

**MINUTES OF REGULAR MEETING
OLDHAM COUNTY
PLANNING AND ZONING COMMISSION
Tuesday, March 26, 2024**

At 9:00a.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, La Grange, Kentucky, by Chairman Greg King.

Other Commission members present were:

Iva Davis	William Douglas	Thomas Elder
Sam Finney	Rollo Fox	Berry Hampton
Sue Ann Jones	Bob Klingenfus	Tom Marsh
Katie Nasser	Suzy Walzer	Ben Winters

Commissioner John Falvey was absent. Joe Ender has resigned from the Commission.

Others present and sworn in were Planning and Development Services Director Jim Urban, Assistant Director Brian Fogle, Senior Planner Ryan Fischer and Oldham County Engineer Jim Silliman. Attorney Berry Baxter was present for the meeting and Administrative Assistant Christy Edgar was the Secretary for the meeting.

Approval of Minutes

Motion was made by Commissioner Jones and seconded by Commissioner Finney to approve February 27, 2024; minutes as submitted with the following corrections. Motion carried by unanimous voice vote.

Correction

- Page 1: Change Wednesday to Tuesday.

Secretary Christy Edgar called and read Docket:

DOCKET PZ-24-003 – An application has been filed by Sycamore Run Investments LLC for the approval of a Preliminary Subdivision Plan to revise Section Two and create a new Section Three for single family lots on an approximate 28.4 acres adjacent to the existing Sycamore Run Subdivision. The property is located at 2090 West Highway 42, La Grange. The zoning is R-1 Residential District, AG-1 Agricultural Residential District, and CO-1 Conservation Residential District.

1. Introduction of the new information by staff and questions by the Commission:

Assistant Director Brian Fogle, presented the following:

- Summary of the application.
- Case History (see Exhibit A, Staff Report dated, March 26, 2024).
- Site history.
- Aerial Photos of the site.
- Photos of property.

Jim Silliman, Oldham County Engineer, was present and sworn in prior to presenting.

- The land disturbance is greater than one acre and the applicant will need to obtain a KYR10 Permit from the KYDOW.
- The four lots facing US Hwy 42 will be required to have shared driveways.
- LaGrange Fire and Rescue will be the responding fire department, not Worthington Fire Department.

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

Michael Swansburg, Swansburg & Smith PLLC, 117 W. Main Street LaGrange, was present and representing the applicant.

- This project does comport with land use objective LU-1-2 and land use objective LU-2-1.

Clay Jones, 7506 Jones Trace, Crestwood, was present and sworn in prior to presenting.

- When 28 acres became available it provided us with another solution to get to Section 3.
- Moving the connector road to the top of the ridge would have less impact on the streams and be easier to build.
- The four lots facing Hwy 42 would be a little deeper lots and by facing Hwy 42 it would preserve the character of Hwy 42.

3. Questioning of the applicant and those in support of the application by the Commission:

Commissioner Finney asked, will the lots on Hwy 42 have individual driveways?

Mr. Jones replied, they will share an entrance from Hwy 42. So, four lots and 2 entrances.

Commissioner Douglas asked, will the shared driveways have a maintenance agreement?

Director Urban replied, yes. They will have a maintenance agreement which will be filed when the lots are sold.

Commissioner Douglas asked, is lot 146 & lot 147 approaching the blueline stream and will it flood these lots?

Eric Senn, Land Design and Development, 503 Washburn Ave, LaGrange, was present and sworn in prior to replying, once we get into the detailed design of the roadway, we

will look at the placement of the houses on those two lots and if we need to get a permit to fill a portion of those lots to build out pads then we will.

Mr. Silliman replied, we will check with the Army Corps of Engineers and make sure it falls within their nationwide permitting criteria.

Commissioner Marsh asked, has the Oldham County Emergency Management reviewed these plans?

Assistant Director Fogle replied, at the TRC meeting the fire department was in attendance.

4. **Testimony and questions by those opposing the application: None**
5. **Questioning of the applicant and those opposing the application by the Commission: None**
6. **Rebuttal evidence and Cross Examination by the Applicant: None**
7. **Rebuttal evidence and Cross Examination by the Opposition: None**
8. **Final statement of the Opposition: None**
9. **Final statement of the Applicant: None**

END OF PUBLIC HEARING

Director Urban summarized the docket.

