

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

Tuesday, July 26, 2016

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	Laura Bohne	Denia Crosby
William Douglas	Sam Finney	Jan Horton
Greg King	Bob Klingenfus	Joe McWilliams
Kevin Mesker	James Neal	Mary Ann Smith

Absent were Commissioners Arvin and Falvey.

Others present and sworn were Planning and Development Services Director Jim Urban, Senior Planner Amy Alvey and Community Planner Brooke Viehmann. County Attorney John Carter, County Engineer Beth Stuber and Paula Wahl, Traffic Consultant with Neel Schaffer were also present and sworn. Ethel Foxx was the Secretary for the meeting.

Approval of Minutes –

Approval of the minutes of June 28, 2016 meeting was postponed to the August 23, 2016 meeting.

Secretary Foxx called and read Docket PZ-16-021 and PZ-16-022:

DOCKET PZ-16-021 – Application has been filed by LKAC, LLC for the approval of a Zoning Map Amendment on approximately 2.336 acres. The property is located at the 1100 Block of Commerce Parkway, LaGrange. The proposed change is from R-2 Residential to C-3 General Business District.

DOCKET PZ-16-022 - Application has been filed by LKAC, LLC for the approval of a Development Plan on approximately 4.34 acres. The property is located at the 1100 Block of Commerce Parkway, LaGrange. The proposed zoning is C-3 General Business District.

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

Community Planner Brooke Viehmann presented the following:

- Summary of applications.
- Notes and issues (Exhibit A: Staff Report dated July 26, 2016).
- Site history.
- Aerials, photos and area maps of site.
- Proposed building renderings were presented.

Paula Wahl, Traffic Consultant with Neel Schaeffer presented the following:

- The number of projected trips required a full impact study.
- Summarized the levels of service, the 2019 projected traffic volumes and how it will continue to operate with or without the Holiday Inn development.
- With an approval of this project, it is recommended that a westbound left-turn lane on Commerce Parkway at the North Driveway be required as part of the Holiday Inn Express development.
- There is a draft binding element which has been prepared by Planner Viehmann that addresses the recommendations.

Response to questions by the Commission:

Administrator Urban clarified as follows:

- Original development proposal only included rezoning the tract fronting on Commerce Parkway (47-00-00-29D) from R-2 to C-3 for a Holiday Inn Express. Applicant planned to come back at a later date with a Development Plan for tract 47-32G-00-20D fronting on Parker Drive. Staff asked applicant to consider both tracts (47-00-00-29D & 47-32G-00-20D) at once and propose a different site layout to improve access and continuity between Parker Drive and Commerce Parkway, and the proposed uses with the surrounding properties.
- Showed on the overhead where they could have fit the entire hotel on C-3 zoning but per staff's suggestion, they reconsidered and changed the location.

Ms. Wahl responded that she feels the applicant understands the requirement regarding the turn lanes.

Beth Stuber, County Engineer, 100 West Jefferson Street, LaGrange, responded to the Commission as follows:

- At this time there is not much detail regarding detention but they have reworked it and will look at the construction plans to make sure the numbers work.
- The whole entrance and exit plans have been reworked.
- As to the watershed impact they will try to make improvements and will need to refer to the construction plans.

Planner Viehmann responded as follows:

- Presented a photo of the property shown as 240 Parker Drive, a dialysis clinic.
- That building is located in a cul-de-sac off of Parker Drive, was developed and approved by the Planning Commission (Oldham Plaza, Section 2) in the 1990's and it has no other access off of Parker Drive.

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

Attorney Joshua Club, 206 North Second, LaGrange, was present to speak in behalf of this LKAC:

- Presented a summary of the application (Applicant Exhibit A) requesting a development plan and zoning map amendment for construction of a hotel and restaurant for Holiday Inn Express in compliance with the Oldham County Comprehensive Plan and Comprehensive Zoning Ordinance.
- The Future Land Use Map in the Comprehensive Plan indicates that this property be zoned commercial.
- Proposed is a four story 52,300 square feet building having 86 rooms with two restaurants on adjoining lots.
- Both tracts are vacant, one is located on Commerce Parkway and the other on Parker Drive.
- The uses proposed today are compatible with the uses in the area. Property is surrounded by commercially zoned property.
- There will be a continued need for quality hotel rooms and clients are excited about coming to this area.
- The County is growing and there are never too many restaurants.
- Adjacent uses are LaGrange Baptist Church across the street and a day care that will also be developed soon.

Karan Shah, LKAC, LLC, 2905 Fern Valley Road, Louisville, was present and sworn prior to speaking in behalf of this application:

- They have developed 15 to 16 hotels and built them from the ground up.
- Wish to be part of the community and there is a need for more rooms.
- Feel that the 86 room hotel, a \$7-8 million development, will be good for the community and the developer.
- Hope to start construction by fall and hope to open next fall or early summer.
- Presented building elevations of Holiday Inn Express (part of Applicant Exhibit A).

Michael Evans, Civil Engineer & Land Surveyor, 6625 Colonial Ave, Evansville IN was present and sworn prior to speaking in behalf of this application:

- Presented site plan and addressed traffic and drainage on the site.
- Had already planned a right and left turn lane which will be a benefit to them although Paula Wahl stated that neither is required.
- Showed a highway drainage box located just north of the site that may shorten the transition area into the left turn lane.
- Feels they can work with those parameters otherwise will be talking about a lot of money and effort to move that box somewhere else.
- Addressed the drainage and showed location of an existing 30 inch pipe that goes under Commerce Parkway and how it goes to another 30 inch pipe.
- Showed location of the retaining wall and how they would be doing modifications and will be no adverse impact downstream.
- Will put in a permanent rock structure that will have a small pipe that will catch the first flush that will have to be cleaned out from time to time.
- Addressed how the traffic will flow in and out of the hotel, the location of a walk and a landscape area tying into the restaurant.
- Will have adequate pedestrian access between the three sites.

Kim Buckler, Director of Tourism, 7204 Highway 329, Crestwood, was present and sworn prior to speaking in behalf of this application.

- Is highly supportive of this hotel project.
- Four of the hotels in the area are at 79 to 82 percent capacity and there is a need the additional rooms especially for group tourism.
- There is also a need for more modern and better amenities as the existing hotels are too old to be updated

More Questions of Staff by the Commission:

Ms. Wahl responded:

- She would have to look at the possible issue with the drainage box located at the proposed left turn lane and whether there is adequate space for a functional turn lane.
- A 60-foot storage lane would allow two to three cars and would have to look at the engineering standards whether that would be acceptable.

