Yes.

Brian Bishop: No sir, not that we're aware of. This has been vetted by the City Engineer's office and the City Manager's office. So, at this time we do not believe there are any utilities affected by this relocation of the alley.

Chairman Dixon: What does that line indicate?

Brian Bishop: There is an existing fence, I believe is what you're seeing.

I believe what you're seeing is that there. Guys, bear with me one second, I'll give you a better picture to see what Commissioner Hodge is referring to.

I think what the reference is, is the property line and then the existing fence.

There is a wooden fence there if I'm not mistaken.

Chris Raymer: You can see the shadow.

Brian Bishop: You can see the shadow better than you can the fence.
Did that answer your question, Commissioner Hodge?

Gray Hodge: Yes.

Chairman Dixon: Any other questions for staff?

Do we have anyone joining us via ZOOM that would like to comment on this proposed alley changing?

I'm not seeing any Facebook activity. No more questions?

I'll entertain a motion in regard to this matter.

Bobbie Jarrett: Is this a recommendation for approval to the City Commission?

Brian Bishop: Yes ma'am.

Bobbie Jarrett: Ok.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY DICKIE JOHNSON TO RECOMMEND TO THE CITY COMMISSION TO APPROVE THE RIGHT OF WAY CLOSURE REQUEST SUBMITTED BY DAVID FLOYD OF NDA ENTERPRISES TO VACATE A PUBLIC ALLEY WAY LOCATED BETWEEN 405 AND 415 EIGHTH STREET LOCATED IN THE CITY OF HENDERSON.

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

AYE: ALL

NAY: NONE

Chairman Dixon: Very good, thank you all. The motion passes.

We will now move to the next public hearing item which is **Rezoning #1126 with a Narrative Development Plan**. Mr. Bishop?

Brian Bishop: If you would, bear with me for one moment again and I'll share another drawing.

Rezoning #1126 with a Narrative Development Plan submitted by David Floyd of NDA Enterprises, LLC for the property located in the City of Henderson at 415 Eighth Street (PID#3-3-1-17), containing approximately 11,290 square feet. The applicant is requesting a zoning change/map amendment from Inner City Residential District (R-3) to General Business District (GB) with a narrative development plan to construct apartment units at 415 Eighth Street.

This is the area that we are looking at with the rezoning application, 3-3-1-17. With the alley being closed, that is this area here; this property will be consolidated with 3-3-1-24 in order to construct apartments.

So, if you would bear with me one more second, I'm going to show you a drawing that is going to help this make more sense.

So bear with me one second.

I believe Mr. Hopgood is on the call, Chris is there anything you would like to add that I'm missing in the meantime?

Chris Hopgood: No, we're here to answer any questions. I believe David Floyd is on the call and he is a member of NDA; the applicant.

Brian Bishop: The screen should be visible to the members here in just a few seconds.

Can everyone see a draft site plan?

Dickie Johnson: Alright.

Brian Bishop: So, this is the property that is being rezoned. If it's rezoned, this property and this property will be consolidated. This is the area that we just made a recommendation on for the alley, this is where

the new alley will go where the garbage truck will come after they collect the garbage for the alley over here to the east.

What the applicant is proposing is eight (8) apartments in this area and then on an un-related parcel they are proposing a car wash here.

So, if the rezoning is approved the applicant will consolidate the properties and dedicate the alley and any needed easement via plat; which the Planning Commission staff can approve in house.

But for now, the request is to re-zone this property in order to consolidate and build eight (8) apartments.

Chairman Dixon: The current zone does not allow apartment buildings?

Brian Bishop: Not that, not that number of units if I'm not mistaken.

Ray, would you want to answer that? That's probably better suited for Codes.

Ray Nix: It does not so the rezoning to General Business is the appropriate zone, and it would require a conditional use permit and it will go to the Board of Zoning Adjustments for approval.

Chairman Dixon: Plus if we're going to consolidate these lots they have to be in the same zone.

Brian Bishop: Correct. They have to have the same zoning classification.

Chairman Dixon: Okay.

Brian Bishop: Staff has prepared a proposed motion and findings of facts that I believe Theresa emailed out to you. If you would like, whenever you're ready I can read that into the record.

Chairman Dixon: Any other questions for staff on this matter? This rezoning? Do we have any questions for the applicant or the applicant's representative?

I'm seeing no Facebook activity, I'm hearing no questions; Mr. Bishop could you share these findings of facts with us please?

