

**MINUTES OF REGULAR MEETING
OLDHAM COUNTY
PLANNING AND ZONING COMMISSION**

Tuesday, January 27, 2015

At 9:00 a.m., local time on the above date, this meeting of the Oldham County Planning and Zoning Commission, hereinafter called the Commission, was called to order in the Courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky, by Chairman Kevin Jeffries.

Other Commission members present were:

Joyce Albertsen	Jan Horton
Bob Arvin	Greg King
Laura Bohne	Bob Klingenfus
Denia Crosby	Mary Ann Smith
William Douglas	Robert Zimlich
Sam Finney	

Others present and sworn in were Planning and Development Services Director Jim Urban and Community Planner Amy Alvey. Also present were Administrative Assistant Ethel Foxx and Assistant County Attorney Daniel Fendley.

Approval of Minutes - December 15, 2014

Motion was made by Commissioner Bohne and seconded by Commissioner Falvey to approve the minutes of December 15, 2014 as submitted and corrected.

Motion carried by unanimous voice vote.

Motion was made by Commissioner Horton and seconded by Commissioner Zimlich to allow Commissioners Douglas and Klingenfus to participate in Docket PZ-15-001 as there will be no conflict of interest.

Motion was stated and carried by unanimous voice vote.

Secretary Foxx called and read Docket PZ-15-001:

Application has been filed by Rawlings Group for approval of a Revised Planned Unit Development Plan for a 75,000 square foot building addition. The property is located at One Eden Parkway, LaGrange. The property is zoned PUD Planned Unit Development District.

(1) Introduction of the application by staff and questions by the Commission:

Community Planner Amy Alvey presented the following:

- Summary of application.
- Notes and Issues (Exhibit A: Staff Report dated January 27, 2015).
- Site history.
- Aerials and photos of site.

Ms. Alvey responded to questions:

- The 413 parking lots are in addition to what is already there.

Beth Stuber, County Engineer, was present and sworn and responded to questions:

- There are two parking lot additions; the first one was to the original parking area.
- Plans were submitted regarding the storm water plan and issues have been addressed by the applicant.
- The changes recommended by her have been made.

Administrator Jim Urban responded to questions:

- The overpass is scheduled to open in September of this year.
- Because the property is located in the city limits of LaGrange, approvals for the curb cut will be needed from LaGrange Public Works.
- Explained the reason why they did not feel there was a need for an additional traffic analysis.

(2) Presentation by the applicant or representative and others in support of the application:

Amin Omidy, Gresham, Smith and Partners, 101 South Fifth Street, Louisville, was sworn prior to speaking in behalf of this application and presented the following exhibits:

- Exhibit B, aerial showing the location of the property,
- Exhibit C, a graph showing the original development, the parking expansion, the location of the proposed 75,000 square foot building and the 413 parking spaces, the existing stream (site was designed to avoid impacts to the stream) and location of a small wetland.
- Exhibit D, a detailed graph showing the small courtyard in between the buildings and the parking in and around the proposed building;
- Exhibit E, a bird's eye view of the existing and proposed 75,000 square foot building with a connection, the existing parking lot and the new parking lot location of the 413 additional parking spaces. Showed the location of the retention pond which will be adequate as was originally sized to accommodate this expansion; will not need to increase in size for any storm water issues.

- Exhibit F, view of the proposed courtyard area between the main building and addition, a common space where employees can congregate. The architecture of that building will be the same as the existing buildings.

Deana Karem, Director of OLDA, 112 South First Avenue, LaGrange, was present and sworn prior to speaking in behalf of this application.

- Has worked closely with Mr. Omidy and OLDA and because the application meets the PUD requirements and environmental issues, they are very comfortable with the proposal.
- Very supportive of this project as they feel it will preserve the quality of the community.

(3) Testimony and questions by those opposing the application: None

(4) Questioning of the applicant and those opposing the application by the Commission:

Ms. Karem responded to questions from the Commission:

- Is the Director of the Oldham Chamber and Economic Development and Executive Director of the Oldham Lagrange Development Authority that oversees the development at Oldham Reserve.
- Oldham Reserve is a 1000 acre business campus; Rawlings Group is the anchor tenant.
- Mr. Rawlings came to LaGrange in 2007 with 482 employees; they now have about 1000 employees and expect to have about 1200 to 1300 employees in a couple of years.