Administrator Urban responded that distances are usually reviewed at the construction plan level.

Beth Stuber responded as follows:

- Is comfortable with what Mike Evans has presented regarding the first flush and detention basin.
- Will be using something practical and not highly mechanical and explained how they will be getting rid of the first flush.
- They are working on a long-term maintenance agreement.
- There is a draft of an ordinance that will incorporate long term maintenance and an agreement with the County and the owner of the property that will mandate that it be repaired/maintained.
- The county is incorporating an MS4 program back into the county level and planning to increase staff.
- Could do a binding element that this development will follow all the new post construction and maintenance agreements.

Chairman Jeffries stated that this is something that all new developments will have to follow since the County is taking over MS4 and have to comply with the federal government.

Administrator Urban stated that typically all the developments will be in close scrutiny by the County Engineer and the Construction Site Inspector.

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

(4) Questioning of the applicant by the Commission:

Karan Shah responded as follows:

- There will be parking available for employees.
- The majority of guests check out in the morning which is considered the peak hours and there will be ample space for the approximately six employees during the day; there are only two employees (front desk clerk and manager) that are there 24/7 for the day time and night time shift.
- Parking is similar to parking availability at other hotels.
- Mike Evans confirmed at this time that there will be four handicap spaces as required.

Beth Stuber responded as follows:

- Most semi-truck drivers will be legally within the weight ratio and should also be able to make the 39 foot radius at the Parker Drive cul-de-sac
- The road should be built to standards and there is no reason for concerns.

Administrator Urban stated as follows:

- The development has the advantage of having two access points and can probably create a construction entrance for those semi-trucks on Commerce Parkway and drive through and not use the cul-de-sac to turn around.

Attorney Club responded as follows:

- They do not anticipate any tractor trailers at the hotel except during construction.
- Because there are multiple entrances a construction entrance can have a flow through the property to alleviate the problem.
- Laundry trucks and that type of delivery would not be the size of a full semi.

(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 Clubb stated as follows:

- There have been no opposing statements and feels the proposal of the hotel and two restaurants would be good for the City of LaGrange.
- The development plan appears to meet agency requirements.
- As to Ms. Wahl's traffic analysis regarding the left turn lane, feels that what the Applicant has proposed is already adequate.
- Requests that the Commission recommend this zoning map amendment for the two-acre tract to the City of LaGrange and requests approval of the development plan.

END OF PUBLIC HEARING

Administrator Urban reminded the Commission that this is a recommendation of the zoning map amendment to the LaGrange City Council. There are sample motions in the staff report for approval or denial. Applicant has also submitted a justification statement that the Commission may want to consider for approval or to deny the zoning map amendment. The future land use map and the Comprehensive Plan recommend that this property be zoned commercial is good evidence to include in a motion.

FINDINGS AND DECISIONS

PZ-16-021

Zoning Map Amendment: R-2 to C-3

Motion was made by Commissioner Horton and seconded by Commissioner Smith to recommend to the LaGrange City Council, approval of the zoning map amendment from R-2 Residential to C-3 General Business District because it:

1. Complies with Land Use Objective LU-3-1: Support existing business retention and growth compatible with adjacent land uses and the availability of community facilities and services.
2. Complies with Land Use Objective LU-3-2: Focus new commercial and workplace development in designated existing centers when compatible with scale and character of the center.
3. The majority of the adjacent property is zoned C-3 General Business District.

The vote was as follows:

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

Motion passed on a vote of 12-0.

FINDINGS AND DECISIONS
PZ-16-022
Development Plan – Holiday Inn Express

Motion was made by Commissioner King and seconded by Commissioner Douglas to approve Docket PZ-16-022, Development Plan for the Holiday Inn Express because:

- It complies with objectives of the comprehensive plan and the zoning ordinance.
- It is consistent with terms of future land use as contained in the comprehensive plan.

Conditions of Approval:

1. There shall be no changes to the development plan without approval by the Oldham County Planning Commission.
2. There shall be no increase in drainage run-off to state roadways.
3. Site lighting shall be designed to not shine in the eyes of drivers.
4. A comprehensive sediment and erosion plan shall be developed and a soil and erosion control bond will be posted before any site disturbing activity occurs pursuant to the soil and erosion control requirements in the construction site runoff ordinance.

5. The sediment and erosion control plan shall include a phasing plan that limits the amount of the sediment exiting from the site.
6. The development must comply with the Oldham County Fire Hydrant Ordinance.
7. A landscape plan must be submitted to staff for review and approval.
8. The westbound left turn lane on Commerce Parkway shall be constructed as part of the hotel construction.
9. An eastbound right turn lane at the same entrance shall be built with the development of Lot 2 or 3.
10. A long term maintenance plan for the storm water collection system shall be filed with the County Engineer or if they choose, the Applicant shall comply with the proposed post construction ordinance currently being proposed by the County Engineer's office for approval.
11. A construction entrance is to be approved by the LaGrange Public Works for access to the site.

Discussion

At this time, Attorney Clubb confirmed that the Applicant is in agreement with the added conditions of approval.

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

Motion passed on a vote of 12-0.

Secretary Foxx called and read Docket PZ-16-023:

DOCKET PZ-16-023 - Application has been filed by E&S Development for the approval of a Development Plan on approximately 1.35 acres. The property is located at 2021 South Highway 53, LaGrange. The current zoning is C-1 Local Business District.

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

Community Planner Brooke Viehmann presented the following:

- Summary of application for O'Reilly Auto Parts.
- Notes and issues (Exhibit A: Staff Report dated July 26, 2016).
- Site history.
- Aerials and photos of site.
- Photos of property, surrounding area and development across the street.

Beth Stuber, County Engineer, presented the following:

- Presented an older view of the road access and showed location of the right-of-way lines for Zhale Smith Road.
- Showed the location of a utility pole and per the utility company, it will be difficult to move and therefore the road will need to be realigned from the original plan.
- They tried to widen the intersection coming out of the subdivision and is the best they can do with the situation; have worked with this quite a bit, the site distance is fine and found that this is the best solution.
- Addressed the drainage, and applicant is addressing the post construction standards and they have been progressive with their proposal.

Paula Wahl, Traffic Consultant with Neel Schaffer, presented the following:

- Applicant was required to prepare a traffic assessment which was reviewed by her and the State Highway Department.
- There are two tracts but the traffic assessment was only accounted for O'Reilly's traffic which is less than 100 trips.
- The review indicates they meet the regulations but the Highway Department stated that because the trips are below their threshold for a full study, they will defer to the next phase (Lot 2) when it is developed to determine whether further study is needed.
- Based on this determination, it is recommended that prior to any further development, it is required that the applicant shall provide a traffic analysis as required by KYTC and Oldham County.
- Those agencies shall be contacted in updating traffic counts, trip generation, existing and future capacity and signal warrants. At that time they can address whether a left turn lane or right turn lane into the access point is required and whether a signal is needed.