FINDINGS AND DECISIONS

Docket PZ-24-003

Preliminary Subdivision Plan

Revise Section 2 & Create Section 3

Sycamore Run

2090 West Hwy 42, LaGrange

Motion was made by Commissioner Nasser and seconded by Commissioner Marsh to approve the Sycamore Run Preliminary Subdivision Plan to revise Section 2 and create Section 3 at 2090 West Hwy 42, LaGrange, because it is in accordance with the purpose and intent of the Oldham County Subdivision Regulations because it incorporates the 28 acres with 17 single family residential units and due to the fact it works within the adjacent development that is existing and it is the best use of the land for the topographic conditions on the property. This motion includes the following Conditions of Approval.

Conditions of Approval:

1. There shall be no significant changes to the Sycamore Run Preliminary Subdivision Plan as presented at the March 26, 2024, Oldham County Planning Commission public hearing without review & approval of the Commission.
2. Driveway access to Lots 195, 196, 197, & 198 shall be limited to two (2) total driveway entrances onto Highway 42 as noted in writing on the Sycamore Run Preliminary Subdivision Plan and a shared access maintenance agreement must be included in the sale of the lots.

3. The issuance of building permits for single-family residences shall be limited to twenty-two (22) per calendar year in compliance with the School Capacity Standard determined by the Oldham County Board of Education.
4. The Sycamore Run Preliminary Subdivision Plan & Construction Plans must comply with all established federal, state, and local ordinances & requirements at the time of approval and the Record Plat will not be approved until all standards are satisfied.

The vote was as follows:

YES: Commissioners Davis, Douglas, Elder, Finney, Fox, Hampton, Jones, Klingenfus, Marsh, Nasser, Walser, and Winters.

NO: None

ABSTAIN: None

ABSENT: Commissioner Falvey.

Motion approved on a vote of 12-0.

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Secretary Christy Edgar called and read Docket:

DOCKET PZ-24-004 – Application has been filed by Baptist Health LaGrange for approval of a Program for Signs, Section 290-140 of the Oldham County Zoning Ordinance, for property located at 1051 New Moody Lane, La Grange to allow the installation of signage at the under-construction pharmacy services building. The property is zoned R-4 Residential District.

1. Introduction of the new information by staff and questions by the Commission:

Assistant Director Brian Fogle, presented the following:

- Summary of the application.
- Case History (see Exhibit A, Staff Report dated, March 26, 2024).
- Site history.
- Aerial Photos of the site.
- Photos of property.

Commissioner Douglas asked, who determines the line-of-sight placement of the street sign on New Moody Lane?

Assistant Director Fogle replied, the applicant will have to adhere to the sign ordinance and will have to maintain the clear sight triangle to ensure there is not a conflict with vehicles trying to pull out of the drive.

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

John Talbott, Bardenwerper Talbott & Roberts, PLLC, 1000 N. Hurstbourne Pkwy., Louisville was present and representing the applicant.

- The signs will be unified on the medical campus.
- Seven wall signs, two free-standing signs, and a door decal sign.

- There will be three main signs; one is the monument sign will be out by the road and two will be the building signs which will be on the building.
- The other signs are directional signs.
- One sign on the building will face the existing hospital and the other sign on the building will face New Moody Lane.
- The monument signs will be 19 square feet.
- The signs on the building will be 130.36 square feet.

3. **Questioning of the applicant or representative and others in support of the application by the Commission: None**
4. **Testimony and questions by those opposing the application: None**
5. **Questioning of the applicant and those opposing the application by the Commission: None**
6. **Rebuttal evidence and Cross Examination by the Applicant: None**
7. **Rebuttal evidence and Cross Examination by the Opposition: None**
8. **Final statement of the Opposition: None**
9. **Final statement of the Applicant:**
 Attorney Talbott's final statement.
 - Consistent with the purpose of the zoning ordinance.
 - The signs will be unified to the existing campus.

END OF PUBLIC HEARING

Director Urban summarized the docket.

FINDINGS AND DECISIONS

Docket PZ-24-004

Program for Signs

Baptist Health

1051 New Moody Lane, LaGrange

Motion was made by Commissioner Hampton and seconded by Commissioner Davis to approve the Baptist Health Program for Signs at 1051 New Moody Lane, LaGrange because it is consistent with the purpose of the Oldham County Zoning Ordinance and compatible with the theme, visual quality, and overall character of the surrounding area and appropriately relate in size, shape, materials, color, illumination, and character to the function and architectural character of the building or premises on which they will be displayed and are compatible with existing adjacent activities. The following Conditions of Approval are included in this motion.

Conditions of Approval:

1. There shall be no significant changes to the Baptist Healthcare Program for Signs as presented at the March 26, 2024, Oldham County Planning Commission public hearing without review and approval of the Commission.
2. The Baptist Health Program for Signs must comply with all established federal, state, and local ordinances and requirements at the time of approval.