Mr. Omidy responded to questions from the Commission:

- The handicap parking spaces will be located near the primary entrance.
- The required number of handicap spaces is two for 100 spaces and they have provided eight spaces.
- The lighting in the parking lot will be similar to what is there, however, Mr. Rawlings is requesting a transition to LED bulbs for the new expansion.
- Mr. Rawlings is adamant about having quality landscaping which will be comparable to what is there now.
- Parking lots will have curbs and explained how property will be sloped to slow down the flow of the water.
- The proposed impervious coverage area for the 60 acre site is 190,479 square feet (20 percent).
- Expect to be done with construction early summer of 2016.

Administrator Urban responded to questions from the Commission:

- The lighting cannot cross property boundaries; there are no other specific regulations at this time.

Beth Stuber responded to questions from the Commission:

- Plans for the grading permit have been reviewed.
- Showed the location of the swale and is working with Mr. Johnson, engineer for this project; will address any drainage issues.

Ms. Alvey responded to questions:

- There is no need for a parking waiver as it was part of the original Master Plan which was approved by this body and OLDA.

(5) Rebuttal evidence and Cross Examination by the Applicant: None

(6) Rebuttal evidence and Cross Examination by the Opposition: None

(7) Final statement of the Opposition: None

(8) Final statement of the Applicant:

- Mr. Omidy requests approval as this is an expansion of an existing site and it upholds the requirements of the PUD Master Plan.

END OF PUBLIC HEARING

Administrator Urban addressed concerns by the Commission regarding the intersection of Highway 393 and Commerce Parkway. Explained the proposed Kentucky Highway 393 realignment project from I-71 North under the railroad track at Highway 146 and will continue to the Wendell Moore Park on North Highway 393. There will be two phases planned, one from I-71 just short of the railroad track and the second phase from the railroad track north. It will be a major construction project and go under the railroad track at Highway 146 and involves CSX approvals. There will be a traffic analysis at Commerce Parkway and Highway 393. Explained the issues that would warrant a traffic signal at that intersection.

Administrator explained the components of the Oldham Reserve PUD. He informed the Commission that they can adopt the six proposed binding elements.

FINDINGS AND DECISIONS

PZ-15-001

Revised Planned Unit Development Plan

Motion was made by Commissioner Zimlich and seconded by Commissioner Smith to approve Docket PZ-15-001, Revised Development Plan because:

- Complies with objectives of the Planned Unit Development Master Plan, is supported and approved by OLDA, complies with the Comprehensive Plan, the Zoning Ordinance and the Subdivision Regulations.

The approval is contingent upon the strict adherence to the following binding elements:

1. There shall be no changes to the development plan without review by the Oldham County Planning Commission.
2. A comprehensive sediment and erosion plan shall be developed, and a soil and erosion bond will be posted before any site disturbing activity occurs pursuant to the soil and erosion control requirements in the subdivision regulations.
3. The sediment and erosion plan shall include a phasing plan that limits the amount of sediment transferred from the site.
4. The development must comply with the Oldham County Fire Hydrant Ordinance.
5. All easements requested by any utility or other service agency shall be provided on a separate easement plat.
6. The development shall comply with the Master Plan sign standards regarding directional/informational signs.

The vote was as follows:

YES: Commissioners King, Klingenfus, Smith, Zimlich, Albertsen, Arvin, Bohne, Crosby, Finney, Douglas and Horton.
NO: None
ABSTAIN: None
ABSENT: Commissioners Falvey, Mesker and McWilliams

Motion passed on a vote of 11-0.

Secretary Foxx called and read Docket PZ-15-002

Application has been filed by Travis Combs and SJE, LLC for approval of a Revised Development Plan and Binding Element Amendment for the property located at 2311 S. Hwy 53, LaGrange. The property is zoned C-1 Local Business District.

(1) Introduction of the application by staff and questions by the Commission:

Community Planner Amy Alvey presented the following:

- Summary of application.
- Notes and Issues (Exhibit A: Staff Report dated January 27, 2015).
- Site history.
- Aerials and photos of site.

Ms. Alvey responded to questions:

- The property is not on sewers; it is served by a septic system which is shown on the plot plan.

- The applicant must provide a release from the Health Department to ensure they are not encroaching into the lateral fields or septic system area, prior to applying for a building permit.