Response to Questions by the Commission:

Ms. Viehmann stated as follows:

- Informed the Commission that they were waiting on response from the State before drafting a Condition of Approval regarding Highway 53 and traffic.
- Should the Commission desire, they may wish to adopt Condition Number 3 as a part of approval or denial of this application.

Ms. Wahl responded as follows:

- They were only required to do an assessment as to what the general traffic volumes are today on Highway 53.
- For this particular case they did apply a growth factor to look at what future average daily growth would be but did not add any proposed subdivisions to the numbers.

Ms. Viehmann responded as follows:

- With reference to the Technical Review Committee all the requests have been satisfied.
- Have received a lighting plan, the building elevations and landscape plan were updated.
- Have been working with the engineer regarding the revised Zhale Smith intersection for more appropriate and safer intersection for development and the residents in the area.

Beth Stuber responded as follows:

- Regarding TRC issues, the property will be served by sewers as it is in the City of LaGrange.
- As to the nine issues stated, they have changed their plan and is satisfied with the one issue related to drainage.

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

Josh Club, Attorney, 206 Second Street, LaGrange, was present to speak in behalf of this application.

- Presented the application (Applicant Exhibit A) for a development plan for an O'Reilly Auto Parts located on a tract zoned C-1, which is appropriate zoning for the proposed use.
- Was present at the TRC meeting, heard the concerns of the neighbors.
- Since he has become involved with this application has had meetings with Planning staff and adjoining property owners.
- Has never had a client that has been so willing to address the concerns of the neighboring properties and the Planning staff.
- Applicant has not only met the requirements of the zoning ordinance but has far exceeded them.
- Have met most of the stringent requirements of the overlay district (which does not apply here) and have worked with the Planning staff regarding building elevations.
- Photos of the building renderings have been presented which are very attractive and has learned that instead of the bright red facade, O'Reilly has agreed to use a more aesthetic color.
- Have met the landscaping requirements in this zone and have agreed with the neighbors that fencing would be appropriate on this site although it is not required in this zone.
- Fencing will be provided at the back of the O'Reilly tract.
- O'Reilly wants an exit onto Zhale Smith and that private access drive will be widened to 20 feet which will be an improvement to that area.
- There will be an entrance from both Zhale Smith and Highway 53, and will be a better entrance than what is there now.

- Because of drainage concerns they have moved the retention basin and therefore the flow off the site will be less than it is today.

Daniel Whitley, Arnold Consulting Engineering Services, Inc., 1136 South Park Drive, Bowling Green, Kentucky, was present and sworn prior to speaking in behalf of this application.

- Presented the new Zhale Smith intersection (Applicant Exhibit B) of the project showing the proposed site development plan along with the newly worked entrance.
- Proposing a screening fence along the northern property line adjacent with Crystal Lake Subdivision and also providing a landscape buffer per the zoning ordinance.
- Have worked with staff trying to rework the entrance to meet the concerns of the neighbors as well as accommodate the development.
- Showed where they realigned the entrance to go north of the telephone pole and therefore will not need to relocate the telephone pole.
- Will provide a stop bar and stop sign coming out of O'Reilly which will yield the right-of-way to the residents of the subdivision; anyone coming out of O'Reilly will have to stop and look both ways before they proceed to the intersection.
- There will also be a stop bar and stop sign at the intersection of Zhale Smith.
- There will not be any improvements required outside of the right-of-way and can widen Zhale Smith Road where it connects to the existing right-of-way.
- Have also added curbs to the intersection; that curbing will now direct storm water away from the entrance and back into the development.
- Introduced the drainage plan and proposed basin designed to treat both the water quality and quantity which addresses the first flush that Ms. Stuber spoke of.
- The basin will be relocated to a low spot of the development and designed to throttle the flow of up to a 100 year storm event and will have an emergency spillway in an event of a 500 year flood.
- Presented the blown up version of the drainage plan and showed how the water will be routed.
- Will exceed the ordinance regarding the required detention.
- The infiltration basin will treat the water before it enters the adjacent properties.
- Presented new proposed building elevations (Applicant Exhibit C).

Paul Sandiford, 1053A Lovers Lane, Bowling Green, was present and sworn prior to speaking in behalf of this application.

- Mr. Sandiford is the managing member and developer of E&S Developers, LLC.
- This is his second O'Reilly with a third one being built in Tennessee.
- The rendering shown is what the proposed building will look like and wish to begin construction as soon as they get this approval. They have a demolition permit for the

existing building and hoping to get approval for pre-construction for drainage and tree removal.

- They have worked with the Planning staff and have addressed all their concerns.
- They do not have a tenant for the second lot at this time and per the Highway Department cannot do an evaluation until they do.
- The residents at Crystal Lake will have uninterrupted access during site construction.
- The building elevations (part of Applicant Exhibit A) show split face block with earth tone colors and has now been approved by O'Reilly.
- They have agreed to add windows to the left and a triple pane window to the right and three wrap around windows on each side.
- Although it is not required, there will be fencing at the back of the lot and plan to continue the fence whenever Lot 2 is developed.
- Landscaping will be done according to the regulations and are sensitive to the neighbors' concerns.

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

The following were sworn prior to giving testimony in opposition:

Jim Allen, 1416 Oldham View, LaGrange:

- Presented on the overhead drawing (Opposition Exhibit A) of his view of Zhale Smith Road and showed where his property is located and at the end of the 40 foot cul-de-sac at the end of the road.
- Pointed out that when he comes out of Oldham View with his truck and trailer, there is only a 15 foot wide street and may be difficult to make that turn.
- He is requesting that the road be widened for better access to Zhale Smith.
- Pointed out an area that gets icy in the winter as one goes downward toward the lake and an extruded curb will be very helpful.
- Requests that the stop sign at Oldham View be cleared at all times from brush that blocks the view of vehicles coming in the other direction; that could become a dangerous situation.
- Is very concerned about the interface at Highway 53 and requesting that the State make it a priority to plan a turning lane or bypass lane on South Highway 53 should one wish to take a left turn on Zhale Smith.
- That turning lane would allow traffic from behind to continue to pass as already the traffic backs up from those attempting to turn left on Zhale Smith off Highway 53.

Attorney Clubb addressed Mr. Allen's concerns in behalf of the applicant as follows:

- Applicant agrees it will not be a problem to widen and add to the radius at Oldham View.