Brian Bishop: Yes sir.

Tommy Joe Fridy: Mr. Chairman?

Chairman Dixon: Yes counselor?

Tommy Joe Fridy: May I offer a suggestion?

Chairman Dixon: Please do.

Tommy Joe Fridy: In the proposed motion, in the third line that starts with "Business (GB)", I recommend you add with a narrative development plan.

It's in the preceding explanation paragraph but it is not in the motion.

Chairman Dixon: Okay, where do you propose to insert it?

Tommy Joe Fridy: In the red, printed motion three (3) lines down starts with "Business".

Chairman Dixon: Okay.

Tommy Joe Fridy: See that?

Chairman Dixon: To General Business (GB)...

Tommy Joe Fridy: Okay, right there, add...my recommendation is that we add "with a narrative development plan".

Chairman Dixon: Thank you counselor. Does the Commission see what's going on here and where we're at?

That would be line three (3) of the red paragraph after the (GB).

Thank you, counselor.

Tommy Joe Fridy: Thank you.

Chairman Dixon: Any other questions, comments or observations on this? No Facebook activity.

Mr. Bishop, go ahead and share your findings of fact please.

Brian Bishop: Yes sir.

REZONING #1126 WITH A NARRATIVE DEVELOPMENT

PLAN Submitted by David Floyd of NDA Enterprises, LLC for the property located in the City of Henderson at 415 Eight Street (PID# #3-3-1-17), containing approximately 11,290 sq. ft. The applicant is requesting a zoning change/map amendment from Inner City Residential District (R-3) to General Business District (GB) with a narrative development plan to construct apartment units at 415 Eight Street.

I move that the Planning Commission recommend that the Henderson Board of Commissioners (the “City”) APPROVE Rezoning Application # 1126 changing the zoning classification from Inner City Residential District (R-3) to General Business (GB) with a narrative development plan for the subject property, I leave the motion open for other members of the Planning Commission to add findings of fact in support of this motion, because;

The existing R-3 zoning classification is inappropriate and the proposed GB zoning classification is appropriate, because:

- **The property currently adjoins other General Business Parcels.**

- **The rezoning could foster positive infill in that area.**
- **This proposed development is served by adequate infrastructure/utilities.**
- **There is a housing shortage in the City of Henderson, and this proposed development will help alleviate the need by providing housing opportunities.**

The proposed zoning classification is in agreement with the Future Land Use Map of the Comprehensive Plan, which shows the area developing into a commercial area.

And I apologize, I neglected to mention the change that Mr. Fridy suggested.

Chairman Dixon: Okay, we have the findings of facts presented. Any other discussion, questions for applicants or their representative or for staff?

Dickie Johnson: Mr. Chairman, Ray Nix mentioned something about that if it was rezoned it would have to have the Board of Zoning Adjustment approval. Does that need to be included into that?

Chairman Dixon: Counselor, what's your thinking on that?

Tommy Joe Fridy: I'm trying to get un-muted, I apologize.

I think it is a good addition, it's not absolutely required because even if we rezone it they could not get a building permit without the conditional use from them.

Chairman Dixon: If we were to amend this proposed motion with that in mind, how might we do that?

Dickie Johnson: It's not a motion yet is it Mr. Fridy?

Tommy Joe Fridy: No, no. It's saying that if we amend or change the proposed motion how would I recommend that it be done and I would recommend after "the subject property," that it be added right there. Subject to.

Chairman Dixon: Subject to?

Dickie Johnson: A conditional use permit.

Tommy Joe Fridy: Yes.

Chairman Dixon: Okay.

Tommy Joe Fridy: Obtaining a conditional use permit.

Chairman Dixon: Okay.

So, we have a proposed motion with two (2) proposed amendments. I'm hearing no further comments or questions. I'll entertain a motion in regard to Rezoning #1126 with a narrative development plan.

What's the pleasure of the Commission?

Tommy Joe Fridy: The motion could be the staff's proposed motion with the two (2) amendments and it would not have to be read again.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY GRAY HODGE TO ACCEPT THE FINDINGS OF FACTS THAT BRIAN READ INTO THE RECORD WITH THE TWO (2) CHANGES ADDED TO THAT MOTION.

Chairman Dixon: We have a motion and a second, Madame Secretary do you have a handle on these amendments?

(Heather Lauderdale was speaking while muted)

Brian Bishop: Your muted, Heather.