(2) Presentation by the applicant or representative and others in support of the application:

Attorney Travis Combs, 2311 South Highway 53, LaGrange, was present to speak in behalf of this application.

- Is part owner of the subject property along with Attorneys John Carter, David Thompson and Harold Smith.
- The building has not been occupied for the last three years but is now under contract to Dr. Scott Eberle, Orthodontist.
- There is a binding element which has been in place since 1998 which restricts the use of the property that it can only be used as a law office.
- Requesting the removal of the binding element in order for the building to be utilized as a dental practice.
- All the surrounding properties are used for commercial purposes and the dental practice will be beneficial to the community.
- Dr. Eberle plans to construct an addition, add parking spaces at the front for a total of 25 spaces and it will be similar to Oldham County Pediatric next door.

(3) Testimony and questions by those opposing the application:

Dr. Diane Wetherton, Oldham County Pediatrics, 2307 South Highway 53, LaGrange, was present and sworn prior to speaking in opposition to this application.

- Is not in opposition and is excited about Dr. Eberle being a new neighbor.
- She and partners who are co-owners of the property are concerned regarding the binding element of the cross access easement.
- Also concerned as to the additional traffic flow as presently they have from 100 to 200 patients on a daily basis.
- Parents are carrying their children or navigating them in their strollers and concerned with the proposed additional traffic.

Dr. Wetherton responded to questions from the Commission:

- They were not fully aware until recently of the binding element to the south.
- They knew they were connected to the Bank on the other side, but concerned as to how to manage the traffic flow and feel it is a safety hazard for young children.

(4) Questioning of the applicant and those opposing the application by the Commission:

Dr. Scott Eberle, 13913 Shelbyville Road, Louisville, was present and sworn prior to responding to questions by the Commission:

- This is an additional location and plans are to operate one day a week from about 8:30 a.m. to 5:00 p.m.
- Is considering hiring an individual to be in the office daily for anyone needing orthodontic supplies.
- Has spoken with a septic specialist and due to the little time patients are there the Health Department has no concerns regarding the septic system.

Administrator Urban informed the Commission that because this was a residential area and very little commercial years ago, it was the Transportation Cabinet that requested the cross access agreements because of the turning movements, the congestion on Highway 53 and the speed limit. As to the concern with cross traffic, this would be very similar to a parking lot. Dr. Eberle would have to record a cross access easement, allowing people to travel between the two properties. A speed bump could be installed at the time of the new construction. Although it would be convenient to have a maintenance agreement, it would not be necessary.

Attorney Combs and Doctor Eberle both stated they will cooperate with Doctor Wetherton's safety concerns.

(5) Rebuttal evidence and Cross Examination by the Applicant: None

(6) Rebuttal evidence and Cross Examination by the Opposition: None

(7) Final statement of the Opposition:

Dr. Wetherton stated that for the record, they will be happy to cooperate in any way. The main access is the entrance off Highway 53, and asks that the Commission be mindful of the children that come to their office on a daily basis. Confirmed that her parking lot ends at the property line.

(8) Final statement of the Applicant:

Attorney Combs stated that the orthodontic office, a respectable practice, next to a pediatric office will be beneficial to the community. They request that the binding element that the property be used only for a law practice be removed.

END OF PUBLIC HEARING

FINDINGS AND DECISIONS
PZ-15-00-002
Removal of Binding Element

Motion was made by Commissioner Finney and seconded by Commissioner Bohne to remove Binding Element that the property located at 2311 South Highway 53, LaGrange is restricted to a law office with no other use allowed.

The vote was as follows:

YES: Commissioners Albertsen, Arvin, Bohne, Crosby, Finney, Douglas, Horton, King, Klingenfus, Smith and Zimlich.
NO: None
ABSTAIN: None
ABSENT: Commissioners Falvey, Mesker and McWilliams.

Motion passed on a vote of 11-0.

FINDINGS AND DECISIONS
PZ-15-00-002
Revised Development Plan

Motion was made by Commissioner Horton and second by Commissioner Arvin to approve the Revised Development Plan because:

- Complies with objectives of the Comprehensive Plan, the Zoning Ordinance and the Subdivision regulations.
- Complies with LU 1-1 and that the Development Plan changes are compatible with the surrounding land uses.
- LU 3-2: Complies with Compatibility, Consistency and Adequate Infrastructure
- Complies with the four proposed binding elements and the additional three stated by Administrator Urban.

