

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

Tuesday, June 25, 2013

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	Bob Klingenfus
Laura Bohne	Kevin Mesker
Denia Crosby	Mary Ann Smith
John Falvey	Robert Zimlich
Vicky Grace	
Tom Henrion	

Others present and sworn in were Planning and Development Services Director Jim Urban, Planning and Development Services Assistant Director Brian Davis; also present was Community Planner Amy Alvey and Administrative Assistant Ethel Foxx. County Attorney John Carter was present.

Approval of Minutes –May 28, 2013

Motion was made by Commissioner McWilliams and seconded by Commissioner Albertsen to approve the minutes as submitted and corrected.

Motion carried by unanimous vote.

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DOCKET PZ-13-006 - Application has been filed by Foxhollow Community, LLC for the approval of a Program for Signs. The property is located at 8905 Highway 329, Crestwood. The zoning is R-2 Residential, AG-1 Agricultural and CO-1 Conservation District.

There was no one present to speak on behalf of this application, and therefore, Docket PZ-13-006 was not heard. Administrator Urban stated that the applicant for Docket PZ-13-006 will be contacted as to whether they wish their application to be heard at a later date. If so, the application will be noticed and the procedures will start over.

DOCKET PZ-13-008 – Application has been filed by Icon Property Management, LLC for the approval of a Revised Development Plan for the Icon Oldham Plaza. The applicant is also requesting a Waiver of Section 300-080, Item 8, Interior Landscaping Areas (ILA) for Vehicular Use Areas. The property is located at 410 South First Street, LaGrange. The zoning is C-3 General Business District.

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

Assistant Director Brian Davis presented the following:

- Summary of application.
- Site History
- Photos of property (Exhibit A).
- Property is approximately 9.3 acres and zoned C-3.
- Showed an outline of property along First Street between Parker Drive and Yager Avenue
- Presented an aerial photo showing the property layout.
- Applicant proposes to create two outlots with frontage (but no access) to KY 53, realign parking, and eliminate an entrance along Yager Avenue; about 8,900 square feet of new building is planned.
- Applicant is requesting a waiver of Section 300-080, Item 8, which requires vehicular use areas of this size to have interior landscape areas that are no farther than 120 feet apart.
- The plan contains some ILAs that are located between 134 and 142 feet apart.
- The plan complies with all other zoning requirements.
- Applicant intends to reallocate spaces within the existing building and do some site work on the northern portion of the site to provide more building frontage and eliminate some of the slope of the parking lot.
- One existing entrance from Yager Avenue is to be eliminated, and one of the existing entrances from Parker Drive will be relocated.
- Interior existing landscape areas will be added to the vehicular use area.
- Showed the vicinity of the two proposed lots and the northern area of the center where the majority of the changes will take place, including where the entrance off Yager that will be eliminated.
- Landscaped areas are planned as part of the revised plan and all the parking area is asphalt.
- There are plans to reallocate the parking and add the landscape areas which will look much better.

(2) Staff Response to the Commission:

Administrator Urban responded to questions from the Commission:

- The 120 feet is in the regulations and allows on average 12 spaces that are 10 feet wide.
- Having a distance of 120 feet breaks up the parking spaces, allows landscape islands, and the ability to plant trees.
- Agrees with Commissioner Horton that the request is for technical reasons.
- The landscape island could be placed closer to the buildings and not require a waiver.
- This is a more practical and logical way to protect the pedestrians and vehicles.
- Brian Davis responded that the waiver was not presented before TRC.
- The City of LaGrange and County Engineer, Beth Stuber, discussed the proposed islands and they are in agreement with the proposal.
- Presently there are three entrances, one behind the buildings that will be used by delivery trucks, one to be eliminated at Yager, and one at the Parker Drive entrance which will be re-located away from Highway 53.
- He showed where the entrance behind Long John Silver's will remain.
- Administrator Urban responded that there was a nine year access study along KY 53 from I-71.
- The proposed "Phase One" ends at Parker Drive

- The changes recommended from Parker Drive north to Main Street do not affect the properties as there will be no entrances on KY Hwy 53.
- This development will not affect the access management project at all.
- There was discussion about moving the traffic light to Parker but there is no funding as major utilities would have to be moved.
- Brian Davis responded that Diane Zimmerman, Traffic Consultant, looked at peak hour numbers and the Revised Plan did not warrant a traffic study.
- Ms. Zimmerman stated in an e-mail that there is only an eight percent increase in traffic; a traffic study requires a 20 percent increase.