(Laughter)

Heather Lauderdale: Yes. Maybe on that but the keyboard not so much, right? (Laughter)

Chairman Dixon: Okay, good, good. So we have a motion and a second, any further discussion? Madame Secretary, please call the roll.

AYE: ALL

NAY: NONE

Chairman Dixon: The motion passes.

We are moving on to the next item in Public Hearing, we're dealing with **Amendments to the Henderson City Zoning Ordinance, Article XXX, Section 30.04 (c), RF-4 Riverfront Residential District.** I think Mr. Nix is going to lead this discussion?

Ray Nix: Sure.

Chairman Dixon: Let me get you sworn in.

Ray Nix: Sure.

Chairman Dixon: Your name?

Ray Nix: Ray Nix.

Chairman Dixon: Address?

Ray Nix: 2319 Sunset Lane, Henderson, Kentucky.

Chairman Dixon: And do you promise to tell the truth, the whole truth and nothing but the truth?

Ray Nix: I do.

Chairman Dixon: Thank you very much, please proceed.

Ray Nix: A few weeks ago we received something down from the State that amended a requirement in KRS to require local governments to have adopted land use regulations pursuant to KRS Chapter 100 to specifically to include Family Child Care Homes.

In the text of its Zoning Regulations as a Conditional Use in all Residential zones where they are not a fully permitted use.

So, that prompted us to review our ordinances and we found that virtually all of the Residential zones that we have in the City do have that requirement either as a permitted use or a conditional use with the exception of the Riverfront RF-4 zone. So, we are coming to you add that to that zone to fulfill that requirement.

It obviously was an oversight some years back and we're wanting to clean that up and get it included.

Chairman Dixon: Thank you. Any questions for Mr. Nix?

Gray Hodge: I have a question.

It's my understanding, that all our zoning classifications permit a child care use and that only RF-4 excludes it somehow?

Ray Nix: That's not totally correct. The actual permitted use zones include the HIP Zone, the PUD Zones and also the Gateway District Zones. All the rest of the Residential zones, R-1 through R-5, Manufactured Home, Audubon Residential and Audubon Commercial District, all of those have this Family Child Care Home as a conditional use.

Chairman Dixon: What is meant by Family Child Care Home, in relation to a daycare center? Or, what's the difference? This is a small operation, right?

Ray Nix: Yes, these are just private residences primarily. Yes, that provides for temporary childcare and they are un-related to the care provider.

Chairman Dixon: The actual amendments are in your packet....

Ray Nix: Yes they are.

Chairman Dixon: On page one (1) of the presentation.

Any other questions for Mr. Nix?

Gray Hodge: I'm still not clear and I was just trying to pull up the Zoning Ordinance to see. So, you're saying that in R-1 through R-5 it specifically says the Conditional Use of the properties in those zoning areas is a childcare facility or a home childcare?

Ray Nix: That would be a conditional use to have one with the same limitations that are noted in this R-4; they're the same wording. They have certain limitations.

Chairman Dixon: Are there zones where a condition...

Ray Nix: A conditional use, that is correct.

Chairman Dixon: Are there zones where there is not a conditional use, it's just...

Ray Nix: They are permitted in the three (3) zones that I spoke of previously.

Chairman Dixon: Ok, I'm sorry.

Ray Nix: The HIP...

Chairman Dixon: Ok, gotcha.

Ray Nix: The PUD's, and the Gateway Zone.

Chairman Dixon: They're permitted there without a conditional use?

Ray Nix: Without a conditional use and all the other residential districts require a conditional use to have it.

Chairman Dixon: Very good, thank you. Any other questions?

Gray Hodge: I hate to beat on this but I don't understand why...wouldn't that say fall under RF-2 as a commercial use?

Ray Nix: These are strictly allowed in residential...the requirements from the State is to be incorporated in residential districts, not commercial districts, it's not a requirement.

Gray Hodge: Why is the State requiring that?

Ray Nix: Federal guidelines, I'm sure.

Tom Williams: I think it was to increase the number of child care facilities across the state and this is in family homes, not a commercial building or something like that.

Ray Nix: That is correct. That's why it's restricted to residential zones.

Chairman Dixon: Was this an act of the Legislature or revisiting of regulations?

Tom Williams: By act of the Legislature. Do you have the KRS?

Ray Nix: I have the KRS; KRS 199.8982, so.

Brian Bishop: Which is the new...