Proposed Binding Elements:

1. There shall be no changes to the development plan without review by the Oldham County Planning Commission.
2. A comprehensive sediment and erosion plan shall be developed, and a soil and erosion bond will be posted before any site disturbing activity occurs pursuant to the soil and erosion control requirements in the subdivision regulations.
3. The development must comply with the Oldham County Fire Hydrant Ordinance.
4. The Applicant is to comply with the recommendations of the Transportation Cabinet.
5. Approval is based upon the development plan reviewed January 27, 2015
6. Applicant will need to record a cross access agreement similar to the one recorded for Oldham County Pediatric.
7. Applicant is to provide a speed bump or some type of speed control such as a stop sign to allow pedestrian crossing and vehicle safety between his building and the Oldham County Pediatric Building.

The vote was as follows:

YES: Commissioners Horton, Douglas, Finney, Crosby, Bohne, Arvin, Albertsen, Zimlich, Smith, Klingenfus and King.
NO: None
ABSTAIN: None
ABSENT: Commissioners Falvey, Mesker and McWilliams.

Motion passed on a vote of 11-0.

Secretary Foxx called and read Dockets PZ-15-003 and PZ-15-004:

DOCKET PZ-15-003 – Application has been filed by Barbara Sparks and J.W. Hall III for a Zoning Map Amendment for the approval of a Zoning Map Amendment on approximately 0.46 acres. The properties are located at 205 and 207 North First Street, LaGrange. The proposed change is from R-2A Residential District to C-N Commercial Neighborhood District.

(1) Introduction of the application by staff and questions by the Commission:

Community Planner Amy Alvey presented the following:

- Summary of application.
- Notes and Issues (Exhibit A: Staff Report dated January 27, 2015).
- Site history.
- Aerials and photos of site.

- Administrator Urban clarified to the Commission that he recommended both applicants come in together as this is much like a neighborhood rezoning. This is an area of the community that is changing in terms of use. Staff determined that they do not require a development plan at this point as there are no plans to change the building, parking or any other arrangement. He explained how and when the Planning Commission created CN zoning in 2007 and it was staff that recommended the Commission consider CN zoning for this application.

- Ms. Alvey responded that the property at 207 is still used as residential and 205 is used as a dental office and is not aware that they have ever requested a zone change or home occupation to allow the property to be used as a dental office.

- Administrator Urban responded that the Commission will be asked to recommend to the LaGrange City Council to either change or deny the zone map amendment. It is the LaGrange City Council that has the final say. Today the Commission will make several decisions, the zone change, waiver and development plan approval.

(2) Presentation by the applicant or representative and others in support of the application:

Attorney Jim Williamson, 208 Parker Drive, LaGrange, was present to speak in behalf of property owner, Barbara Sparks, whose property is located at 205 North First Street, LaGrange; Mrs. Sparks is presently out of town.

- The property is zoned R-2A and requesting to change the zoning to CN which would be appropriate as the property is surrounded by commercial or office zoning.
- There have been physical changes in the City of LaGrange and the neighborhoods that were residential at one time have become commercial.

- Under the Comprehensive Plan, this property is to be considered for commercial and professional use.
- It meets the Goals and Objectives of the Comprehensive Plan.
- Presently the property is not being used as commercial although Mrs. Sparks' husband, Dr. Jim Sparks used it as a dental office for many years.
- Mrs. Sparks has no intentions of making any changes to the property and what is there now will remain.
- A parking space waiver is being requested as there are seven spaces and 11 would be required (if a restaurant).

J. W. Hall, III, 1503 Kamer Drive, LaGrange, was present and sworn prior to speaking in behalf of this application (207 North First Street).

- Presented Zone Change Sign showing photos of the properties in question (Exhibit B).
- Originally was planning to request a C-1 or C-2 zoning, however, upon learning about CN zoning, agreed to the recommendations of the Planning Staff.
- There are no plans to change the property as far as the structure is concerned.
- Because of the surrounding properties, it would be best to sell or rent the property to be used as CN.
- The adjoining property owners are in agreement with the proposed zone change and presented a statement signed by those property owners.

Melvin Milburn, 3907 Clarke Pointe Court, Crestwood, was present and sworn prior to speaking in behalf of this application (both 205 and 207 North First Street).

