

**MINUTES OF REGULAR MEETING  
OLDHAM COUNTY  
PLANNING AND ZONING COMMISSION  
Tuesday, October 24, 2023**

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  
John Falvey  
Berry Hampton  
Katie Nasser

William Douglas  
Sam Finney  
Bob Klingenfus  
Suzy Walser

Thomas Elder  
Rollo Fox  
Sue Ann Jones

Commissioners Joe Ender, Tom Marsh and Ben Winters were absent.

Others present and sworn in were Planning and Development Services 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.

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**Approval of Minutes**

Motion was made by Commissioner Elder and seconded by Commissioner Douglas to approve September 26, 2023, minutes as submitted with the following corrections. Motion carried by unanimous voice vote.

**Corrections:**

Page 1: Commission Members Present: Change Ed Hafling to Rollo Fox

Page 10: Third sentence add a slash between and or.

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**Secretary Christy Edgar called and read Docket:**

**DOCKET PZ-23-021** – Application has been filed by Kimley-Horn & Associates for a Site Plan Review for a proposed location (Wawa – Buckner) and a Waiver of IPD Parking Area Standards Section 210-060 (C). The property is located at the Highway 393 & Commerce Parkway intersection, Buckner. The property is zoned Industrial Park District (IPD).

**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, October 24, 2023).
- Site history.
- Aerial Photos of the site.
- Photos of property.

Jim Silliman, Oldham County Engineer, presented the following:

- The plans have changed to a right in only from Highway 393.
- We will need a copy of the updated traffic study report.
- Will require an encroachment permit from Kentucky Transportation Cabinet for the right in only curb cut onto Highway 393.
- On Commerce Parkway they will need to remove the stub road and construct an entrance/exit that aligns with the curb cut located on the north side of Commerce Parkway.
- Because there is a one acre of land disturbance will need to obtain permits from KY Division of Water (KYR10) and Oldham County Stormwater Quality Management and Erosion Control.

Commissioner Falvey asked, has the property owner approved the right in only?

Mr. Silliman replied, I do not think it has been recorded as of today, but that is something that will need to be recorded.

Commissioner Finney asked, why is there no parking allowed in the 35-foot setback?

Assistant Director Fogle replied, so vehicles are not parked right on the property line.

Commissioner Finney asked, is there parking against the building and along the curb?

Assistant Director Fogle replied, yes there is parking along both.

Commissioner Douglas asked, is this an open waiver for the number of parking spots?

Assistant Director Fogle replied, this board could tie the number of parking spots to the development plan.

Commissioner Douglas asked, how will the easement affect the landscaping buffer?

Mr. Silliman replied, because it will be aligned with the curb on the Wawa site and if the Wawa site meets those landscape buffers, then it would appear to meet those on the adjacent site as well.

Commissioner Douglas asked, is the roadway off of Commerce Pkwy wide enough or will it have to be modified?

Mr. Silliman replied, the applicant will be constructing their own entrance and exit off of Commerce Parkway.

Commissioner Douglas asked, is there an existing roadway there?

Mr. Silliman replied, I believe there is but it does not align properly with the curb cut located on the north side of Commerce Parkway.



Commissioner Douglas asked, do you know if the applicant submitted the Downstream Facility Capacity request?

Assistant Director Fogle replied, that would be for the applicant to answer.

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

John Baker, Wyatt, Tarrant & Combs, 400 West Market Street, Louisville, Kentucky was present and representing the applicant.

- Wawa is a fuel station with fresh food prepared daily.
- The site is located to serve the surrounding areas and Interstate 71 travelers.
- This development site and the properties on the north and south are under the same ownership, so any needed easements will be granted.

Nick Laniny, Kimley-Horn and Associates, Inc., 1218 Montgomery Avenue, Nashville, Tennessee, was present and sworn in prior to presenting.

- The curb cut will become aligned with our entrance once that site is developed.
- The easement off of Hwy 393 is a done deal and will be platted later, even if it were to fall through it would not impact the site because the site would not move at all it just would not have that one entrance.
- There will be landscaping between the parking area and Commerce Parkway.
- One of the reasons for the parking waiver is so we don't have to move the development south which would impact the blue line stream.
- All the storm water will be routed south to the master detention basin and water quality measures that are being developed.