- Agrees to remove the brush around the stop sign at the right-of-way but cannot remove brush on private property.
- The State already has plans to address the concern to provide a left turn lane at South Highway 53 for access to Zhale Smith Road.

Connie Oldham, President of Crystal Lake Subdivision, 2000 Crystal Drive, LaGrange.

- Will the water from the property drain into Crystal Lake?
- What type fence is to be provided?
- Are they aware that Crystal Lake is a Blue Line Stream coming into Crystal Lake and will involve the Corp of Engineers for any issues?
- Realizes that the Environmental Authority will take care of issues regarding elimination and discharges.
- As a Board they are responsible for the Lake and the residents, being the main reason they monitor the lake and their concern regarding a fence.

Daniel Whitley responded to Ms. Oldham's concerns as follows:

- Presented a site plan and addressed the erosion control plan which exceeds the standards required for this property.
- Proposing a silt fence all along the rear of the O'Reilly property as well as the second lot to be created in the future.
- The silt fence is wire enforced which is stronger than the normal silt fence and providing a "J" hook which is designed to retain silt and keep the silt from penetrating the fence.
- Showed how they will provide two layers of protection at the basin and silt will be retained as best they can on site.
- For the project this size, standards are above what they typically do because of Crystal Lake and because of the neighbors' concerns.
- Project has been reviewed by Ms. Stuber and she has not addressed any concerns.
- The 72 inch tall board fence which will be anchored into the ground with concrete foundations all along the back of the O'Reilly property.
- Confirmed that they will maintain the fence and the landscaping.

Faye Frank, 1724 Bass Circle, LaGrange, Chairman of the Crystal Lake Subdivision Road District and Treasurer of the Board of Directors:

- Concerns as to who will maintain the fence and the landscaping when it needs to be replaced and who will maintain the retention basin.
- Wants to be assured that Crystal Lake will not be responsible for maintaining the retention basin.

Administrator Urban responded to Ms. Frank's concerns:

- There is a proposed binding element that the applicant submit a long term maintenance plan that is approvable by the County Engineer or comply with the post construction ordinance.

David Lynch, 3012 South Winchester Acres Road, Louisville:

- Mr. Lynch owns the lot that adjoins the property.
- Presented photos (Opposition Exhibit B) proposing a better type fencing.
- The proposed vinyl fence is sound resistant, easy to install, eco-friendly and maintenance free and comes in several colors which could match the buildings.

Administrator Urban responded to Mr. Lynch:

- The landscape plan requires some type of opacity and can be accomplished by vegetation or fence or a combination of both.

Attorney Clubb responded as follows:

- They are asking the Commission to approve the development plan with the fencing that they have made as part of the record.
- They will not reject Mr. Lynch's proposal, however, if Mr. Lynch wishes to get with the developer they would welcome that and review the cost options.

Brad Koenig, 1800 Oldham Place, LaGrange:

- Presented three photos of his back yard (Opposition Exhibit C) where most of the run-off goes through a culvert in his back yard.
- Showed how it goes underneath the driveway and in heavy rains goes over and above the gravel, runs into the catch area and eventually into the Crystal Lake.
- Concern that there is already too much water run-off.
- Just purchased his property, was his first spring and realized the ditch line has much water, never completely dries out and cannot mow it.
- Concerns that additional water will run-off into Crystal Lake.
- Showed on the aerial the location of his property where the septic system pumps over and across the laterals.
- Concerned there will be flooding over the septic and lateral lines.

Mr. Whitley responded to Mr. Koenig's concerns:

- They will not be adding water from the development and explained how they will be adding impervious area which will increase the run-off rate and exceed the current conditions.
- Will actually retain more water than required and will reduce water flow coming out of the basin.

- Crystal Lake is lower than anything along Highway 53 and no way to completely alleviate water into the subdivision but will do their best to reduce that water flow per the Ordinance requirements.

Michelle Watkins, 1804 Oldham Place, LaGrange:

- Lives directly behind the proposed development and is concerned about the following:
- Already has water coming down her property and flooding into her basement.
- Construction noise.
- Road coming off Zhale Smith where children wait for the school bus.
- Not sure the road will be a benefit at all as already a tight and narrow lane.
- Drive will be coming across the back of her property.

Mr. Whitley addressed concerns of Mrs. Watkins:

- There should be no water from this site to her property.
- Presented on the aerial the location of the proposed detention basin and showed a ditch that will be extended from the O'Reilly property which is designed to collect the water entering the basin.
- There is no way to completely reduce water and will be some residual run-off because Crystal Lake is below the property; they are trying to accommodate what is being added.
- Regarding the entrance they will provide a stop sign and anyone coming out of O'Reilly will have to stop and yield the right of way before coming out that exit.
- The road is being increased to 20 feet and will be an improvement to what is there now.

Kevin Eldridge, 1203 Moody Lane, Crestwood.

- Is an adjoining property owner, a Crystal Lake member and also a Fiscal Court Magistrate.
- Applicant has done a good job of moving the drainage but currently drainage water runs off in two directions, under the Koenig's property and the other side through the Watkins property.
- Showed location of a raw ditch that is eroded, wood pile that needs to be cleaned up and a culvert that was recently repaved and needs to be cleaned out.
- Half of all drainage will now go through the Koenig property.
- Suggests a split be placed along with an easement on the Watkins property and help clean the drainage pipe where it goes underneath Crystal Lake Drive.
- Concerns of the location of stop lights on KY 53 which could cause a backup and traffic danger.
- Could have a shared access with Mortensen's that would be less intrusive on the neighbors and traffic.

Attorney Clubb addressed Magistrate Eldridge's concerns.

- The property is properly zoned for the proposed auto parts.
- They have far exceeded the requirements of the commission and staff and including the overlay district.
- Client had requested a traffic light at that intersection and the State does not feel that it is appropriate at that intersection.

Mr. Whitley confirmed drainage concerns as follows:

- It is correct that drainage does run across the Koenig and Watkins properties.
- When the property is complete, there will be no additional drainage.
- They are reducing the flow and it will be much less.
- They will over retain about 1700 cubic feet which is about 83 percent increase from what is required.
- Showed the property that is getting the majority of the drainage as that is the natural low spot and where the swale outlet is from.
- Even the Koenig property will experience a greatly reduced flow from what currently occurs.

Gary Miller, 1412 Oldham View, LaGrange:

- Concerned that property is already for sale and the building has not yet been constructed.
- Concerns that a wood fence is a poor choice as can rot and not a good sound buffer.
- Requests that a sound buffer fence be considered due to the proposed construction activity.