- Referred to Exhibit B and reiterated the requested zone change and confirmed that the structures and property will remain the same and there will be no changes.
- Presented an aerial (Exhibit C) showing all the surrounding properties located in commercial area.
- Confirmed that should there be any changes to the property in the future, they will return requesting a revised development plan.
- Presented an aerial of the property at 205 and 207 and surrounding area and addressed the parking space waiver request.
- Gave the history of the property.
- Referred to colorized maps from Exhibit A explaining the surrounding properties that are zoned commercial or office.

(3) Testimony and questions by those opposing the application: NONE

(4) Questioning of the applicant and those opposing the application by the Commission:

- Mr. Hall confirmed correction that for the record, they filed for the zoning change December 22, 2014.
- Confirmed they are requesting a zoning change to the lightest commercial use as they feel that residential is not appropriate and also asking for a parking waiver.

- They could have tenants in the attached garage behind the buildings, however, the garage may be in such poor condition that it may have to be torn down.
- They could live with an 8 parking space waiver at this time.
- Confirmed that given the square footage available, it would be possible to have more than one office in the building not including the garage.
- Presently do not have specific plans as to how the property will be used and gave history that at 207, the property was used as a beauty shop and also a dental office.
- The property at 205 has been used for years as a dental office by Dr. Sparks.

Administrator Urban responded that none of the commercial properties in downtown LaGrange have appropriate parking. Explained when and why a waiver is necessary for parking.

Mr. Milburn responded that the waiver they are requesting could accommodate an ice cream parlor, coffee shop, professional office, dry cleaner, picture frame shop.

Ms. Alvey presented a portion of the Zoning Ordinances showing permitted uses allowed (Exhibit D) and because they may want to keep the use as residential, the CN zoning is appropriate. They used the parking calculations for restaurants without drive-through facilities for their waiver request.

(5) Rebuttal evidence and Cross Examination by the Applicant: None

(6) Rebuttal evidence and Cross Examination by the Opposition: None

(7) Final statement of the Opposition: None

(8) Final statement of the Applicant:

Mr. Williamson stated that it is appropriate to change the zoning from residential to a community business zoning. The Comprehensive Plan states this could be commercial property at a future date, and they are requesting neighborhood commercial zoning and the lowest commercial zoning. The neighborhood we are dealing with has become commercial. Therefore, it is appropriate to change the zoning. If needed, they will return to the Commission with a development plan and a parking waiver for additional spaces.

Mr. Hall stated they are asking for approval of a zone change for what the property has been used in the past decades such as a dental office and a beauty shop.

END OF PUBLIC HEARING FOR ZONING MAP AMENDMENT

Administrator Urban outlined the request for the zoning map amendment and the Commission recommendation to the City of LaGrange in terms of the zoning map amendment request.

FINDINGS AND DECISIONS
PZ-15-003
Zoning Map Amendment
R-2A Residential District
To C-N Commercial Neighborhood District

Motion is made by Commissioner King and second by Commissioner Smith to recommend to the LaGrange City Council to approve Zoning Map Amendment from R-2A Residential District to C-N Commercial Neighborhood District because:

- It complies with the goals and objectives of the Comprehensive Plan.
- Existing zoning classification given to the property is inappropriate and the proposed zoning is appropriate.
- There have been major changes of an economic, physical and social nature within the area involved which were anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of the area.
- The application is consistent with the future land use map.

The vote was as follows:

YES: Commissioners King, Klingenfus, Smith, Zimlich, Albertsen, Arvin,
Bohne, Crosby, Finney, Douglas and Horton
NO: None
ABSTAIN: None
ABSENT: Commissioners Falvey, Mesker and McWilliams

Motion passed on a vote of 11 – 0.

**A recess was called at 12:00 p.m. and the Commission reconvened at 1:07 p.m.
for continuation of Docket PZ-15-004.**

DOCKET PZ-15-004 – Application has been filed by Barbara Sparks and J.W. Hall III for the approval of a Development Plan for approximately 0.46 acres. The applicant is also requesting a waiver of Section 280-070 (Parking Waiver). The properties are located at 205 and 207 North First Street, LaGrange. The proposed zoning is C-N Commercial Neighborhood District.