**3. Questioning of the applicant or representative and others in support of the application by the Commission:**

Commissioner Falvey asked, do the same owners of this site own the property to the north and south?

Mr. Laniny replied, yes, same owners.

Commissioner Douglas asked, was the paperwork done for MSD on the downstream capacity?

Mr. Laniny replied, yes we have submitted the paperwork but have not heard back from MSD.

Commissioner Douglas asked, so if it comes back from the MSD that there is not enough capacity what will the applicant do?

Attorney Baker replied, MSD won't issue a permit and the applicant will have to resolve the issue.

Commissioner Jones asked, will this development have larger parking spaces for trucks with trailers, motorhomes, or trucks with boats?

Mr. Laniny replied, the parking spaces will be ten feet wide and twenty feet deep. The only semi to be on the site would be the fuel truck and delivery trucks.

Lisa Corpus, 15779 Teal Road., Verona, Kentucky, was present and sworn in prior to replying, typically the trucks with trailers will pull under the canopy to fuel up and or run in to grab food.

Commissioner Hampton asked, is the right turn only lane a want or a need?

Mr. Laniny replied, it is a need for Wawa. To get access off of Hwy 393.

Commissioner Hampton asked, if the property to the south was to be developed would this create an issue for that property?

Mr. Laniny replied, the property to the south would also have access from this right in only lane.

Commissioner Nasser asked, in the plans it looks like the stub road is already aligned.

Mr. Laniny replied, we have pushed the entrance/exit back.

Commissioner Nasser asked, does the landowner agree to close off the stud road entrance?

Jake McDonald, 3841 Green Hills Village, Nashville, Tennessee, was present and sworn in prior to replying, we have not discussed closing the stub road off however, if this board would like for that to be done, we certainly can close the stub road off.

Commissioner Douglas asked, do you think we need to add in our conditions of approval for the stub to be removed?

Mr. Silliman replied, the best solution would be to close the stub road off.

Commissioner Douglas asked, does it make sense that they do not want to cut into the area on the blue line stream?

Mr. Silliman replied, yes.

Commissioner Falvey asked, will there be EV charging spots for electric cars?

Mr. Laniny replied, the decision for EV charging spots will come later once the site is already being built. We cannot say for sure, but it is a possibility.

4. Testimony and questions by those opposing the application: None
5. Questioning of the applicant and those opposed to the application of 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**

Assistant Director Fogle summarized the motion for the Parking Area Waiver.



**FINDINGS AND DECISIONS**  
**Docket PZ-23-021**  
**Parking Area Waiver**  
**Highway 393 & Commerce Parkway**  
**Wawa**

Motion was made by Commissioner Douglas and seconded by Commissioner Elder to approve the Waiver from Section 210-060 Parking Area Standards Subsection C Parking Prohibitions. Parking areas shall be allowed in the required front yard setbacks and side yard setbacks along Highway 393 & Commerce Parkway because:

- the strict compliance with the regulations would create an undue hardship due to the unique topography and the blue line stream,
- based on testimony from both the applicant and the County Engineer this is the best means of avoiding impacts to the blue line stream,
- design innovations of this site will be achieved by the basic objective of the regulations based on granting the parking waiver.

**Conditions of Approval:**

1. The Waiver shall only apply to the plan reviewed at the October 24, 2023, Oldham County Planning Commission public hearing.

Commissioner Finney asked, what is being waived on the fuel canopy?

Assistant Director Fogle replied, there is a section in the zoning ordinance that addresses the fuel service centers. The fuel canopy must be 15 feet from any property line.

**The vote was as follows:**

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

**NO:** None.

**ABSTAIN:** None

**ABSENT:** Commissioners Ender, Marsh, and Winters.

**Motion to approve the Parking Area & Fuel Canopy Waivers passed on a vote of 11-0.**

Assistant Director Fogle summarized the motion for the Site Plan Review.

**Docket PZ-23-021**  
**Site Plan Review**  
**Highway 393 & Commerce Parkway**  
**Wawa**

Motion was made by Commissioner Falvey and seconded by Commissioner Elder to approve the Site Plan at Hwy 393 & Commerce Parkway because the plans are consistent with the requirements of the Oldham County Zoning Ordinance and specifically Section 230-110 Site Plan Requirements. The following Binding Elements are included in this motion.

