

ORIGINAL



PLANNING & ZONING MEETING Minutes of April 16, 2019

Chairperson Dave Hart opened the regular meeting at 7:00 p.m. on the above date, with the Pledge of Allegiance and the following members answering roll call:

Present: Dave Hart, Chair Sonny Markus Ron Johnson
 Nick Reitman Randy Nehus Steven Shinkle
 Tom Wheeler

Also Present: Stephanie Tarter, Admin. Clerk Carol Hofstetter, Zoning Administrator
 Mike Duncan, City Attorney Robert Seitzinger, City Engineer
 Andy Schabell, Mayor

APPROVAL OF MINUTES – March 19, 2019

MOTION: Steven Shinkle made a motion to approve the minutes of March 19, 2019, seconded by Randy Nehus. All in favor, the motion passed 6-0-1, Mr. Hart abstaining.

VISITORS AND GUESTS – None

NEW BUSINESS

W4 Car Wash Site Plan -2 Viewpoint Dr. -

Ben Doster, Monroe, GA: He is from W4 Car Wash and has been working with Ken Perry on the site for over a year. They are excited to do business in Alexandria.

Mr. Seitzinger explained the lot was rezoned to Highway Commercial (HC) in 2016. At the time of rezone, there was no decision on what would go on the site. Bray brought in fill material to bring it up to a usable lot. They ran into some issues with Duke and the gas line that runs through the property, and due to the cost, they would not move it. This limited the size of the usable lot, which in turn limited what could be built on the lot. Since the site is zoned Highway Commercial, a car wash is a permitted use within that zone.

There were some features of the site plan that had to be modified, and the Site Plan to be addressed tonight has all of those modifications. The entrance location did not meet all of the necessary requirements, which is 100 feet spacing at a signalized intersection to the entrance of the proposed car wash. The entrance was an initial concern for the engineers, but the developers have pushed the entrance back as far as possible on a side street, which not on a major roadway. The developers are short by about 40 feet.

Phyllis Menetrey, 57 Viewpoint – She wanted to know why the City needed another car wash when there is one being built just up the street from this location. She expressed concern with a car wash going in at the bottom of Viewpoint, stating that it's already a bad spot with cars turning off 27 onto Viewpoint.

Walt Menetrey, 57 Viewpoint – He wanted to know if the residents of Viewpoint have any say in the car wash going in. He was concerned that he knew nothing about the proposed car wash until today. Mr. Hart explained that the rezoning for this location was approved 2 years ago. Mr. Menetrey also asked where the entrance would be. It was stated that it would be off Viewpoint as the Kentucky Transportation Cabinet would not allow the entrance off US 27.

ORIGINAL

Ken Perry, Ken Perry Realty – Mr. Perry wanted to go on record and thank the former Mayor Rachford, for all of the work he put in with Duke trying to get the gas line moved. Due to regulation changes, Duke decided they were not going to move the gas line. As the city grows, more sites will fall into the same boat because of where the gas line runs.

Nathan Atkinson, 770 Vista View Dr. – He is developing the other car wash in Alexandria. He had concerns about another car wash and had contacted an individual with W4 Car Wash to let them know he was building one as well, and that it might not be the best location. That individual from the company had informed him they would give away free car washes for as long it takes to drive him out of business. He believes this is not the type of business you want operating in the city.

Mr. Atkinson was also told by the City that he had to have designated parking for his employees. When he looked over this site plan, they had parking spots that were also vacuum spots; he was told he was not allowed to do that. Another issue he found was with their menu boards, as they are facing 27 which he believes is a zoning violation. He wants to make sure that everyone is playing by the same rules. He also has a Duke gas line running through his property and they worked with him to come up with a solution.

Brandon Bray, 7000 Thelma Lee Dr. - He has been involved with projects at 1 and 2 Viewpoint Dr. He stated the revised plans have been submitted and the city engineer is in favor of the approval.

He reiterated this is a permitted use within the HC zone and it is not meant to determine who can do business or the number of a particular business. Mr. Hart wanted to make sure there would not be a repeat of what happened with the retaining wall at the Walgreens on 1 Viewpoint. In Mr. Bray's opinion, that retaining wall was not designed properly for the load size and it ended up failing. Mr. Bray has not seen the drawings for the retaining wall at 2 Viewpoint.

Mr. Perry explained neither he nor Mr. Bray had any part in the construction of the retaining wall at Walgreens. The block used for the wall, the salt from the winter, and water draining toward the wall instead of away from it caused that wall to deteriorate. The retaining wall for 2 Viewpoint is made of poured concrete, and an engineer has looked at the site. Mr. Perry also said he is well aware of the sign requirements for the city. Plans for the sign have not yet been submitted. Mr. Perry also said filling over the gas line is not possible as they had 27 feet of fill to bring the lot up to where it is.

Mr. Atkinson wanted to know how people can voice opinions if they don't know what is going to be built in a particular location. Mr. Duncan explained there are two ways to get a zone change, a naked zone change, or in Mr. Atkinson's case, he knew what he wanted to build before requesting a zone change. During a naked zone change there is a list of permitted uses for that particular zone, and people who attended the public hearing are able to voice their opinions.