Ray Nix: That's the amended, yes.

Chairman Dixon: Any other questions?

Brian Bishop: Commissioner Hodge, is that a satisfactory answer?

Gray Hodge: Not really. Does anybody else understand it? I mean, I hate to be dense here but I just don't get it.

Chairman Dixon: I think one distinction is these are actual residential homes, people have to live there.

Gray Hodge: Right, but do they have to have ten (10) children in there? Or keeping six (6) children and four (4) of their own?

Ray Nix: Those are the requirements of the State handed down and their amendment.

That's the maximum...the limitations for the maximum.

Brian Bishop: But that designation was determined by Legislative action and added to KRS 100 which is the statute that governs land use in the State of Kentucky.

Ray Nix: Exactly right.

Chairman Dixon: So you could have less than ten (10).

Ray Nix: Absolutely.

Brian Bishop: That is the maximum.

Ray Nix: Yes.

Dickie Johnson: But it would still be governed under the conditional use as placed on the property, correct?

Gray Hodge: Ray, where is R-1 or R-2 in the Zoning Ordinance?

Tom Williams: It's one of the first things, isn't it?

Ray Nix: R-1 is on page seventy (70), Article eleven (11). It's noted in Section 11.03 Conditional Uses; G, Family Child Care Homes.

So we do have it in all these other residential districts as noted as what I stated earlier, it's just not being shown written up in the RF-4 zone.

Gray Hodge: Alright.

Chairman Dixon: I see a limitation of both on the total number of kids, the number of kids under a certain age, they can't employ anybody who is not a resident of the premises.

Ray Nix: These are the same limitations in all the residential districts that we've already got them incorporated in and it's also stated specifically the same way this one in RF-4; it matches.

Chairman Dixon: Basically, we've got one zone for whatever reason this has been omitted from....

Ray Nix: Overlooked.

Chairman Dixon: And we're fixing it.

Ray Nix: Exactly.

Chairman Dixon: Or we're being asked to fix it.

Ray Nix: Yes.

Brian Bishop: Based on Legislative action.

Ray Nix: Exactly.

Chairman Dixon: Any other questions?

Brian Bishop: Commissioner Hodge, are you good?

Gray Hodge: Yes, I mean I'll let it go but I still don't get it.

Dickie Johnson: Brian, one of the things that Gray may understand better; under the Conditional Use process, if a home is not capable of handling ten (10) children, I'm sure that Conditional Use permit is going to be placed on them to have a certain amount of children allowed on the premises. It allows them up to ten (10) but the Conditional Use permit may only allow them to have three (3).

Gray Hodge: Okay.

Brian Bishop: Ray, do you want to address that?

Ray Nix: No, it's correct.

Brian Bishop: Okay.

Chairman Dixon: Very good, thank you.

Ray Nix: It's the reason for the condition.

Chairman Dixon: Ok, any other comments? Remaining questions?

I'll entertain a motion in regard to Amendments to the Henderson City Zoning Ordinance, Article XXX, Section 30.04 (c), RF-4 Riverfront Residential District.

Dickie Johnson: This is just a recommendation to the City?

Ray Nix: Yes it is.

Chairman Dixon: A recommendation to the City, yes. We held a public hearing, we're now holding the public hearing and been asked to make a recommendation after the hearing based on the hearing.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY BOBBIE JARRETT TO SEND THE AMENDMENTS TO THE HENDERSON CITY ZONING ORDINANCE, ARTICLE XXX, SECTION 30.04 (C), RF-4 RIVERFRONT RESIDENTIAL DISTRICT TO THE CITY FOR APPROVAL.

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

Madame Secretary, please call the roll.

AYE: ALL

NAY: NONE

Chairman Dixon: Very good, the motion passes.

I think that concluded the public hearing items on the agenda. I will entertain a motion to go out of public hearing.

MOTION AS MADE BY MAC ARNOLD, SECOND BY GARY GIBSON TO GO OUT OF PUBLIC HEARING.

Chairman Dixon: We have a motion and a second, any further discussion? All in favor say aye.

AYE: ALL

Chairman Dixon: Any opposed?

NAY: NONE

Chairman Dixon: We are out of public hearing.

The next item is the **February Finance Report**. Mrs. Curtis, can you help us with that?

Theresa Curtis: Yes sir.

We're right on track with our February 2022 Finance Report. Right now we're at 67% and we only have four (4) months left in this budget. Just need approval.

