

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

Tuesday, June 26, 2012

At 9:06 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:

Joe McWilliams	Bob Arvin
John Falvey	K.C. Bart Leet
Bob Klingenfus	Joyce Albertsen
Tom Henrion	Jan Horton
Vicky Grace	Denia Crosby
Kevin Mesker	Laura Bohne

Others present and sworn in were Planning and Development Services Director Jim Urban, Planner Belinda Dimas, and Secretary Amy Alvey. Planning and Zoning Attorney Beach Craigmyle was present.

Approval of Minutes – May 22, 2012

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

Motion carried by unanimous voice vote.

Secretary Alvey called and read Docket PZ-12-013.

DOCKET PZ-12-013 -- Application has been filed by Apple Patch Community, Inc. for a Revised Preliminary Subdivision/Development Plan for 44 apartments and 22 garden homes on approximately 6.7 acres located at 7408 Hwy 329, Crestwood. The applicant is also requesting a waiver of Section 100-040, Minimum Lot Width and variances from Section 100-040, Minimum Side Yard Setback and Section 280-120 of the Zoning Ordinance. The property is currently zoned R-4.

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

Belinda Dimas presented the following:

- Summary of application.
- Site history.
- Notes and Issues.

Ms. Dimas responded to questions from the Commission:

- The park and ride property adjacent to this development is approximately 4.96 acres and will have 125 parking spaces with an access road and shelter.

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

Kevin Young, Land Design & Development, 503 Washburn Ave, Suite 101, Louisville, after being sworn, presented the following:

- Development plan history.
- Development layout will remain the same as approved in 2009 with the exception of adding four apartment units to one complex by converting an 8-plex apartment unit to a 12-plex apartment unit.
- Grant funding for the six Apple Patch garden homes requires each unit to be located on a fee simple lot.
- Requesting a side yard and total side yard variance for all the garden homes from 7.5 feet to 0 feet to allow for common wall construction and subdivision of each unit on its own lot.
- Requesting a waiver from Section 100-400, Minimum Lot Width on lots 13-16 because the property was one lot and now is requesting to be individual lots with each having their own property lines.
- The terminus of the access road is now connected to adjacent park and ride property allowing another access point to the property.

Joe Spoelker, Apple Patch, 7408 Hwy 329, Crestwood, after being sworn, presented the following:

- Apple Patch was awarded \$2.1 million in tax credit funding from the Kentucky Housing Authority in February 2012 which will fund the construction of the six garden homes for the Apple Patch residents.
- Apple Patch is partnering with Stock Yards Bank for financing, Steve Moss to construct the apartment complexes and Rick Buttorff to construct the garden homes.
- Like Celebration Park, each Apple Patch garden home located throughout the development will house three individuals with developmental disabilities and will have a staff member with them 24/7.

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

Judy Crask, 7415 Hwy 329, Crestwood, after being sworn, stated the following:

- Concerned about increased traffic from apartments and requested the Commission consider traffic impact for future developments in the Brownsboro area.

Dianne Lee, 7409 Hwy 329, Crestwood, after being sworn, stated the following:

- Asked for clarification of entrance of the development and spoke in opposition of the apartments.

Betty Ragan, 7433 Hwy 329, Crestwood, after being sworn, stated the following:

- Attending the meeting to speak in opposition to the apartments but now understands that they were approved in 2009 for 40 units and are only seeking approval today of an additional 4 units.

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

Mr. Young responded to questions:

- Provided clarification on the map of the entrance into the development.
- Does not recall if a traffic study was performed in prior years when original development was approved. The minimal change of adding 4 apartment units did not impact the development enough to require a new traffic impact study.
- The requested variance for lot width is on lots 13, 14, 15 and 16. Lots 4 and 8 are at the 50 foot minimum width and could move the buildings back towards the rear of the property if needed.

Mr. Spoelker responded to questions:

- The property located next to the current Apple Patch building is zoned Industrial but may be developed in the future. That property is not part of the plan being considered at the meeting.

- There are no current plans to have Apple Patch residents housed in the apartment complexes, which will be available to the general public at market rate.
- A two bedroom apartment will have a rent range of \$680-\$690 and one bedroom apartments will be under \$600 per month.
- Financing is in place for the infrastructure and the six Apple Patch garden homes, with construction to begin in the fall of 2012.
- Apple Patch garden homes will be required to be completed by the end of 2013.
- Mr. Buttorff has committed to purchasing four lots and building garden homes in the \$140,000-\$170,000 range.
- The four apartment units were added after Mr. Moss reviewed the plans.

Mr. Urban stated that the Tarc Park and Ride program is not related to the Apple Patch Development. Apple Patch donated land towards the project, which is being funded by a grant administered by Oldham County. The parking area will be paved with approximately 125 parking spaces. The current Park and Ride area is located on the other side of I-71 and will be closed once the new area is completed.

Ms. Dimas stated that the current Park and Ride is a gravel lot and not a permanent location. The land is being leased to the County for \$1 per year.

Mr. Urban stated that the Park and Ride should be completed in three years or less.

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

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

Mr. Spoelker responded to questions from the Opposition:

- The six Apple Patch garden homes will be completed by the end of 2013. The completion of the other sixteen units will be determined by the housing market.

Steve Moss, 4121 Meyers Ave, Crestwood, after being sworn, responded to questions from the Opposition:

- Construction of the apartments will begin once the infrastructure is in place and take possession of the land.

(7) **Final statement of the Opposition: None.**

(8) **Final statement of the Applicant:**

Mr. Young stated the plan presented is in compliance with the Comprehensive Plan and thanked the Commission for their time.