Attorney Clubb responded that the adjoining lot is listed for sale.

Mrs. Watkins returned:

- Would like to know where the fence will be located behind her property.

Mr. Whitley responded to Mrs. Watkins concerns:

- All silt fence is required by law to be on their property line as well as the screening fence.
- The fences will be maintained by the property owner.
- Showed on the site plan where the fence will be placed approximately three feet off the property line.
- It was confirmed at this time that the proposed fence will be 72 inches tall.

Response to Questions by the Commission:

Attorney Clubb responded on behalf of the Applicant as follows:

- The changes made to the traffic study meet the required recommendations.
- They did not have a neighborhood meeting, however neighbors were present at the TRC meeting and their concerns were taken into consideration.
- They have worked diligently to address all the concerns of the neighbors as well as the Magistrates stated at that meeting.

Mr. Whitely responded as follows:

- Showed on the plan that the dark areas shown on the plan are rip-rap channels that flow into the inlet structure which pipes over to the outlet structure that goes to the basin.
- Showed on the plan how the water flows from the road and explained how it is directed eventually to drop box inlets which are drainage structures designed to capture the storm water.

Administrator Urban confirmed that Crystal Lake is not the L&N Lake.

Mr. Sandiford responded:

- The road behind the property is actually the original Old Highway 53 and is part of their property.
- They chose not to purchase Mr. Williamson's corner lot because of the price.

Mr. Whitley responded as follows:

- They have reduced the parking spaces and now plan for 34 parking spaces as was recommended by the Planning staff.
- Typical hours of operation are from 8 am to 8 or 9 pm and on Sundays they close at 6 pm.
- Their lighting will not be a concern as designed to direct away from residential areas.
- The lighting will be reviewed at the time the construction plans are submitted.

Attorney Clubb responded as follows:

- He was not present at the TRC meeting but he did review the notes.
- Mr. Sandiford was there with the Judge Executive and has addressed all the concerns of the neighbors; the neighbors were notified of today's meeting.

Planner Viehmann informed the Commission as follows:

- Staff did meet with a few neighbors which allowed them to voice their concerns as they have an open records policy.

- They in turn met with the developer and shared the concerns of the neighbors being the reason for the revised plan.
- They met with about five adjoining property neighbors and she met with Mr. Lynch.

At this time, Commissioner Klingenfus requested comments from Magistrate Eldridge:

- Magistrate Eldridge informed the Commission that it is hard to turn left or right out of Zhale Smith and have to rely on someone to let you out.
- The front yard of the building that is going to be torn down is often used as a run-off strip as has seen people coming out of the curve of Zhale Smith to try to get out.

Administrator Urban stated as follows:

- The Transportation Cabinet has preliminary plans to make KY 53 improvements from I-71 to Ballardsville,
- However, it is preliminary and there is no funding at this time for those improvements.
- In terms of connecting with the Mortensen property, that was never approved for a cross-access agreement.
- It is so narrow and there is not much depth to allow that development as it drops off at the back of the property.
- Their property does go all the way to Zhale Smith's old right-of-way and typically they look for a second entrance being the reason for their decision.

Mr. Sandiford responded to questions as follows:

- They spent two months trying to get an access agreement at the Mortensen property but there isn't enough room.
- The doctor's property has a children's clinic and the doctor had concerns of children walking in or out of the office into traffic; therefore the doctor was reluctant to give access.
- However, he did give access to hook up to the sewer behind the parking lot.
- They do own the other road that does attach to Zhale Smith.
- They hope that with this additional development that the State will realize that help is needed at that intersection.
- They would like to have a traffic light and improvements to the road.

Mr. Whitley responded and addressed retention as follows:

- They talked to Ms. Stuber about relocating the basin.
- As to disturbance to lots for basins they will be removing vegetation from the site.
- The basin exceeds the amount required for O'Reilly and have built additional storage to allow for that.

Mr. Sandiford responded regarding disposing of oil.

- Most auto part stores have set procedures for disposing of oil internally.
- They collect it all and they reprocess and they do not keep it on site.
- They send it off site to be recycled.

The Commission took a break at 12:00 p.m. and reconvened at 1:00 p.m.

(4) Questioning of the applicant and those opposing the application: None

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

(6) Rebuttal evidence and Cross Examination by the Opposition:

(7) Final statement of the Opposition:

(8) Final statement of the Applicant:

Attorney Clubb stated the following:

- The property is properly zoned for the use that is proposed.
- Revised the plan to make sure it meets the requirements as well as addressing concerns of neighbors and staff.
- The plan submitted today has met the concerns and requirements of TRC.
- They want to make sure that this is the best development possible.
- The entrance has been improved having moved the road to connection with Zhale Smith.
- The landscape plan meets the requirements and although a fence is not required they are willing to build a fence.
- Have met many of the requirements of the overlay district which is more stringent.
- Have addressed the drainage issues due to the way the property slopes.
- Have done everything they can and the engineer feels it is adequate by reducing the flow rate of water over the Koenig property.
- They have more than addressed the concerns of the community and ask approval of the development.

END OF PUBLIC HEARING

Administrator Urban reviewed the conditions and standards suggested in the Staff Report having addressed #8 the Long term Maintenance Plan, #9, Drainage Design, and #3 where the applicant is to provide further traffic analysis. The Applicant may wish to consider the fence proposed by an adjoining property owner.

FINDINGS AND DECISIONS

PZ-16-023

Development Plan

O'Reilly Auto Parts

Motion was made by Commissioner King and seconded by Commissioner McWilliams to approve Docket PZ- 16-023, because:

- The development plan complies with the objectives of the comprehensive plan and the zoning ordinance.
- The approval is contingent upon the strict adherence to the following conditions of approval:

Conditions of Approval:

1. There shall be no changes to the development plan without approval by the Oldham County Planning Commission.
2. There shall be no increase in drainage run-off to state roadways.
3. Site lighting shall be designed to not shine in the eyes of drivers and shall not produce obtrusive glare on residential property.
4. A comprehensive sediment and erosion plan shall be developed and a soil and erosion bond shall be posted before any site disturbing activity occurs pursuant to the soil and erosion control requirements in the construction site run-off ordinance.
5. The sediment and erosion plan shall include a phasing plan that limits the amount of the sediment exiting from the site.
6. The development must comply with the Oldham County Fire Hydrant Ordinance.
7. A landscape plan must be submitted to staff for review and approval.
8. A long term maintenance plan for storm water collection system shall be filed and approved by the County Engineer or the developer agrees to comply with the proposed post construction ordinance currently being proposed by the County Engineer's office for approval.
9. The applicants engineer is to provide a revised and grading and drainage design including the wire mesh and "J" hook to be used as silt fence.
10. Prior to any further development and/or significant changes proposed, the applicant shall provide a traffic analysis required by KYTC and Oldham County. These agencies shall be contacted prior to conducting a study to determine specifics and requirements to include but not limited to updated existing traffic counts, trip generation and existing and future capacity and auxiliary lane analysis and signal warrants
11. The revised Zhale Smith access as proposed shall be part of a condition of approval.