Chairman Dixon: Any questions? I'll entertain a motion to approve the February Finance Report.

MOTION WAS MADE BY BOBBIE JARRETT, SECONDED BY MAC ARNOLD TO APPROVE THE FEBRUARY FINANCE REPORT AS PRESENTED.

Chairman Dixon: We have a motion and a second, any discussion? All in favor say aye.

AYE: ALL

Chairman Dixon: Any opposed?

NAY: NONE

Chairman Dixon: Very good, the February Finance Report is approved.

Next item is the **A.G. and Mary Pritchett Subdivision**, Ms. Marks?

Jennifer Marks: Yes, thank you.

We will be looking at Lots 2A, 2B and 2C of the A.G. and Mary Pritchett Subdivision Preliminary Plat.

This has been submitted by the City of Henderson for the property located in the City of Henderson on KY Hwy 425 (PID# 46-19 & # 46-19.2). Applicants are requesting Preliminary approval for three (3) lots in a Heavy Industrial District.

As a reminder, all subdivisions done in Industrial districts are Major Subdivisions.

As you guys can see, Lot 2A will consist of roughly 71 acres. Lot 2B, 126 acres and then Lot 2C is just over two (2) acres there.

You will also see, I don't think it's on that one so...

Chairman Dixon: Can we zoom out a little bit so we can see the entire...?

Jennifer Marks: There will be an access easement, a twenty-foot (20') access easement to that Lot 2C.

Tom Williams: It's on there, it's really hard to see.

Jennifer Marks: Is it really hard? I'm sorry, I can't see that there. That is going to be, in the future a Big Rivers substation.

I do have Tom Williams here with us representing the City on this one and he can answer other questions in regards to this subdivision.

Chairman Dixon: This is the Pratt...

Jennifer Marks: Correct.

Chairman Dixon: Why is it being subdivided?

Tom Williams: They are using different financing mechanisms for the two (2) parts of the plant. Part of it is a paper mill and part of it is a corrugated box plant. They are paying for it from separate sources. The Lot 2B is going to be subject-to Industrial Revenue Bonds (IRB), Lot 2A is where the corrugator is and it's not part of the IRB. That's the reasoning.

Then, Lot 2C is the Big Rivers electric substation.

Chairman Dixon: Okay. After the fact, let me swear you in.

Your name?

Tom Williams: Tom Williams.

Chairman Dixon: Your address?

Tom Williams: 111 Fifth Street.

Chairman Dixon: And you promise to tell the truth, the whole truth and nothing but the truth?

Tom Williams: I always do.

Chairman Dixon: Very good, thank you.

Any other questions?

Dickie Johnson: Mr. Chairman, I hate to be picky about this but I'm sitting here looking at Item C and I know it says Lots 2A and 2B but I don't see anywhere where it references 2C.

Tom Williams: The title at the bottom says 2A and 2B, you're right but there is a note there of Lot 2C, that 2.186 acres that Brian is pointing to.

Brian Bishop: Mr. Johnson can you see that now?

Dickie Johnson: I can see that but we didn't advertise it that way I don't think...correctly. So, I'm just bringing that up.

Frank Boyett: I'm a little puzzled too about something. This Lot 2C, it doesn't appear to have any road frontage.

Tom Williams: It will have, that is a very good question...

Brian Bishop: Do you want me to jump or do you want to jump?

Tom Williams: We're dedicating an easement to that, that will eventually be a road and we kind of approached this piece mill. There is going to be a future iteration of this that includes road right of ways and actually a ring road that goes most of the way around the site but the planning for this has not progressed far enough for that to be ready to do yet.

Brian Bishop: Let me backtrack to Dickie's and then we'll grab Frank's. So, Dickie it's advertised as it is submitted; Lots 2A and 2B is the existing subdivision with the new creation of Lot 2C. So, we advertised

it just as it was submitted by the applicant which is here. So, we believe that to be accurate.

To Frank's point, and Mr. Fridy please correct me if I mistake this...

Chairman Dixon: Wait a minute before we leave that topic, so what did we advertise? Did we talk about Lot 2C or not in the advertisement?

Brian Bishop: We did not because that was not referenced on the plat as it was submitted by the surveyor, which is here.

Chairman Dixon: Counselor, is this an issue that we need to concern ourselves with?

Jennifer Marks: Really quick, this is not a public hearing item so would not have advertised this either way. So, regardless of other than it being on the agenda like that, it is not a public hearing item so it would not have been advertised to the public.

