

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

Tuesday, April 28, 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	John Falvey	Kevin Mesker
Bob Arvin	Sam Finney	Mary Ann Smith
Laura Bohne	Jan Horton	Robert Zimlich
Denia Crosby	Bob Klingenfus	
William Douglas	Joe McWilliams	

Others present and sworn in were Planning and Development Services Director Jim Urban and Senior Planner Amy Alvey. Also present were Community Planner Brooke Radcliffe and County Attorney John Carter.

Approval of Minutes – February 24, 2015

Motion was made by Commissioner Albertsen and seconded by Commissioner Zimlich to approve the February 24, 2015 minutes as submitted and corrected.

Motion carried by unanimous voice vote.

Secretary Radcliffe called and read Docket PZ-15-008:

DOCKET PZ-15-008 - Application has been filed by Jass Realty Company, LLC for review of the Development Plan consisting of 126,700 square feet retail space on approximately 15.77 acres to be known as Kroger at Buckner Crossings. The property is located at 2835 South Highway 393, LaGrange and zoned PUD Planned Unit Development District.

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

Senior Planner Amy Alvey presented the following:

- Summary of application.

- Notes and Issues (Exhibit A: Staff Report dated April 28, 2015).
- Site history.
- Aerials and photos of site.

Traffic Engineer Diane Zimmerman presented the following:

- Traffic Impact Studies (Exhibit B: Kroger Buckner PowerPoint dated April 28, 2015)
- Updated Commission on related road projects.

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

Stuart Frankenthal, Attorney and President of Jass Realty LLC, 707 Skokie Blvd., Northbrook, Illinois, was present to speak on behalf of this application:

- Jass Realty LLC purchased this property nine years ago; waited for the right development.
- Jass Realty will retain the two outlots until Kroger is developed and the road widening has been completed and infrastructure is in place.

Danny Lethco, Real Estate Manager with Kroger, 1600 Ormsby Station Court, Louisville, was present and sworn prior to speaking on behalf of this application:

- Presentation of Kroger Marketplace store, which will be 126,700 square feet. The closest Marketplace store is in Shelbyville, Kentucky.
- Identified 3,500 square foot appendage: would like to put in a wine and spirits store if the liquor vote is successful. If not, Kroger will lease it to another retailer.
- This store is a “one stop shop”, which will include Starbucks, Fred Meyer Jewelers and The Little Clinic; also sells apparel.
- Kroger will purchase 13.5 acres from Jass Realty LLC.

Scott Hannah, Heritage Engineering, 642 South Fourth Street, Louisville, was present and sworn prior to speaking on behalf of this application:

- Presentation of PUD Development Plan (Exhibit C: PUD PowerPoint)
- Description of stormwater mitigation: natural detention basin, bioswales, water quality unit (catch basin with filtering system) capturing run-off from fuel station.
- The landscape plan will be reviewed by staff for compliance with the PUD requirements and Zoning Ordinance.

John Miranda, Pinnacle Properties, 802 Lily Creek Road, Middletown, was present and sworn in prior to speaking on behalf of this application:

- Owns 150 acres south of I-71 known as Quail Creek and will eventually have 262 homes.
- Believes that the Kroger development is a positive addition to the area and will be convenient for residents.

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

- Owns three properties within a mile of the proposed site for Kroger.
- Supports the application and is excited about the possibilities it presents.

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

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

Scott Hannah responded to questions by the Commission:

- The amended plan was submitted to the planning staff the week prior to the hearing. It improved parking on the right rear of the store.
- The fuel station will include nine pumps.
- The stormwater run-off will be caught in catch basins and treated before going into the creek. The corner parking island will be a bioswale.
- Does not think there will be issues with parking at the proposed site.
- Fuel kiosk will sell convenience items and does not have designated parking spots.
- “Click-list” (Online grocery shopping/pick-up) section is included in the construction plans. The name may change.

Danny Lethco responded to questions by the Commission:

- Kroger will keep the 60,000 square foot store in LaGrange.
- A large number of people will be hired to work at the proposed development, including some transfers, but he does not know the exact number.

Stuart Frankenthal responded to questions by the Commission:

- The “Click-list” section of the proposed development was an improvement added to the amended plan per Kroger Corporate’s request.