The vote was as follows:

YES: Commissioners Davis, Douglas, Elder, Finney, Fox, Hampton, Jones, Klingenfus, Marsh, Nasser, Walser, and Winters.

NO: None

ABSTAIN: None

ABSENT: Commissioner Falvey.

Motion approved on a vote of 12-0.

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Secretary Christy Edgar called and read Docket:

DOCKET PZ-24-005 – An application has been filed by Glenn Louisville CDJR, LLC for the approval of a Zoning Map Amendment & associated Development Plan on an approximate 7.95 acres located at 6229 & 6235 West Highway 146, Crestwood. The proposed change is from C-1 Local Business District to C-3 General Business District.

1. Introduction of the new information by staff and questions by the Commission:

Senior Planner Ryan Fischer, presented the following:

- Summary of the application.
- Case History (see Exhibit A, Staff Report dated, March 26, 2024).
- Site history.
- Aerial Photos of the site.
- Photos of property.

Jim Silliman, Oldham County Engineer, was present and sworn in prior to presenting.

- Since the land-disturbance area is greater than one acre the applicant will be required to obtain KYR10 Permit from the Kentucky Division of Water and an Oldham County Stormwater Quality Management and Erosion Control Permit from the Oldham County Engineer Department.
- The applicant will need to obtain a Road Encroachment Permit from KYTC.
- The applicant will need to have an over-detention in the basin to assist in the runoff issues.
- The discharge for the detention basin needs to be 15 feet from the property line.
- The applicant did include an additional EPSC forebay to help address the concern for protection of the pond.

- The applicant will need to ensure that the layout allows for vehicles to negotiate the parking lot appropriately.
- The trips generated did not meet the level that would require a traffic impact study but it did meet the traffic assessment criteria.

Commissioner Douglas asked, does the storage of automobiles categorially fit into C3?

Director Urban replied, this is not storage, they are prepping the cars, so it doesn't fit in auto sales, and it doesn't fit storage, this is going to be in and out flow of vehicles as they receive them, condition them, and then take them to the showroom to be delivered to customers.

Commissioner Douglas asked, can this fit into C1 for authorized vehicle wash?

Director Urban replied, this is not a car wash. This is a little different category because it is not auto sales, and it is not a car wash.

Senior Planner Fischer replied, vehicle storage is not listed in any of our zoning classifications, but C3 does have vehicle sales and vehicle washes.

Commissioner Douglas asked, if we allow C3 will they be allowed to sell vehicles there in the future?

Director Urban replied, that would change their application for the actual use of the property.

Commissioner Douglas asked, I was just wondering if there was a zoning that would fit this application better.

Director Urban replied, in my opinion, there is not, it won't fit into C1 which is what the property is currently zoned, it could squeeze into C2, but it is clearly in C3.

Senior Planner Fischer stated, in the TRC notes, the applicant's attorney did state that no sales would take place on the property. The sales will only take place at the dealership location.

Commissioner Jones asked, will there be customers at the inventory site?

Director Urban replied, you can ask the applicant this question. The original trip disbursement from the property, if it were auto sales, would leave the property and go left or right. Our understanding is that it's only going to be supplying the existing dealership, which then traffic will go to the right when they come out, going toward Crestwood and the revised traffic assessment reflects this.

Commissioner Davis asked, changing the property to a C3 would they be able to put anything under C3 on this property or would they have to come back to this board?

Director Urban replied, our binding element is that it only applies to the plan that was presented today, and if they want to change it then they must come back to this board.

Commissioner Marsh asked, are the two other parcels being changed from C1 to C3 as well?

Senior Planner Fischer replied, that is the future land use map from 2019 and that the future land use would be commercial, but it does not state what type of commercial.

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

Cliff Ashburner, Dinsmore & Shohl LLP, 101 S. Fifth Street, Louisville, was present and representing the applicant.

- The dealership is landlocked and needs more space to store and repair new vehicles.
- Highest sales volume Jeep dealership in the Louisville region.
- The proposed site is one mile from the dealership.
- The building will have four bay doors.
- The hours that employees will be on site are 8:00 a.m. to 5:00 p.m.
- No customers to the proposed location.
- All sales will be at the dealership location.
- Will have one delivery per day at the dealership and the vehicles will be driven to the proposed site.
- Will follow the ordinance for lighting on the parking lot and the building.

Mike Hill, Land Design & Development Inc., 503 Washburn Ave #101, Louisville, was present and sworn in prior to presenting.