The future of Viewpoint was brought up and whether there was a chance for it to become a major road. According to the Comprehensive Plan, Mr. Duncan explained Viewpoint will remain residential other than the lot at 2 Viewpoint.

Mr. Seitzinger said there are 4 parking spots designated for the employees, but those are also the vacuum slots. The city engineer did not see any issues with those being the same, but if it is a concern, they could remove them. The submitted plan is not for signage or sign approval, a separate application is required for signs.

Mr. Seitzinger explained the menu board brought up by Mr. Atkinson is the auto sentry and gates that will be at the entrance. He and the city attorney discussed whether these two items would qualify as menu boards, and the decision was it did not qualify as a menu board.

ORIGINAL

Regarding the parking spaces, Mr. Atkinson stated he received an email from the city engineer that he could not have an employee parking slot at a vacuum slot. Mr. Seitzinger asked that Mr. Atkinson produce that email where this statement was made as he does not remember sending such an email, only an email regarding the need for a parking slot for every employee during their peak time. For Mr. Atkinson's business, 1 parking slot is required. He also did not have a handicap accessible slot.

Mr. Duncan addressed the entrance and the 40 feet deficiency. There was some discussion about the second lot that will remain and the access point for it. The question was posed on whether there could be a shared access point for the two lots with a small frontage road leading down to the car wash. Mr. Perry stated that would not be possible because of the amount of fill over the gas line.

Mr. Doster wanted to set the record straight in that when they started this process, Mr. Atkinson had not yet applied for the zoning. Also, they welcome the competition because that is what America was built. As part of their business plan, when they open, they offer free car washes for 30 days to drive up club membership. This is not against Mr. Atkinson's business.

There was discussion about the entrance location in reference to US 27, the offset entrance between the car wash and Walgreens, making the 4 spots for employee parking only and not vacuum spots, the difference between the setbacks of this car wash and Mr. Atkinson's, the speed of vehicles travelling south on US 27, and difficulty working with the State.

Mr. Bray pointed out he worked with the previous Mayor to try to create a program with Duke to help cities that also struggle with the gas line issue. There are a few lots that are currently vacant because of the location of the gas line on the property. Mr. Bray reviewed the plans with the commission to point out particulars and to answer questions they had in reference to traffic flow, entrance, and the gas line.

Mr. Atkinson said Duke did not allow a retaining wall to be built in their gas line easement, but did allow an earth and slope. Mr. Bray agreed, but explained that the issue with this site is crossing the easement perpendicular to the gas line rather than parallel. Mr. Seitzinger was not able to corroborate what Mr. Bray was stating as those are Duke requirements developed by geotechnical engineers and that is not his specialty.

Mr. Wheeler asked when does the commission say a variance is too much to grant. The commission said yes to Mr. Atkinson's site plan and his variance was more than this one. They can't say yes to one and not the other, but when can the city legally deny a variance? Mr. Duncan stated that it comes down to what is reasonable under the circumstances. The next question is whether or not the lot can be developed for anything if they do not allow an access that is reasonable under the circumstances.

MOTION: Sonny Markus made a motion to approve the W4 Development Car Wash Site Plan. Nick Reitman seconded the motion with a friendly amendment to include the revision of the employee parking spaces and the vacuum slots. Mr. Duncan explained that the commission is essentially saying that they have to meet the requirements of the ordinance for parking. Mr. Reitman requested a second friendly amendment to the motion to add language about the hours of operation for the vacuums to be the same as what is required of the other car wash at 7010 Alexandria Pike (believed to be 8:00am-10:00pm.) Mr. Markus agreed to the amendments to the motion. The motion was then brought up for a vote - all in favor, the motion passed 6-0-1, Mr. Hart abstaining.

UNFINISHED BUSINESS – None

INTERNAL BUSINESS

ORIGINAL

Treasurer Report: Randy Nehus presented the Treasurer's Report for April 16, 2019:

Beginning Balance \$15,875.70

Receipts	+250.00	ID Plat for 19-21 Thatcher Avenue; Terry & Mary Stagman
	+445.00	Final Plat approval for The Shire at Arcadia section 8; Drees
Expenses	- 780.00	Ziegler & Schneider Inv #219
	-1,498.50	CT Consultants Inv #190283-2

End Balance \$14,292.20


MOTION: Sonny Markus made a motion to pay invoices, seconded by Steven Shinkle. All in favor, the motion passed 6-0-1, Mr. Hart abstaining.

MOTION: Steven Shinkle made a motion to accept the Treasurer's Report dated April 16, 2019, seconded by Nick Reitman. All in favor, the motion passed 6-0-1, Mr. Hart abstaining.


ADJOURNMENT

MOTION: Nick Reitman made a motion to adjourn, seconded by Steven Shinkle. All in favor, the motion passed with a 6-0-1 vote, Mr. Hart abstaining. Meeting adjourned at 8:32 p.m.

Attested to and submitted by:


Jan Johannemann, City Clerk

Dated 5/8/19


Dave Hart, Chair

Dated 5/7/2019