Dianne Zimmerman responded to questions by the Commission about the related road projects:

- State (KYTC) is still working on access points, planning staff is still waiting on final decisions.
- One entrance on Commerce Parkway (from 393) will operate sufficiently.
- Two traffic impact studies: 2006 and 2014. Trip generation manual was updated in 2014.
- All traffic analyses are completed during peak travel times.
- One accident has occurred at the corner of corner of Hwy 393 and Commerce Parkway in the last three years.
- Current crash rate does not warrant a traffic signal, according to KYTC.
- When the intersection is reconstructed there will be two left turn lanes, a through lane and right turn lane from Commerce Parkway to 393 coming from LaGrange (designed by KYTC).

Five minutes was added to allow more questioning of staff at 9:30 a.m.

Jim Urban responded to questions by the Commission:

- Kroger and the planning staff are discussing a permanent 'Park and Ride' Lot with pervious pavement over the detention basin.
- Oldham County Comprehensive Zoning Ordinance allows a 65% maximum impervious area. The Buckner PUD Master Plan allows 60% maximum lot coverage. Planning staff believes that the maximum impervious area requirement (65%) standard from the Zoning Ordinance should be used.
- KYTC proposed improvements to KY 393: north of I-71 includes going under CSX railroad track, new alignment with KY 146 and comes out near John Black Center
 - Phase One to begin in September 2015: I-71 to north of Commerce Parkway (tying back into KY 393 alignment);
 - Phase Two: Involves a temporary run around traffic for the train and a 25 foot cut in existing rail line/new bridge for the train. Not sure when this will begin.
 - Addressed Maintenance of Traffic Plan and advantage of extending Commerce Parkway to Mattingly Road to alleviate traffic.
- The red lines on the site plan are not proposed by the applicant, they are part of the engineering documents for the realignment of Highway 393 and were completed by the Kentucky Transportation Cabinet. These were completed before Kroger became an applicant and before the Commerce Parkway extension. A change has been proposed which includes a traditional right turn to address the right-in/right-out to Kroger site and the impact on traffic/safe vehicular movement.
- If the Commission should approve the PUD Development Plan, they should include in the motion a waiver of the impervious area to allow 80%.

Commissioner Jeffries called ten minute recess to allow Counsel and staff to clarify the waiver and application requirements at 10:10 a.m. Session resumed at 10:23 a.m.

County Attorney Carter advised the Commission that the application requires a waiver because the impervious surface amount (79%) is over the impervious surface standard (65%) indicated in the Oldham County Comprehensive Zoning Ordinance. There will have to be a waiver included in the motion.

(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:

Stuart Frankenthal thanked the Commission for their consideration and requested that they approve the proposed application.

END OF PUBLIC HEARING

FINDINGS AND DECISIONS

PZ-15-008

Development Plan

Motion was made by Commissioner Horton and seconded by Commissioner Zimlich to approve Docket PZ-15-008, application for Development Plan for Kroger at Buckner Crossings because:

1. It is not in conflict with the Comprehensive Plan.
2. It is in compliance with Section 230-011 of the Zoning Ordinance.
3. It is in compliance with the Comprehensive Plan under LU 1, LU 1-1 and LU-3-2.

The motion includes the waiver of the requirement of 65% impervious surface to allow 80% impervious surface.

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.) A development plan for the outlots will require review and approval by the Planning Commission.
- 7.) An approved minor plat separating the three tracts will be required before construction plans are approved.

The vote was as follows:

YES: Commissioners Albertsen, Arvin, Bohne, Crosby, Douglas, Falvey, Finney, Horton, Klingenfus, McWilliams, Mesker, Smith and Zimlich.

NO: NONE

ABSTAIN: NONE

ABSENT: Commissioner King

Motion passed on a vote of 13-0.

OTHER BUSINESS:

Extension of Expiration – Norton Commons Hamlet

Ms. Alvey presented to the Commission the extension of expiration request from Norton Commons Hamlet so that the request and approval will be acknowledged in the record. She then explained the process of the extension of expiration. Planning staff received all of the comments/verifications from the related utility agencies and there were still no issues. Therefore, staff extended the two year extension of expiration. The new plan will expire February 28, 2017.

Ms. Alvey and Mr. Urban reminded the Commission that in December of 2014 they renewed the policy which allows staff to renew extension of expiration requests. The policy is reviewed every two years so that it would end with the change in administration.

Training Update

Ms. Alvey distributed to the Commissioners their current training hours required under House Bill 55. She advised the Commission of upcoming training provided by KACO that would assist in meeting the requirement of having eight hours of training every two years.

There being no further business, the meeting adjourned at 10:45 a.m. The next regular meeting is scheduled for Tuesday, May 26, 2015, at 9:00 a.m. in the courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Respectfully Submitted:

Brooke Radcliffe, Secretary

Approved:

Kevin Jeffries, Chairman