Chairman Dixon: That's a good point. So, in our motion we could include the third lot 2C, correct?

Brian Bishop: Mr. Fridy, if you would correct me here, I'm not certain that it's necessary because the title of the plat as presented matches what is on the agenda. The fact that a 2C lot is shown on the plat is not relevant to the title, if I'm not mistaken.

Tommy Joe Fridy: I think it can be corrected. What's the urgency to this?

Tom Williams: This needs to be done by March 7 for Pratt's financing to take advantage of this lot division, so.

Brian Bishop: Can I be real blunt? T.J. the honest and candid answer is if this gets off tract a \$500 million dollar project goes off the rails.

Tommy Joe Fridy: Can it be....it is...is the Big Rivers portion of it critical?

Tom Williams: Yes, it is.

Brian Bishop: Big Rivers will not provide service to the property if they do not own the property on which the substation sits or resides.

Tommy Joe Fridy: I understand that but does it throw the...

Tom Williams: Yes because that lot 2C is being carved out of the IRB.

Chairman Dixon: Could we not, when we make a motion, one way or the other refer to Lots 2A, 2B and 2C?

Tommy Joe Fridy: I think you can. I recommend that we make this subject to the dedication of a public road to that two-point something acre lot. Otherwise it's not in compliance.

Chairman Dixon: We need subject to the dedication of a public road or the easement?

Tommy Joe Fridy: We can't create a lot that is only served by an easement, it has to be served by a public street or road.

Tom Williams: I don't want to argue with Mr. Fridy but we have done this before for utility installations.

We have two (2) tanks in Henderson County that are on separate lots that are not located on a public street.

Brian Bishop: And have access via public easements....a public ingress easement.

Tom Williams: Yes.

Chairman Dixon: Well apparently there is some precedent in that regard then.

Frank Boyett: It's my first meeting and I don't want to get this project off the rails by any means, I just was curious because I thought all lots had to have road frontage.

Brian Bishop: We've always used that term but...and T.J. please correct me if I'm wrong here; road frontage is a term that we've always used public to...access to a publicly accessible passageway is probably better way to describe it from a legal standpoint. T.J. is that the best way to say it, I'm sorry.

Tommy Joe Fridy: I don't think it is the best way.

Brian Bishop: Okay.

Tommy Joe Fridy: Is the lot going to be owned by Big Rivers?

Tom Williams: Yes.

Tommy Joe Fridy: Then I think it's an exception to the general rule and I think you can proceed.

Is it going to be owned by...

Dickie Johnson: If it's going to slow up this project we need to make sure it's an exception and move on. I'm sorry I brought it up.

Chairman Dixon: Mr. Fridy seems to think because of the ownership of Lot 2C that this is workable as presented.

Tommy Joe Fridy: Well, I think you need to make your motion accordingly with the three (3) lots.

Chairman Dixon: Okay, yes I agree with that. The motion should concern Lots 2A, 2B and 2C.

Tommy Joe Fridy: And will the ownership be transferred to Big Rivers in the relatively near future?

Tom Williams: Yeah, when a final plat is...

Brian Bishop: And when a deed accompany...

Tom Williams: And when a deed accompanies it, yes.

Tommy Joe Fridy: The plat doesn't change ownership but is there a deed going to be made to Big Rivers?

Tom Williams: Yes sir.

Tommy Joe Fridy: Then it appears that comes under the exception.

Chairman Dixon: Very good, if everybody is comfortable with that issue or that angle, any other questions or comments in regard to this proposal?

Tom Williams: I would just comment, you know this does...the line between Lots 2A and 2B is jagged and looks kind of funny, that follows interior walls between the two (2) structures. This is being built as all one, big structure but there is a firewall and divider between those two (2) lot lines so that the cardboard plant is on the west side of these lines and the mill is on the right side.

Brian Bishop: But to that point, the Zoning Ordinance does not require setbacks in that zone.

Tom Williams: Heavy Industrial, that's true.

Brian Bishop: So it's not creating a zoning issue by doing that.

Tom Williams: It's basically a party wall of zero lot lines.

Chairman Dixon: Good, thank you. Any other comments, questions, observations?

Do we have anyone else who would like to speak to this issue? Do we have anybody else on ZOOM or Facebook or anything? This is not a public hearing anyway, my bad.

Brian Bishop: You can do that if you like, you still have the option.