Attorney Club confirmed to Administrator Urban that the Applicant is in agreement with all the proposed binding elements. Regarding changing the type fence suggested by an adjoining property owner, Applicant is requesting approval of the development as presented with the board fence. They cannot make a commitment without talking to O'Reillys. However, they give their word that they will talk to O'Reilly's concerning the fence that was proposed by the neighbor.

Discussion:

Commissioner Douglas stated concerns regarding #10 as to the Zhale Smith revised access.

- Administrator Urban stated that it started with the Applicant's engineer showing the proposed new alignment for the connection and they heard testimony that they have agreed to round out the curb at the radius.

Commissioner Horton stated concerns that this is the right business in the wrong location.

- The water run-off and that drainage issues have not been resolved.
- The business with two other potential businesses adjacent and potential for more entrances and exits and the possibility there will be at least four traffic lights within a city block.

Administrator responded as follows:

- Reminded the Commission that today there is not a proposal for the adjoining lot and they have to come back to the Commission when there is a proposal for that use and will share the access point proposed with O'Reillys, which is across Pine Ridge Road; there will not be another driveway.
- Regarding traffic signals, only the Transportation Cabinet can approve or install because it is a State Highway.

Commissioner McWilliams stated as follows:

- Feels that the Applicant has addressed solutions for the adjoining property owners and there will be efforts to make a difference by eliminating or to alleviate a large amount of water by virtue of slope, detention facilities and will also be treated so those that have been getting water will get less.
- They have a right to develop highway 53 as long as they are within the law and consistent with the Comprehensive Plan. It will never be perfect but feels that the applicant has taken every opportunity to make it better for the adjacent property owners.

Commissioner Douglas stated as follows:

- The applicant is doing their best to address drainage run-off for the neighbors but there is no binding element regarding excess drainage concerns for the home owners. They may be having those issues years from now because of more blacktop and concrete that may cause more run-off issues.
- Their engineer stated they will clean out the second lot but is a concern that removing the vegetation will cause more erosion and water run-off.
- Administrator Urban stated that there are extensive storm water run-off ordinances and soil and erosion control regulations and pre construction and post construction regulations revolving around storm water run-off.

- Chairman reminds the Commission that the Engineer testified that they are meeting the requirements and whenever or whoever comes in to develop the second lot will have to address and adhere to any drainage concerns.
- Commissioner Albertsen agrees with Commissioner Douglas's concerns, however, the applicant has met all the requirements and there is no choice but to approve according to the rules.

Commissioner Bohne stated as follows:

- The basin they are creating is 80 percent over the size required for the lot they are working on and overbuilt to accept more water; they are not just doing what is necessary to get by.
- When the development comes for the other lot it will need to be re-evaluated and can be enlarged and they have anticipated for more drain-off for the clearing of that lot.

END OF DISCUSSION

The vote was as follows:

- YES: Commissioners King, Klingenfus, Mesker, McWilliams, Albertsen, Bohne and Finney**
- NO: Commissioners Smith, Crosby, Douglas, Horton and Neal**
- ABSTAIN: NONE**
- ABSENT: Commissioners Arvin and Falvey**
- Motion passed on a vote of 7-5.**

Secretary Foxx called and read Docket PZ-16-024:

DOCKET PZ-16-024 - Application has been filed by BETA LaGrange, LLC for the approval of a Development Plan with Waivers on approximately 6.33 acres. The property is located at 2350 Commerce Parkway, LaGrange. The current zoning is IPD Industrial Park 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 date July 26, 2016).
- Site history.
- Aerials and photos of site and surrounding area.

Paula Wahl, Traffic Consultant presented the following:

- Performed traffic assessment which is more of a statement of traffic and not a detailed analysis and because it is less than 100 peak hour trips but more than 20 for the proposed home center.
- Gave the future traffic growth and what is projected for the a.m. and p.m. peak hours.
- Gave the traffic volume projections and trip generations for a smaller category for building materials and lumber store unlike the larger Lowes or Home Depot.
- The traffic assessment is only for the 17,500 square foot center home center which is less than 100 trips.
- If there is an expansion proposed in the future, a traffic study will be required and will determine whether additional analysis will be required.

Response to Questions by the Commission:

Administrator Urban responded regarding a traffic signal:

- There is a project proposed for an uninterrupted rail underpass at Allen Lane, widening Allen lane connecting to Commerce Parkway and going over the new bridge over I-71 and through Oldham Reserve.
- When that happens there will be an assessment for the need of a traffic signal at Commerce Parkway and Allen Lane.

Planner Alvey responded regarding the minimum spaces required.

- The revised plan for the parking calculation considered is for the future expansion as retail space and not storage.
- Once that is developed the Applicant would not have to come back for an additional parking waiver.
- There is a binding element that if and when a future building expansion is proposed, an updated trip generation calculation will need to be provided.
- At this time the adjoining properties are vacant and there are no plans for those lots.

Administrator Urban explained as follows:

- Commerce Parkway, as a whole needs to be widened but in the event it has not been widened and they want to do an expansion we will ask them to do a traffic analysis.

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

Beach Craigmyle, 105 South First Street, LaGrange, Attorney for BETA, LaGrange, introduced two witnesses to speak in behalf of this application.

David Garber, Garber-Chilton Engineers/Surveyors, 2249 Commerce Parkway, LaGrange, was present and sworn prior to speaking in behalf of this application.

Presented Applicant Exhibit A, site plan, and addressed parking questions by the Commission.