(3) Presentation by the Applicant and others in support of the Application:

Jennifer Caummisar and Kevin Young of Land Design and Development, 503 Washburn Avenue, Louisville, KY 40222, were present to speak in behalf of ICON, and sworn prior to speaking in behalf of this application.

- Ms. Caummisar is the professional engineer that prepared the plans for the existing shopping center.
- Trader Bakers and the theater will be moving out and this is a good time to remodel the center.
- The plan has three phases; stage one will be the re-grading of an area of the parking lot and removal of the entrance at Yager located close to the buildings.
- There will be a retaining wall constructed at that closed entrance on Yager giving the ability to add five different users in the Trader Bakers' building.
- The entrance at the rear of the building will not be closed as originally planned, but instead will be signed for one-way circulation where trucks can travel in an orderly manner.
- Phase 2 will be the reconstruction of the existing parking lot in front of the theater.
- The existing entrance on Parker will shift down and further away from the intersection.
- The outlots are planned at Phase 3 and there is already much interest in those lots.
- As to the grassy area along KY 53, based on the existing plan, they will decrease the impervious area by two percent and will be able to provide ILA along the parking area.
- There are plans to remodel the Trader Baker building and will add five stores which will involve the closing of the entrance at Yager Avenue near the building.
- Closing that entrance will allow reconstruction of the parking lot and the ILA will allow cars to be separated from pedestrians for their safety.
- TARC can continue to use the parking as long as it is available; should the parking not be available TARC will notified.

(4) Questioning of the Applicant by the Commission:

Kevin Young responded that they plan to remove the truck barriers immediately at the Yager Avenue entrance near the stores. They are not sure they can remove the truck barrier located behind Long John Silver's as they do not know who has ownership of that barrier. This is planned at Phase 2 and anticipate will be one to two years. There is much interest in the remodeling of the buildings which may be done this year. He showed where a sidewalk will be extended at Phase 2 to Commerce Drive and is part of the

Development Plan. Confirms the entrance near the stores at Yager will be removed, but the one behind the buildings will not be removed (was a mistake on the plan).

Kevin Young stated the entrance at Yager in front of the stores is dangerous and must be closed immediately. The cut-through needs to be dealt with for traffic and pedestrian safety. It will take about a year to remodel and move the tenants into the building. Placing the landscaped islands will help with safety issues keeping vehicles from speeding and will be safer for pedestrians. Phase 3 at the entrance with this project may take two years. Trader Bakers and the theater building (which is in disrepair) are part of that project. It will take time to get everything in place.

Commissioners took a five minute recess at 8:50 and returned 8:55.

Continued Questioning of the Applicant by the Commission:

Kevin Young addressed the Commissioners' concerns with the closing of the Yager entrance, and the traffic that will back up from the traffic light. There will be a retaining wall at the Yager entrance. The entrance behind Long John Silver's will remain but will not be widened. They hope to be able to remove the truck bar.

Brian Davis presented an e-mail from Diane Zimmerman stating that the existing square footage of the shopping center is 77,000 square feet and it is proposed that there will be an addition of approximately 9,000 square feet. Ms. Zimmerman's analysis is that the shopping center generates 503 p.m. peak hour trips and the expansion will generate 541 p.m. peak hour trips. That is an increase of only 8 percent and therefore a traffic study is not required.

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

(6) Rebuttal and Final Statement by the Opposition:

(7) Final Statement of the Applicant:

Kevin Young stated ICON proposes to revise the existing shopping center. They now have an opportunity to modify the parking area as there is a need for additional front door space where Trader Bakers once was. This is an opportunity to correct safety issues and asking for the waiver of the islands to extend beyond 120 feet.

Kevin Young responded to Chairman Jeffries, that they are willing to accept as a condition of approval regarding the removal of the overhead truck barriers. He confirmed that the truck barrier near Long John Silver's might not be on ICON property, but will be removed if it is on their property.