Ms. Alvey provided a chart (Exhibit E) in relation to Docket PZ-15-004, as to the number of spaces required for land uses and the number of spaces available, showing the waiver needed for both 205 and 207 North Highway 53, LaGrange.

FINDINGS AND DECISIONS

PZ-15-004

**Development Plan and
Parking Waiver**

Motion was made by Commissioner King and second by Commissioner Smith to approve Docket PZ-15-004, Development Plan and Parking Waivers because:

- Strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship in that numerous properties in the vicinity utilize off-site parking.

Parking Waiver Approval:

205 North First Street: Waiver of 1 parking space (8 required, 7 provided)
 207 North First Street: Waiver of 5 spaces (14 required, 9 provided)

Conditions of Approval:

1. Should there be a more intensive use such as a restaurant, Applicant is to return to the Planning Commission with a development plan.

The vote was as follows:

YES: Commissioners Albertsen, Arvin, Bohne, Crosby, Finney, Douglas,
 Horton, King, Klingenfus, Smith and Zimlich.
 NO: None
 ABSTAIN: None
 ABSENT: Commissioners Falvey, Mesker and McWilliams

Motion passed on a vote of 11 – 0.

Secretary Foxx called and read Docket PZ-15-005

DOCKET PZ-15-005 – Application has been filed by Rocket Storage for approval of a Waiver from Section 210-080, A, Parking Surfaces and Section 210-090, A, Outdoor Storage. The property is located at 3100 Commerce Parkway, LaGrange. The property is zoned IPD Industrial Park District.

(1) Introduction of the application by staff and questions by the Commission:

Community Planner Amy Alvey presented the following:

- Summary of application.
- Notes and Issues (Exhibit A: Staff Report dated January 27, 2015).

- Site history.
- Aerials and photos of site.

Beth Stuber, Oldham County Engineer, was present and sworn prior to responding to questions from the Commission:

- Explained why she has no issues as to the decorative metal fence being placed in the right-of-way.

Administrator Urban stated that location of the fence is due to the slope of the property and the County Engineer has no problem with the location. Confirmed that the buildings facing the property line, Commerce Parkway or I-71, will be closed on those sides and open on the inside.

Ms. Alvey responded that the buildings at the back will be considered covered storage; they will have a roof and a walled back side that will face I-71. The buildings along Commerce Parkway will all be rear loading buildings so items being stored cannot be seen while traveling on Commerce Parkway.

(2) Presentation by the applicant or representative and others in support of the application:

Attorney Beach Craigmyle, 105 South First Street, LaGrange, was present to speak in behalf of this application.

- The intention of the applicant is to create a self-storage facility which is a permitted use under I-1 zoning and incorporated into IPD zoning.
- The screening requirements are to prevent storage from being seen from I-71.
- Plans are to mitigate any visibility from the interstate and Commerce Parkway and to address environmental concerns of water run-off.
- Requesting a waiver from the requirement that all the parking area be paved and that outdoor storage be prohibited; the criteria for a waiver is that it creates an undue hardship.
- The property owner anticipates the need for outdoor storage, which will be done in an upscale manner and environmentally sensitive. .
- Presented several photos (Exhibit B) showing how Commerce Parkway looks now from Exit 18 to LaGrange, the location of the proposed bridge, the buildings and uses of the neighboring properties.
- Presented photo (from Exhibit A) of the property showing how the property slopes down and stated how it would be helpful to place a fence to block the view.
- They wish to provide self storage facilities which are a permitted use under IPD zoning.
- The intent is for the expansion of community economic base, for the enhancement of the community's quality of life and to provide needed storage for outdoor recreation vehicles and boats.
- Asking for a partial waiver from Part A, Section 210.080 which requires all parking surfaces to be paved with asphalt.

- The proposed use will not have that much traffic, storm water run-off requirements are strict, and therefore the implementation of gravel parking will be more environmentally feasible.
- The Engineer has come up with a mixture of different size rock having little dust and is storm water runoff friendly.
- Presented (Exhibits C, D, E) maps that shows sub soils, (Exhibits F) graph showing stone paving detail and (Exhibit G) showing the type trees to be planted.
- The request for the waiver is consistent with the regulations of the Oldham County Comprehensive Plan.

Mark Haertzen, 5309 Barkwood Drive, LaGrange, was present and sworn prior to speaking in behalf of this application.