- The site is eight acres and zoned commercial.
- The building will be 11,800 square feet with doors on the north and south of the building.
- One access point onto KY146.
- Will have 25 employee parking spaces.
- Will have 393 vehicle storage parking spaces.
- Will have a 15-foot landscape buffer between the residential section and this proposed site.
- The remaining portion of the property will remain wooded.
- We do have a sewer easement agreement with the neighbor.
- The stormwater will be captured and directed toward the detention basin towards the rear of the property.
- The parking lot will have islands with trees.

Eric Senn, Land Design & Development Inc., 503 Washburn Ave #101, Louisville, was present and sworn in prior to presenting.

- We will over-detain stormwater by 20% to help with the peak flow going to the pond.
- Will add a forebay to help capture the first flush debris and sediment coming from the site.

Elaine Adams, 5915 Camden Acres, Crestwood, was present and sworn in prior to presenting.

- I am in favor of this development.
- I am concerned about the lighting and the water runoff.
- The water naturally drains through our backyard to the pond.
- Concerned with the traffic situation and the speed limit being 45mph.

3. Questioning of the applicant and those in support of the application by the Commission:

Commissioner Hampton asked, what is the applicant doing now for the vehicle storage?

Attorney Ashburner replied, right now they are staying with the manufacturer and/or stacking up on the dealership property.

Commissioner Hampton asked, is there a difference between parking and storage in the zoning?

Director Urban replied, the applicant has used the word storage in their presentation but realistically it is not storing them for long periods, it is parking the vehicles for the purpose of conditioning them and for delivery when the vehicle is sold.

Commissioner Hampton asked, how many parking spots?

Mr. Hill replied, 25 employees and 393 vehicle parking spots.

Attorney Ashburner replied, the site is designed like a parking lot following the ordinance regulations.

Commissioner Nasser asked, how many vehicles can be conditioned in a day?

Attorney Ashburner replied, five to ten vehicles a day.

Commissioner Nasser asked, out of the 393 parking spots what is the estimated number of spots that will be filled.

Attorney Ashburner replied, that would depend on the flow of sales out of the dealership. It will not be filled immediately but in time it might fill up.

Commissioner Finney asked, what type of pavement?

Attorney Ashburner replied, it would be asphalt.

Commissioner Finney asked, what type of security will this area have?

Attorney Ashburner replied, there will be security around the bulk of the site and there would be security cameras and a gate.

Commissioner Davis asked, are these vehicles being stored just for the Crestwood dealership?

Attorney Ashburner replied, only for the Crestwood dealership.

Commissioner Douglas asked, would engine cleaning be done on this site for used cars?

Attorney Ashburner replied, I would expect that this will be done.

Commissioner Douglas asked, how will the applicant capture the chemical runoffs?

Mr. Hill replied, most of the work would be done inside the building and that would drain into the sewers.

Commissioner Douglas asked, how would you stop the public from stopping and looking at the inventory on this location?

Attorney Ashburner replied, there would be a gate at the entrance.

Commissioner Douglas asked, is the line of sight caused by the tree lines hanging over into the right of way?

Attorney Ashburner replied, yes, I believe that is the case.

Commissioner Douglas asked, what percent is the impervious surface?

Mr. Hill replied, 55%.

Commissioner Douglas asked, are there future development plans for neighboring properties?

Mr. Hill replied, not that I am aware of.

Commissioner Marsh asked, will this location receive large truck deliveries?

Attorney Ashburner replied, I can't say that a truck will never deliver to the site. However, the business plan says that the vehicle deliveries will occur at the dealership so they can be inspected, and those vehicles will be driven to the lot.

Commissioner Jones asked, if there was not a vehicle at the dealership for a buyer, would the buyers be taken to the site to shop for a vehicle?

Attorney Ashburner replied, it is very unlikely however, if there is a used vehicle on that lot then a salesman might drive the buyer to the lot to look at the vehicle. But again, the sale of the vehicle will occur at the dealership.

Commissioner Jones asked, has anyone checked into the speed limit that the homeowner is concerned about?

Mr. Silliman replied, we did reach out to the Kentucky Transportation Cabinet, and as Director Urban stated, they have done multiple studies on that stretch of highway, and they are aware of the problem with the speed limit.

Director Urban replied, they look at the design speed of the roadway and then they do actual speed study on vehicles and if they don't exceed a certain amount then they determine that the posted speed limit is accurate.

Chairman King asked, can someone explain the routing of the drainage?