Summary by Administrator Urban

Administrator Urban summarized that the Planning Office has met with the Applicant, Mayor Lammlein, and County Engineer, Beth Stuber and discussed the entrances and cut through. They considered making that entrance a public street, but it would not be possible to have the parking bay entrances along a street. The key thing is that the building itself is one entrance to all that space and necessary to make separate

entrances for each new retailer. That is the reason for having to change the grade of the parking lot to make openings for each of the retailers, allowing for additional parking spaces at the Yager entrance area. The Applicant is not asking for a new access to KY 53. People may find it easier to go out Parker Drive to KY 53. The Parker Drive entrance closest to KY 53 is important because people cut in and out of that entrance and that creates an unsafe access point. They have had several meetings regarding improvements especially related to traffic.

There were no further questions and no others present to speak concerning Docket PZ13-008.

Docket PZ-13-008 is closed to the Public

Administrator Urban stated that in order to consider the approval of the revised development plan, the Commission must first consider the approval of the Waiver, Section 300-800 and whether it is appropriate. After consideration of the Waiver, then the Development Plan may be taken into consideration for approval.

Administrator Urban stated this is a waiver requirement of Section 300-080, for vehicular use areas.

**MOTION FOR APPROVAL OF A WAIVER
SECTION 300-800, ITEM 8
FINDINGS AND DECISION
DOCKET PZ-13-008**

Motion is made by Commissioner Bohne and seconded by Commissioner Arvin, to approve the Waiver Request to Docket PZ-13-008 because:

- Due to the fact that the square footage of the islands they are providing is in excess of what is required, and the actual distance between the islands will help the safety of the public good and create a more intelligent traffic flow within the parking lot.

The approval is contingent upon the strict adherence to the following conditions of approval:

1. There shall be no changes to the site development plan without approval by the Oldham County Planning Commission.
2. Two of the overhead truck barriers will be removed as stated by the Applicant, including the one near Long John Silver's, if it is on ICON's property.
3. There shall be no access to KY 53 from any of the parcels.

The Vote was taken as follows:

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

Motion passed on a vote of 12-0.

MOTION TO APPROVE THE REVISED DEVELOPMENT PLAN

Administrator Urban responded to the Commission that a proposed condition for approval is that there shall be no access to KY 53 from any of the parcel.

FINDINGS AND DECISION Docket PZ-13-008, Development Plan

Motion to approve the Development Plan to Docket PZ-13-008, is made by Commissioner Arvin and second by Commissioner Henrion, because:

The Development Plan complies with the objectives of the Comprehensive Plan, the Zoning Ordinance and the Subdivision Regulations.

The approval is contingent upon the strict adherence to the following conditions of approval:

1. There shall be no changes to the site development plan without approval by the Oldham County Planning Commission.
2. Two of the overhead truck barriers will be removed as stated by the Applicant, including the one near Long John Silver's, if it is on ICON's property.
3. There shall be no access to KY 53 from any of the parcels.

Discussion by Commission Members prior to the final vote:

Administrator Urban responded to the Commission that the truck barrier at Long John Silver's may not be removed unless it is on ICON'S property. There are plans to remove two of the barriers at Phase 2.

Although the Planning Office does not know the height of the retaining wall at Yager Avenue, the Planning Office will work with the applicants and make sure there is a railing there. According to the building code, any wall over 36 inches must have a railing.

If there are concerns of traffic backing up at the traffic light on Yager Avenue near Long John Silver's, the State will have to that issue into consideration. Presently, there is no money to allocate for improvements to the road at that point.

There were no further questions and the vote was taken as follows:

YES: Commissioners Zimlich, Bohne, Albertsen, Klingenfus, Horton, Henrion, Mesker, Crosby, Arvin, Grace, and Falvey

NO: Commissioner Smith

ABSTAIN: None

ABSENT: Commissioners King and McWilliams

The motion passed on a vote of 11-1

There being no further business, the meeting adjourned at 10:15 a.m. The next regular meeting is scheduled for Tuesday, July 23, 2013 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