- Started Rocket Man 20 years ago and business has grown and now has more than 1000 employees throughout the country.
- Is now considering constructing a boat storage facility, however, needs waivers as stated by Attorney Craigmyle.
- Plans to make a significant investment in the business; will be an asset and not an eyesore as plans to provide open parking areas that will not be visible to motorists on I-71 or Commerce Parkway.
- Plans decorative metal/wood fencing and landscaping; the business will not be a detriment to the community as he wants to be a good neighbor and it will be environmentally friendly project.
- Will be compatible with the neighboring business; the back of the 375 foot buildings that will adjoin I-71 will look no different than the Cosco warehouse or manufacturing facility he originally planned for this space.
- Per the engineer's recommendations, plans to use an environmentally friendly solution gravel type surface instead of asphalt to address the storm water run-off issue.

Dave Garber, Engineer, Garber, Chilton Engineers Land Surveyors, 205 Parker Drive, LaGrange, was present and sworn prior to speaking in behalf of this application.

- Presented a colored chart (Exhibit H) on which the large bold dash lines represent the Texas Gas Transmission Easement.
- Although they cannot construct a building over the easement they can construct a parking lot.
- Talked with Texas Gas and have received verbal approval; although they are sensitive to any fill or cut, they will allow fill.
- Existing deciduous tree masses are shown in dark green along I-71; they are very thick in the summer.
- The light brown represents the buildings which will be enclosed on three sides and in some cases four sides.
- The light green represents all that will be grass or landscaped and the small dark circles represent the trees and buffering.
- Explained the reasons for the location of the fence and the trees should Commerce Park be expanded.
- The fence will be collapsible hollow aluminum which will be safer should a vehicle run into it.

- Showed location of the entrance onto the property having a security gate with a touch pad; anyone with an RV or a vehicle with a boat trying to get onto the property will not cause any traffic problems.
- Showed location of the buildings that will be single loaded at the rear of the property, 40 feet in depth and one can pull into the building from the front.
- Referred to building at the right front corner, the back will face the adjacent property, will have all siding, earth tone colors and probably will be metal and wood frame, only open in the front and will be used for screening.
- The back of the two buildings to be located at the right front of the property will face the back of Commerce Parkway and vehicles will not be visible as they will be parked inside.
- Because of the location of the easements, everything has been strategically located.
- Will be sensitive to Curry's Fork which runs under the interstate to get more water absorbed into the ground.
- Explained that after much research, found how they can get more water absorbed into the ground (Exhibit I), there will not be direct run-off and will be a long term solution.
- Presented Exhibit J, Land Saver Detect Storm Water Chart that deals with underground detention; they feel comfortable that they will be able to absorb 40 percent of the water; they recommend the non-woven geotech fabric that they intend to use.
- Presented profiles (Exhibits K and L) and explained how they will provide good screening.
- Photos presented of similar buildings (Exhibit M) that will be constructed.
- Photos of projects in the Louisville area (Exhibit N) of dense screening using arborvitae, trees and metal/wood fencing.
- Photo of the proposed 60 square foot sign per side (Exhibit O) which will comply with sign regulations..

(3) Testimony and questions by those opposing the application: NONE

(4) Questioning of the applicant and those opposing the application by the Commission:

Mr. Garber responded to questions from the Commission:

- Referred to the colored plot plan showing how lighting will be placed alternately down the road; there will be no spot lights.
- Will be lighting in the parking area for security but none along the perimeter; may provide solar lighting for the customers along the buildings; the outside lighting will be similar to what is seen in a subdivision.
- The proposed buildings will be of wood frame, some having 8 x 8 posts and all metal siding; the posts will be in the ground and have footers; the buildings will be provided with electricity.
- Mr. Haertzen is willing to put landscaping such as mature deciduous trees, cedars and white pines should they lose any of the trees.
- Confirmed that Texas Pipe Line is in the process of reviewing their plans and if they do not approve the trees, they could put a solid wood fence and still provide screening.
- Terrace areas are not curbed.

- Explained why they chose the ten foot tall arborvitaes.
- Have plans for a detention basin and do not intend to retain water on site; will be sized adequately and calculations will be submitted to the County Engineer for approval.
- Does not feel that dust will be a problem because they will use double washed stone.
- No concerns with security of the site because of the proposed eight-foot tall fence and existing ravine would make it hard to climb and enter the site.
- There will be no issues in backing up RV's, boats or vehicles that are 35 feet long into the designated space.