- Corrected and confirmed where instead of the 49 parking spaces proposed, there will be a total 69 parking spaces available whenever an expansion occurs.
- Pointed out the location of two entrances, both “In and out”, “left turn and right turn” for both entrances so as not to cause traffic delays.
- Due to concerns of trailers coming to the property to pick up or deliver materials, will place signs on both sides to direct traffic stating, “Trailer Parking in the Rear”.
- Showed where vendors and customers can pick up or deliver their materials under cover in the rear of the building so as to prevent from getting wet in rain or snow.
- Showed truck delivery location and the location of the dock and the dumpster making it easy for employees.
- Showed location at the rear of the property and the unique lumber storage building that one can drive through the inside.
- The rear of the buildings (one for storage and one for excess lumber) will appear from I-71 like one continuous regular building.
- Regarding the requested waiver for parking, they wish to provide parking for regular vehicles out front and they feel the number they are providing will be enough for customers.
- Showed where they are requesting crushed stone to remain at the rear.
- They feel that dust will not be an issue.
- The issue is that often they will have very large commercial trucks that are very heavy that can easily deteriorate the blacktop and have leaking oil.
- Requesting a waiver to allow a storage building to be placed up against the interstate.
- For drainage, showed the location of the detention basin and instead of a traditional hard surface, would have grass and still function for rainy periods.
- Will have water loving plants and trees that can help and will function much like a bio swale and will be located at the rear of the property.
- Showed that the area that will remain a grassy, have met the landscape requirements and all other requirements.
- Will have sanitary sewers, water and showed where the fire department wants the fire hydrant.
- Feel they have addressed justification for the requested waivers.

Jim Allen, 1416 Oldham View, was present and having been sworn earlier, stated that he is in support of this request, feels it is a good plan and good to see a local business trying to expand.

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

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

Mr. Garber responded as follows:

- At this time they have no plans for fencing and do not have security concerns.
- There are extreme ravines on both sides of the property and hard for a vehicle to come over the ravines.
- Everything will be indoors and locked and there will be locked gates.
- Confirmed that on a daily basis they may display equipment outdoors however, all will be brought indoors at night.
- At the front there will be pretty trees and landscaping and parking.
- They are set up to have multiple trailers and at least two trailers can park inside the “drive through” building.
- Between the back property line and the main building it is over 230 feet and there is plenty of room to park trucks.

Brian Watts, 1965 Button Lane, LaGrange, having been sworn, stated as follows:

- There is a sewer easement that can only go so far along I-71 and has to stay grass.
- There will not be any rental equipment.

Mr. Garber continued as follows:

- Confirmed to Commissioner Bohne that the site plan does show a six foot privacy fence running from the rear corners of the building back to the storage buildings.
- Stated that there will also be double gates at the back of the building.
- Also confirmed that the LaGrange Fire District Major, Keith Smith stated they would only need one fire hydrant out front.
- As to the sewer lines, the plan does show a sanitary sewer along the interstate.

Planner Alvey confirmed as follows:

- The number of spaces requested for the parking waiver will be 34 and not 31 and is confirmed by the Applicant.
- There are handicap parking spaces shown on the plan marked with a wheelchair.
- Presented calculations regarding the parking waiver request (Staff Exhibit B)

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

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

(6) Final statement of the Opposition: None

(7) Final statement of the Applicant:

Attorney Craigmyle speaking in behalf of the applicant stated as follows:

The engineering plan stands on its own, there will not be a lot of traffic, but do need the request for the parking waivers, the surface area having provided for better drainage, and the lighting will be downward and minimize distraction to the neighborhood.

As to the parking spaces the parking waiver having been amended to 34 parking spaces from the original 31 spaces.

END OF PUBLIC HEARING

**FINDINGS AND DECISIONS
PZ-16-024
Development Plan with Waivers
WATTS HOME CENTER**

Administrator Urban reviewed all three waivers stating that the Commission should consider each one individually.

Parking Surfaces Waiver:

Section 210-080 (A), Parking Surfaces

- A. *All parking surfaces, including driveway entrances and outside storage areas, shall be paved with asphalt, concrete, or paver blocks.*

Heard testimony that applicant is requesting a waiver to not have to pave the surface in the back which will to serve two purposes: (1) for less heat build-up, (2) to create a permeable surface.

**FINDINGS AND DECISIONS
PZ-16-024
Parking Surfaces Waiver**

Motion was made by Commissioner McWilliams and seconded by Commissioner Mesker to approve the Parking Surfaces Waiver because:

- Will not in any way be detrimental to the public good.
- Will not be negative to the neighborhood or Commerce Parkway.
- Is consistent with the Comprehensive Plan.

Motion was stated, vote taken, and motion carried by unanimous voice vote.

FINDINGS AND DECISIONS
PZ-16-024
Outdoor Storage Setback Waiver

Outdoor Storage Setback Waiver:

Section 210-090 (A), Outside Storage Setbacks

A. There shall be no outdoor storage permitted for properties abutting an expressway.

There has been testimony that some of the area will be covered but there will be outside storage.

Motion was made by Commissioner King and seconded by Commissioner Horton to approve the Waiver for Outdoor Storage Setbacks, because:

- Do not find regulations that fail to meet the basic objectives of the regulations.
- Mitigation provided that there is some coverage provided to shield any items stored from view from the expressway.

The motion was stated, vote taken and carried by unanimous voice vote.

FINDINGS AND DECISIONS
PZ-16-024
Parking Waiver

Parking Waiver:

Section 280-110, Parking Standards

Minimum Required: 100 parking spaces

Spaces Provided: 66 parking spaces

Waiver Requested: 34 parking spaces

There was discussion by the Commission concerning an amendment for the number of parking spaces.

- They are required to have 100 parking spaces but will actually provide an area for 66 spaces and requesting a variance for 34 spaces.
- They are requesting 83 parking spaces.
- They are requesting a waiver of 34 parking spaces which will cover for the current conditions and for the future plan.
- Confirmed that they are providing space for up to 69 spaces altogether.

Motion was made by Commissioner Bohne and seconded by Commissioner Finney to approve the parking waiver for 34 spaces because:

- Strict compliance would create an undue hardship due to the space on the lot.
- Due to the style of business does not create a detriment to the public good.
- Giving the waiver will still provide enough parking for their customer base.
- Will still meet the objectives of the regulations.

The motion was stated, vote taken and carried by unanimous voice vote.

FINDINGS AND DECISIONS
PZ-16-024
Development Plan

Motion was made by Commissioner King and seconded by Commissioner Neal to approve the Development Plan for Docket PZ-16-024 because:

- Based on testimony presented, application is in compliance with the Comprehensive Plan.
- The approved waivers provide for compliance with the subdivision regulations.

Conditions of Approval:

1. The waivers shall only apply to the plan reviewed at the July 26, 2016 Planning Commission public hearing.
2. There shall be no increase in drainage run off to state roadways.
3. Site lighting shall be designed to not shine in the eyes of drivers.
4. 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 construction site runoff ordinance.
5. The sediment and erosion plan shall include a phasing plan that limits the amount of the sediment exiting from the site.
6. The development must comply with the Oldham County Fire Hydrant Ordinance.
7. A landscape plan must be submitted to staff for review and approval.
8. Potential signage shall be in compliance with Section 290-150 regarding signs along scenic corridors and there shall be sign permits for any proposed signs.
9. If and when a future building expansion is proposed, an updated trip generation calculation shall be provided, unless other road improvements have been made to Commerce Parkway, to determine if additional traffic analysis is required.