Mr. Hill replied, any drainage that comes from our site we will either pick it up in the separate drainage system or pick it up in the system that goes to our basin but either way we will not be blocking drainage coming from our site or onto our site.

4. **Testimony and questions by those opposing the application: None**
5. **Questioning of the applicant and those opposing the application by the Commission: None**
6. **Rebuttal evidence and Cross Examination by the Applicant: None**
7. **Rebuttal evidence and Cross Examination by the Opposition: None**
8. **Final statement of the Opposition: None**
9. **Final statement of the Applicant:**

Cliff Ashburner's final statement:

- The site design and use work well in this location.
- The traffic impact will be minimal.
- The buffers exceed the requirements.
- The lighting plan will be part of the approved landscape plans.
- The comprehensive plan recommends that the site be used commercially.

Director Urban asked, needing clarification on the annexation, have you already applied to the City of Crestwood?

Attorney Ashburner replied, the property owners have consented to the annexation and those have been forwarded to City of Crestwood and they can be acted upon, the annexation and action on the recommendation. The City would act on the annexation first and then receive the recommendation and then act on the zoning.

Attorney Baxter stated, Mr. Ashburner's outline is usual process. If the property is annexed then the zoning becomes a question for the City of Crestwood. If for whatever reason the annexation were denied by the City, they'd have to come back to the Fiscal Court. He is making a representation to you that they've asked to be annexed under the procedure and the current situation. The state legislature has proposed a moratorium on annexation except when the owner of the property has requested it so they are in a position to proceed forward.

END OF PUBLIC HEARING

Director Urban summarized the docket.

FINDINGS AND DECISIONS

Docket PZ-24-005

Recommend Zoning Map Amendment

6229 & 6235 W. Hwy 146, Crestwood

Motion was made by Commissioner Nasser and seconded by Commissioner Davis to recommend approval to the City of Crestwood a zoning map amendment from C-1 to C-3 at 6229 & 6235 West Highway 146, Crestwood, based on the testimony and evidence presented today that this fits within the surrounding commercial use of the area and the intended future land use of the area in Crestwood. This motion does not include the justification statement.

The vote was as follows:

YES: Commissioners Davis, Douglas, Elder, Finney, Fox,
Jones, Klingenfus, Marsh, Nasser, Walser, and Winters.

NO: Commissioner Hampton.

ABSTAIN: None

ABSENT: Commissioner Falvey.

Motion approved on a vote of 11-1.

FINDINGS AND DECISIONS
Docket PZ-24-005
Preliminary Development Plan
6229 & 6235 W. Hwy 146, Crestwood

Motion was made by Commissioner Finney and seconded by Commissioner Marsh to approve the Preliminary Development Plan at 6229 & 6235 West Highway 146, Crestwood, because it complies with the Comprehensive Plan Objective LU-3-1: support existing business retention and growth compatible with adjacent land uses and the availability of community facilities and services, LU-3-2: focus new commercial and workplace development in designated existing centers when compatible with the scale and character of the center, and BI-1-2: support existing business and industry to thrive and grow in Oldham County. This motion includes the following Binding Elements.

Binding Elements:

1. The approval applies only to the plan presented at the March 26, 2024, Oldham County Planning Commission public hearing.
2. A minor plat application and survey must be submitted to staff for review and approval prior to the issuance of any building permits.
3. A landscaping and lighting plan must be submitted for approval.
4. There shall be no changes to the plan without review by the Oldham County Planning Commission and Engineer's Office except for landscaping and lighting plans which shall be reviewed by staff.
5. The plan must comply with all established federal, state and county ordinances and requirements and comply with all necessary easement restrictions.
6. There shall NOT be extensive repairs or mechanics operating on the site and the building will only be used to detail the vehicles and prepare them for sale.
7. The applicant intends to use the development to store, condition, and prepare vehicles for sale.
8. The hours of operation are 8:00a.m. – 5:00p.m.

The vote was as follows:

YES: Commissioners Davis, Douglas, Elder, Finney, Fox,
Jones, Klingenfus, Marsh, Nasser, Walser, and Winters.

NO: Commissioner Hampton.

ABSTAIN: None

ABSENT: Commissioner Falvey.

Motion approved on a vote of 11-1.

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Other Business: None
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There being no further business, the Planning Commission meeting adjourned at 11:20 am.

The next regular meeting will be Tuesday, April 23, 2024, at 9:00 a.m. and will be held in the Oldham County Fiscal Court courtroom at 100 W Jefferson Street, La Grange, 40031.

Approved:



Greg King, Chairman

Respectfully Submitted:



Christy Edgar, Secretary