Chairman Dixon: Which we hadn't done in the past but I'm hearing none. I'll entertain a motion in regards to Lots 2A, 2B and 2C of the A.G. and Mary Pritchett Subdivision Preliminary Plat.

MOTION WAS MADE BY DICKIE JOHNSON, SECONDED BY KEVIN RICHARD TO APPROVE LOTS 2A, 2B AND 2C OF THE A.G. AND MARY PRITCHETT SUBDIVISION PRELIMINARY PLAT SUBMITTED BY THE CITY OF HENDERSON FOR THE PROPERTY LOCATED IN THE CITY OF HENDERSON ON KY HWY 425 (PID# 46-19, 46-19.2 AND 46-19.1). APPLICANTS ARE REQUESTING A PRELIMINARY APPROVAL FOR THE THREE (3) LOTS IN A HEAVY INDUSTRIAL DISTRICT (M-2).

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

AYE: ALL

NAY: NONE

Chairman Dixon: Very good, the motion is approved.

We've got some Administrative Business, a couple of small items. I think everybody has been notified of a special called meeting of the Planning Commission that will be at 6p.m. on Wednesday, March 9. We will do it as we have tonight. There will be a ZOOM or if you would like to attend in person.

Mr. Bishop, would you like to tell us what that meeting involves?

Brian Bishop: Yes. We have been asked to hold a special called meeting for a site plan for the Green Street McDonald's. The location is North Green Street and...I'm sorry, that's actually probably South Green Street and Washington Street. They are going to do two (2) things. They are going to remodel the building and then re-work the existing traffic patterns. With that, impact on traffic in that area which is a very busy area and a very busy site. Staff determined that is something that the Planning Commission should review. They are under a very tight deadline and schedule as well which seems to be par for the course

these days so staff requested from Chairman Dixon that we hold a special called meeting and he agreed. So that is why we are doing that.

Chairman Dixon: Any questions?

So, there's just a heads up on that.

The other item I would like to discuss tonight is the return to in-person meetings at City Hall beginning with our April 5 regular meeting.

We can meet at City Hall with restrictions and guidelines and protocols are loosening, safe to say. We would maintain the ZOOM option for Commissioners if you are more comfortable and are able to attend in person we can still do that. I think we would ask that you notify staff if you're going to use zoom.

Brian Bishop: Correct.

Chairman Dixon: That would be helpful.

So, does anybody have any thoughts about getting back to City Hall on April 5?

Dickie Johnson: I'm all for it but I think, like you said, we need to make sure that we keep the ZOOM open so we can have a quorum if there is an issue that comes up.

Chairman Dixon: Good point. Those members of the public who would like to address the Commission would have to come to City Hall. They could watch and follow the meeting via the City's Facebook page but they would need to join us in person under this plan.

Brian Bishop: The hybrid.

Chairman Dixon: Right. Any other thoughts? Does anyone think we should not do this?

Well, I think we voted to continue these types of meetings so I think we're going to have to vote to go back to City Hall. I'll entertain a

motion to hold in-person meeting at City Hall on April 5 with a ZOOM option for Planning Commissioners.

MOTION WAS MADE BY X.R. ROYSTER, SECONDED BY GARY GIBSON TO HOLD IN-PERSON MEETINGS AT CITY HALL ON APRIL 5 WITH A ZOOM OPTION FOR PLANNING COMMISSIONERS.

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

AYE: ALL

NAY: NONE

Chairman Dixon: Okay, very good.

I have nothing else, is there other business?

Brian Bishop: No sir.

Chairman Dixon: Does anyone else have any business you want to bring before the Commission for the good of the cause?

Mac Arnold: Mr. Chairman I would like to say I would like to definitely, officially welcome Frank to the Commission. I got in a little late so I don't know if you had already done it or not.

Chairman Dixon: Thank you, we did make a mention.

Frank Boyett: Thank you very much.

Chairman Dixon: If there is no other business, I'll entertain a motion to adjourn.

MOTION WAS MADE BY GRAY HODGE, SECONDED BY X.R. ROYSTER TO ADJOURN.

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

AYE: ALL

NAY: NONE

Chairman Dixon: Excellent, we stand adjourned folks. Thank you for your work tonight, your attention. I appreciate it.

MEETING ADJOURNED AT 6:52 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, March 1, 2022 to the best of my ability.

Heather Lauderdale, HCCPC Clerk

X