Attorney Craigmyle confirmed that Applicant is in agreement with the proposed conditions of approval.

The vote was as follows:

**YES: Commissioners Albertsen, Bohne, Crosby, Finney, Douglas, Horton, King
Klingenfus, Mesker, McWilliams, Smith and Neal**

NO: NONE

ABSTAIN: NONE
ABSENT: Commissioners Arvin and Falvey

Motion passed on a vote of 12-0.

Secretary Foxx called and read Docket PZ-16-025:

DOCKET PZ-16-025 - Application has been filed by Kevin Thompson the approval of a Waiver of Section 300-050 Property Perimeter Landscape Buffer Areas and Plantings. The property is located at 3622 West Highway 146, LaGrange. The zoning is C-3 General Business 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 July 26, 2016).
- Site history.
- Aerials and photos of site and surrounding properties.

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

Kevin Thompson, 1700 East Moody Lane, LaGrange, was present and sworn prior to speaking in behalf of this application.

- Requesting a waiver of the Landscape Buffer and a waiver to change their development plan in order to allow more storage facility on the property.
- They wish to construct a building for the Thompson Heating and Cooling facility.

Robert Vinsand, PE/PLS, 306 West Jefferson Street, LaGrange, was present and sworn prior to speaking in behalf of this application.

- Confirmed the location of the property that is zoned C-3 and located across from the LaGrange Fire Station and EMS.
- They are requesting a waiver of the landscape buffer because they are adjacent to properties to the east that are zoned R-2.
- The landscape buffer is 50 feet wide and can see from the drawing that they do not have enough room to add a building.
- There is justification that there have been changes in the area as Kentucky 393 will be widened and there is spot commercial zoning on both sides of Highway 146.

- The site was approved to accommodate this building and the detention basin was reconstructed to accommodate it in 2014.
- Presented the Goals and Objectives of the Comprehensive Plan (Applicant Exhibit B) on the overhead and are requesting flexibility with the landscape buffer.
- Per the goals, there will be support of detention and growth as they have all the existing infrastructure in place, including the existing building.
- They are in need of a new warehouse being the reason for the requested waiver from the landscape buffer.

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

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

Mr. Vinsand responded as follows:

- There are two lots, Lots 9 and 10, and each lot is 50 feet in width.
- Confirmed that if a waiver was not granted, Lot 9 would not be usable because it would be a buffer; it could not be used for anything.

At this time, Planner Alvey responded that the future land use map for this property is shown as commercial.

Administrator Urban informed the Commission that at one time they considered doing an area wide rezoning because of the many changes in the area. There are few houses that remain that could eventually be used for businesses.

Mr. Thompson responded as follows:

- Turning the building around would not work because Lot 9 is useless to them and used for parking.
- Confirmed that a few years ago the Commission did approve parking on those lots.
- They would like to place the building as close as the regulations would allow in order to maximize the use on the west side of the property.

Ms. Alvey responded that the building would have to meet the residential setbacks of seven feet and there is someone residing in the home next door.

Mr. Thompson continued response:

- The closest property to him is a rental but the others are most likely owner occupied.
- He has not spoken to any of the adjoining property owners.

(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. Thompson requests approval of the waiver so that they can moved forward with construction of the warehouse and continue to grow the business in Oldham County.

END OF PUBLIC HEARING

Administrator Urban reviewed the requirements for the Landscape Waiver stating that the Commission should consider it first. The photos show an existing landscape buffer that seems to be adequate to screen the adjoining property. Regarding the Revised Development Plan, should the Commission choose to approve, there are conditions of approval to be considered.

FINDINGS AND DECISIONS

PZ-16-025

Landscape Buffer Areas and Plantings

Motion was made by Commissioner McWilliams and seconded by Commissioner Horton to approve the Waiver for Landscape Buffer Areas and Plantings because:

- Strict compliance with the regulations would create an undue hardship to the applicant.
- The business has grown and applicant needs that additional storage space.
- Approving the waiver would not be a detriment to the public good and would not diminish the area close to or around the subject property.

Motion was stated and carried by unanimous voice vote of 11-1.

FINDINGS AND DECISIONS

PZ-16-025

Revised Development Plan

Motion was made by Commissioner King and seconded by Commissioner Horton to approve the Revised Development Plan because:

- It is in compliance with the Comprehensive plan and the subdivision regulations.
- There has been no testimony of opposition to this request.

Conditions of Approval:

1. The waiver shall only apply to the plan reviewed at the July 26, 2016 Planning Commission public hearing.
2. A site plan must be submitted to staff for review and approval before construction begins.
3. A landscape plan must be submitted to staff for review and approval.
4. The two lots shall be consolidated prior to development of the property.
5. There shall be no changes to the development plan without approval by the Oldham County Planning Commission.
6. There shall be no increase in drainage run off to state roadways.
7. Site lighting shall be designed to not shine in the eyes of drivers.
8. 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 construction site runoff ordinance.
9. The sediment and erosion plan shall include a phasing plan that limits the amount of the sediment exiting from the site.
10. The development must comply with the Oldham County Fire Hydrant Ordinance.

Discussion:

For the record, it was decided that the remainder of the conditions of approval shall be incorporated by reference and intended by inclusion and to be added to the motion to approve.

YES: Commissioners King, Klingenfus, Mesker, McWilliams, Smith, Albertsen, Bohne, Crosby, Finney, Douglas, Horton and Neal

NO: NONE

ABSTAIN: NONE

ABSENT: Commissioners Arvin and Falvey

Motion passed on a vote of 12-0.

OTHER BUSINESS:

Planner Alvey presented information regarding policies for extension of expiration. There is a request for Cherry Glen, a 310 unit condominium located across from Glen Eagles on Highway 53 and their new plan is to expire July 31, 2018.

At this time there are no applications for the August 23, 2016 meeting, however, it is suggested that the Commission could meet for the approval of the July and August minutes and schedule continuing education training.

Can also talk about the update of the Zoning Ordinance and will be on the agenda for the first reading on Tuesday, August 2, 2016.

There will be an SRC meeting on Thursday.

There being no further business, the Planning Commission meeting adjourned at 3:30 p.m.

The next regular meeting is scheduled for Tuesday, August 23, 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