**Binding Elements:**

1. The approval applies only to the plan presented at the October 24, 2023, Oldham County Planning Commission public hearing.
2. A landscaping and lighting plan must be submitted for approval at the time of construction plan approval.
3. 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.
4. The plan must comply with all established federal, state and county ordinances and requirements and comply with all necessary easement restrictions.
5. The curb cut on the north side of Commerce Parkway opposite of the Wawa entrance/exit shall be removed or rebuilt to align with the Wawa curb cut.

**The vote was as follows:**

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

**NO:** None.

**ABSTAIN:** None

**ABSENT:** Commissioners Ender, Marsh, and Winters.

**Motion to approve the Site Plan Review passed on a vote of 11-0.**  
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**Secretary Christy Edgar called and read Docket:**

**DOCKET PZ-23-022** – An application has been filed by North Oldham Fire Department for the approval of a Community Facility Review for a proposed fire station located at 8615 West Highway 42, Goshen. The property is zoned R-2 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, October 24, 2023).
- Site history.
- Aerial Photos of the site.
- Photos of property.

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

- We have been in coordination with North Oldham's design engineers and architects and they're aware of the permits they will need.
- No traffic impact review will be needed since the usage of the property will remain the same.

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

Hewitt Brown, Chief of North Oldham Fire Department, 1660 Highway 1793, was present and sworn in prior to presenting.

- Build a new 8,260 square-foot fire station behind the existing fire station that is on the property and once the new fire station is complete the existing fire station will be demolished.
- This firehouse is a SafePlace for area residents.
- The existing fire station is not very safe.
- This fire station houses three full-time firefighters.

**3. Questioning of the applicant or representative and others in support of the application by the Commission:**

Commissioner Davis asked, will this firehouse have a community meeting room?

Chief Brown replied, no, our other firehouse has a large meeting room so we would recommend using that one.

Commissioner Douglas asked, has the fire board approved this development?

Chief Brown replied, yes, the funding has been approved.

- 4. Testimony and questions by those opposing the application: None**
- 5. Questioning of the applicant and those opposed to 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:**

Chief Brown's final statement:

- This will be a great benefit for the community.

**END OF PUBLIC HEARING**



Assistant Director Fogle summarized the motion for the Community Facility Review.

**FINDINGS AND DECISIONS**  
**Docket PZ-23-022**  
**Community Facility Review**  
**North Oldham Fire Department**  
**8615 West Highway 42**

Motion was made by Commissioner Douglas and seconded by Commissioner Davis to approve the community facility at North Oldham Fire Department, 8615 West Highway 42, because it is in accordance with the Comprehensive Plan's Future Land Use Map designation of Institutional and because of the following Community Facilities and Services Goals and Objectives:

- Goal CF-1: To provide for needed community facilities and services (where infrastructure can support it) through the wise, planned, and equitable use of the community's monetary, physical, and human resources based on the testimony that was provided by the applicant and was approved by the Fire Department Board.
- Objective CF-1-2: Development priority areas should be given consideration for expansion or new construction of community facilities & services as an incentive for development to locate within these areas based on the testimony that was provided by the applicant and was approved by the Fire Department Board.
- Objective CF-1-3: Inform the community and provide special notice to all interested parties early in the process when developing or expanding community facilities.

The following Condition of Approval is included in this motion.

**Condition of Approval:**

1. The Community Facility Review shall only apply to the presentation and application considered at the October 24, 2023, Oldham County Planning Commission public hearing.

**The vote was as follows:**

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

**NO:** None

**ABSTAIN:** None

**ABSENT:** Commissioners Ender, Marsh and Winters.

**Motion to approve the Community Facility Review passed on a vote of 11-0.**

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**Secretary Christy Edgar called and read Docket:**

**DOCKET PZ-23-023** – An application has been filed by Eagle Creek Golf Club for the approval of a Community Facility Review for a proposed clubhouse located at 2820 South Highway 53, La Grange. The property is zoned Planned Unit Development (PUD) District.

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**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, October 24, 2023).
- Site history.
- Aerial Photos of the site.
- Photos of property.