Administrator Urban stated that Texas Pipe Line has to review the plan whether for parking, trees or whatever. The point is that outdoor storage must be screened and possibly could screen where the outdoor vehicles are parked; they could do another location should Texas Gas say they cannot plant on that easement.

Mr. Haertzen responded to questions from the Commission:

- Agrees to place a wood fence instead of the chain link fence to block the view from Commerce Parkway.

Beth Stuber, County Engineer confirmed that because they plan to use the double washed stone she does not see significant dust issues.

(5) Rebuttal evidence and Cross Examination by the Applicant: None

(6) Rebuttal evidence and Cross Examination by the Opposition: None

(7) Final statement of the Opposition: None

(8) Final statement of the Applicant:

Attorney Craigmyle reviewed the standard for waivers and stated that the strict requirements would create an undue hardship to the Applicant mainly due to the gas easement. There will be no detriment to the public good without impairing the objectives to the IPD zoning and the general development of the community. The request is consistent with the goals and objectives of the Comprehensive Plan and would have less of an environmental impact.

END OF PUBLIC HEARING

Administrator Urban and Attorney Fendley suggested the Commission consider approval of the Waivers separately. The statement of compliance provided by the Applicant can be used as a guide to consider whether the waiver is appropriate.

FINDINGS AND DECISIONS
PZ-15-005
Waiver Section 210-080 (A) Parking Surface

Motion was made by Commissioner Zimlich and second by Commissioner Finney to approve Parking Surface Waiver 210-080(A) to use the double washed gravel rather than pavement because:

- There will be undue hardship by using pavement.
- The gravel will create more of a pervious surface.
- The gravel would be more appropriate for run-off into the North Fork Curry's Creek.
- Strict compliance with the regulations would create an undue hardship because of the exceptional unique topographic or natural or man-made physical conditions of the property.
- The design innovations of this case will achieve the basic objectives of the regulations.

Proposed Conditions of Approval:

1. The waivers shall only apply to the plan reviewed at the January 27, 2015 Planning Commission public hearing.
2. Any fencing, landscaping and signage placed in the road right-of-way will be required to be removed at the property owner's expense in the event Commerce Parkway is widened in the future.

The vote was as follows:

YES: Commissioners Horton, Douglas, Finney, Crosby, Bohne, Arvin Albertsen, Zimlich, Smith, Klingenfus and King.
NO: None
ABSTAIN: None
ABSENT: Commissioners Falvey, Mesker and McWilliams.

Motion passed on a vote of 11 – 0.

FINDINGS AND DECISIONS
PZ-15-005
Waiver 210-090 (A) - Outdoor Storage

Motion was made by Commissioner King and second by Commissioner Crosby to approve Outdoor Storage Waiver 210-090 (A) because:

- The design innovations of this case will achieve the basic objectives of the regulations.

Condition of Approval:

1. In the event that screening plantings within the gas line easement cannot be accommodated, an alternative location shall be worked out with staff.

The vote was as follows:

YES: Commissioners Zimlich, Smith, Klingenfus, King, Horton, Douglas, Finney, Crosby, Bohne, Arvin and Albertsen.
NO: None
ABSTAIN: None
ABSENT: Commissioners Falvey, Mesker and McWilliams.

Motion passed on a vote of 11 – 0.

OTHER BUSINESS:

Election of Officers:

Vice Chairman Greg King presided over the meeting at this time and called for nominations for Chairman of the Oldham County Planning Commission.

Motion was made by Commissioner Horton and second by Commissioner Klingenfus to nominate Commissioner Kevin Jeffries as Chairman of the Oldham County Planning Commission.

Motion carried by unanimous voice vote.

Chairman Kevin Jeffries returned to preside over the meeting and called for nominations for Vice Chairman of the Planning Commission.

Motion was made by Commissioner Crosby and second by Commissioner Douglas to nominate Commissioner Greg King as Vice Chairman of the Planning Commission.

Motion carried by unanimous voice vote.

There being no further business, the meeting adjourned at 3:00 p.m. The next regular meeting is scheduled for Tuesday, February 24, 2015, at 9:00 a.m. in the courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Respectfully Submitted:

Ethel Foxx, Secretary

Approved:

Kevin Jeffries, Chairman