END OF PUBLIC HEARING

FINDINGS AND DECISIONS **PZ-12-013- Variance**

Motion made by Commissioner McWilliams and seconded by Commissioner Mesker to approve Docket PZ-12-013, a Variance Request of Section 100-040, Side Yard Setback from 7.5 feet to 0 feet (a variance of 7.5 feet) and Minimum Both Side Yard Setback from 15 feet to 7.5 feet (a variance of 7.5 feet) on lots 1-22 and also from Section 280-120 of the Zoning Ordinance, on property located at 7408 Hwy 329, Crestwood, based on the testimony and evidence presented at today's hearing because:

- It will not adversely affect the public health safety or welfare.
- It will not alter the essential character of the general vicinity.
- It will not cause a hazard or nuisance to the public
- It will not cause an unreasonable circumvention of the requirements of the zoning regulations because:

- Minimal changes made from the original approved plan.
- Grant funding requirement that each garden home be on its own lot.

The vote was as follows:

YES: Commissioners Albertsen, Arvin, Crosby, Falvey, Horton, Grace, Klingenfus, Mesker, McWilliams, Henrion, Leet & Bohne.

No: None.

ABSTAIN: None.

ABSENT: Commissioners Crass & King.

The motion passed on a vote of 12 to 0.

FINDINGS AND DECISIONS

PZ-12-013– Waiver

Motion made by Commissioner Grace and seconded by Commissioner Bohne to approve Docket PZ-12-013, a Waiver of Section 100-040, Minimum Lot Width on lots 4, 8, 13, 14, 15, 16, on property located at 7408 Hwy 329, Crestwood, based on the testimony and evidence presented at today's hearing because:

- Strict compliance with the regulations would create an undue hardship on the applicant.
- The design innovations of the case, which were presented on the plan submitted, will achieve the basic objectives of the regulations.

The vote was as follows:

YES: Commissioners Albertsen, Arvin, Crosby, Falvey, Horton, Grace, Klingenfus, Mesker, McWilliams, Henrion, Leet & Bohne.

No: None.

ABSTAIN: None.

ABSENT: Commissioners Crass & King.

The motion passed on a vote of 12 to 0.

FINDINGS AND DECISIONS

PZ-12-013– Revised Preliminary Subdivision/Development Plan

Motion made by Commissioner McWilliams and seconded by Commissioner Mesker to approve Docket PZ-12-013, a Revised Preliminary Subdivision/Development Plan for 44 apartments and 22 garden homes on approximately 6.7 acres on property located at 7408 Hwy 329, Crestwood, based on the testimony and evidence presented at today's hearing because:

- It complies with objectives LU-1, LU-2 and T-2 of the comprehensive plan, zoning ordinance and the subdivision regulations.
- The requirements of the funding grant that each garden home be on separate lots.
- Preserves the housing pattern of the surrounding homes.

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

1. 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.
2. The development must comply with the Oldham County Fire Hydrant Ordinance.
3. No lot may be further subdivided resulting in a greater number of lots than approved by the Planning Commission.
4. All sinkholes shall be mapped on all drawings, including the construction plans and record plats.
5. All easements requested by any utility or other service agency shall be provided and labeled on the record plat and/or construction plans.

The vote was as follows:

YES: Commissioners Arvin, Crosby, Falvey, Grace, Klingenfus, Mesker, McWilliams, Henrion, Leet & Bohne.
No: Albertsen & Horton
ABSTAIN: None.
ABSENT: Commissioners Crass & King.

The motion passed on a vote of 10 to 2.

Extension of Expiration—Cherry Glen

Mr. Robert Shell, 5863 Sugar Hill Drive, Houston, Texas, Crestwood, after being sworn, presented the following:

- Requested an extension of expiration for Cherry Glen until July 22, 2014.
- Description of Cherry Glen development and location.
- No construction has taken place on the property.
- Property is mowed multiple times during the year.

Mr. Urban stated that the property is located within the City of LaGrange and was originally approved by the City as well as the Commission.

Motion made by Commissioner Horton and seconded by Commissioner Crosby to approve the extension of expiration for Cherry Glen Development ending July 22, 2014.

The vote was as follows:

YES: Commissioners Albertsen, Arvin, Crosby, Falvey, Horton, Grace, Klingenfus, Mesker, McWilliams, Henrion, Leet & Bohne.
No: None.
ABSTAIN: None.
ABSENT: Commissioners Crass & King.

The motion passed on a vote of 12 to 0.

Extension of Expiration—Artisan Fields

Mr. Dennis Pollard, 1060 Stage Coach Road, LaGrange, after being sworn, presented the following:

- Requested an extension of expiration for the highlighted section on the plat map of Artisan Fields until July 22, 2014.
- Description of Artisan Fields development and location.
- Other portion of Artisan Fields was sold by Citizens Union Bank to two separate individuals and is not part of the extension request.

Motion made by Commissioner Arvin and seconded by Commissioner Falvey to approve the extension of expiration for the highlighted portion as noted on the plat for Artisan Fields Development ending July 22, 2014.

The vote was as follows:

YES: Commissioners Albertsen, Arvin, Crosby, Falvey, Horton, Grace, Klingenfus, Mesker, McWilliams, Henrion, Leet & Bohne.
No: None.
ABSTAIN: None.
ABSENT: Commissioners Crass & King.

The motion passed on a vote of 12 to 0.

There being no further business, the meeting adjourned at 10:20 a.m. The next regular meeting is scheduled for Tuesday, July 24, 2012, at 9:00 a.m. in the courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Respectfully Submitted:

Amy Alvey, Secretary

Approved:

Kevin Jeffries, Chairman