Jim Silliman, Oldham County Engineer, presented the following:

- Will continue to work with the development team on whether or not a detention basin will be required.
- Will need an Oldham County Storm Water Management Erosion Control permit and a KYR10 permit.

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

John Black, Mayor of La Grange, 108 North Fourth Street, La Grange, was present and sworn in prior to presenting.

- There have been record numbers of golfers and record numbers of income from Eagle Creek Golf Course.
- The vision over time is to make this family-oriented facility.
- Will cost about \$3 million and will not be borrowing any money for this development.
- The management personnel does live on-site.

Trey Krammer, LaGrange City Council, 502 North Fourth Street, La Grange, was present and sworn in prior to presenting.

- Will keep the existing clubhouse until the new clubhouse is built.
- Will have a restaurant in the new clubhouse.
- Will have two golf simulators.
- The on-site manager will have living quarters in the new clubhouse.
- Will have meeting rooms that can be rented.

- The golf cart storage will be in the basement.

Doug Sellers, 3001 Taylor Springs Drive, Louisville, was present and sworn in prior to presenting.

- The pavement in the front will be removed and the pavement around the proposed putting green will be removed.
- The proposed clubhouse will be one story with a basement.

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

**4. Questioning of the applicant and those opposed to the application by the Commission: None**

**5. Questioning of the applicant or representative and others in support of the application by the Commission:**

Commissioner Douglas asked, are there concerns of vapor from the batteries of the golf carts that are being charged in the basement of the proposed clubhouse?

Bill Case, Miranda Construction, 322 East Kentucky Street, Louisville, was present and sworn in prior to replying, will install an exhaust system to remove the fumes from the basement.

Commissioner Douglas asked, who will maintain the system?

Mr. Case replied, the exhaust system is a big exhaust fan and the on-site manager will maintain the system.

Brian Cutter, Miranda Construction, 322 East Kentucky Street, Louisville, was present and sworn in prior to replying, the mechanical designer is putting a hydrogen detective unit in the basement that is automated and will have a sequence of automated operations if it gets over the parts per million that are unsafe and in addition the exhaust system will make six air changes per hour.

Commissioner Hampton stated, that is not unusual to have golf carts stored in the basement.

Commissioner Davis asked, are there plans for tennis courts and swimming pools at this country club?

Mayor Black replied, yes, our vision is to have a family-oriented type of place, however we like to pay as we go and not create debt, so at a later date our vision is to have pickleball courts and possibly have a swimming pool.

**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

Assistant Director Fogle summarized the motion for the application.

### FINDINGS AND DECISIONS

Docket PZ-23-023

Community Facility Review – Clubhouse

2820 S. Hwy 53, LaGrange

Motion was made by Commissioner Falvey and seconded by Commissioner Hampton to approve the community facility review for a clubhouse at Eagle Creek Golf Course, 2820 S. Hwy 53, LaGrange, because it is in accordance with the Comprehensive Plan's Future Land Use Map designation of recreation/open space and because of the following Community Facilities and Services Goals and Objectives:

- Goal CF-1: To provide for needed community facilities and services (where infrastructure can support it) through the wise, planned, and equitable use of the community's monetary, physical, and human resources.
- Objective CF-1-2: Development priority areas should be given consideration for expansion or new construction of community facilities & services as an incentive for development to locate within these areas.
- Objective CF-1-3: Inform the community and provide special notice to all interested parties early in the process when developing or expanding community facilities.
- Goal CF-5: To provide a system that supports public parks, diverse recreation facilities, open spaces and greenways that supports the preservation of the county's natural and scenic resources, wildlife habitats and serves neighborhoods and communities.

### Condition of Approval:

1. The community facility shall only apply to the presentation and application considered at the October 24, 2023, Oldham County Commission public hearing.

### The vote was as follows:

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

**NO:** None

**ABSTAIN:** None

**ABSENT:** Commissioners Ender, Marsh and Winters.

**Motion passed on a vote of 11-0.**

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**Other Business**

None  
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There being no further business, the Planning Commission meeting adjourned at 11:00 am.

The next regular meeting will be Tuesday, November 28, 2023, 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:

Respectfully Submitted:

  
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Greg King, Chairman  
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Christy Edgar, Secretary