

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

**Tuesday, July 28, 2015**

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 | Bob Arvin      |
| Sam Finney      | Mary Ann Smith |
| Laura Bohne     | Jan Horton     |
| Denia Crosby    | Greg King      |
| William Douglas | Joe McWilliams |

Others present and sworn in were Planning and Development Services Director Jim Urban, Community Planner Brooke Radcliffe. County Attorney John Carter was present. Senior Planner Amy Alvey was the Secretary for the meeting.

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**Approval of Minutes – June 23, 2015**

Motion was made by Commissioner Bohne and seconded by Commissioner Finney to approve the June 23, 2015 minutes as submitted.

Motion carried by unanimous voice vote.

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**Secretary Alvey called and read Docket PZ-15-010 & Docket PZ-15-011:**

**DOCKET PZ-15-010** - Application has been filed by Claymont Springs Villas, LLC for the approval of a Zoning Map Amendment on approximately 7.2 acres. The property is located at Claymont Crossing, Crestwood. The proposed change is from R-2 Residential to R-4 Residential.

**DOCKET PZ-15-011** - Application has been filed by Claymont Springs Villas, LLC for the approval of a Preliminary Subdivision Plan for 27 lots on approximately 7.2 acres to be known as Villas at Claymont Springs. The property is located at Claymont Crossing, Crestwood. The proposed zoning is R-4 Residential.

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

Planner Brooke Radcliffe presented the following:

- Summary of application
- Notes and Issues (Exhibit A: Staff Report dated July 28, 2015)
- Site history
- Aerials and photos of site

Jim Urban, Director, informed the Commission that the Study Review Committee has been discussing national building trends which shows smaller homes on smaller, maintenance free lots and reduced side yard setbacks. Discussions have also occurred regarding a new zoning classification called Planned Residential District which allows this type of development.

Jim Urban responded to questions by the Commission:

- The Commission will make three separate motions.
- The applicant has included their deed restrictions with their application but they are civil agreements between landowners and are not enforced by Planning & Development staff.

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

Ray Roelandt, Attorney, 6506 West Highway 22, Crestwood was present to speak on behalf of this application:

- Proposed site location was part of Claymont Springs Section II but was never developed due to the drop in the economy.
- Claymont Springs is a mixed use development which includes commercial sites, single family homes and patio homes.
- There is a demand for smaller homes on smaller lots with homeowners still wanting high end finishes and amenities.
- The proposed covenants, conditions and restrictions (CCRs) for the Villas will be separate from Claymont Springs Section I but speak of the same common elements such as the signature entrances.
- In the copy of the CCRs provided to the Commission there is a correction on Page 7, 3.3 b and c, Minimum Floor area and should read as follows:
  - The total floor area of a one-story residence shall be a minimum of one thousand three hundred (1,300) square feet.

- The total area of a two-story residence shall be a minimum of one thousand six hundred (1,600) square feet.
- Gave history of the developers for the Villas which includes Billy Doelker, Palmer Cole and Andy Ballinger.

Kevin Young, Land Design & Development, 503 Washburn Ave, was present and sworn prior to speaking on behalf of this application:

- Overview of existing zoning of property and surrounding area.
- Overview of proposed development; 27 fee simple lots and 3 open space lots.
- No home will have direct access to Claymont Crossing Drive.
- Neighborhood meeting was well attended with questions mainly about drainage and types of homes that were going to be built.
- Overview of detention basins and storm water plan.

Billy Doelker, Key Homes, 4751 Fox Run Road, Buckner, was present and sworn prior to speaking on behalf of this application:

- Homes in proposed development will be built by Key Homes and Bentley Homes.
- Type of homes being proposed is what is currently in demand; maintenance free living on your own lot and not attached like condominiums and patio homes.
- Home designs will be similar to those in the Villas of Rock Springs.

Frank Chumley, 6502 Hypoint Ridge Road, Crestwood, was present and sworn prior to speaking on behalf of this application:

- Currently lives in Claymont Springs.
- Is familiar with the type of development proposed, is an excellent use of the vacant property and should serve as a model for land uses this size.

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

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

Kevin Young responded to questions by the Commission:

- The variance is to allow the side yard setback to go from 7.5 feet to 5 feet for a total of 10 feet between structures.
- Both areas to the east and west are designated open space and areas for detention.

- The storm water system for the proposed development was designed to stub into the existing system of Claymont Springs which was originally designed to include the storm water from this section.
- The footprint of a home if built to all the required setbacks would be approximately 40-feet by 70-feet, or 2,800 square feet.
- On the lots that have the 15-foot sewer easements the variances are technically not needed because the sewer easement would be 7.5 feet on each side. No construction is allowed in the utility easement and the home could not be any closer than the 7.5 feet.

Attorney Roelandt responded to questions by the Commission:

- Clarified minimum floor area for the floor plan types.
- Claymont Springs Section I has their own CCRs which speak to the common areas and signature entrances and the Villas will have their own CCRs.
- Concerns from the neighbors expressed at the neighborhood meeting were elevations of homes, construction of homes (exterior) and square footages. The meeting lasted around 90 minutes.
- There is a master deed recorded for the Gardens of Claymont Springs (patio homes) and CCRs have also been recorded for Section 1.

Chairman Jeffries reminded the Commission that they do not approve the CCRs and can only make comments or suggestions.

Billy Doelker responded to questions by the Commission:

- The lots will be 50 feet wide and have a 40 foot building footprint.
- The Villas owners will pay a monthly homeowners fee into their association and will also pay an annual fee into Claymont Springs HOA to maintain the signature entrances.
- The proposed layout is a rebranding of many patio home developments that fell through or went under during the fall in the economy.
- Currently no landscape plans to provide a berm or screening along the rear of the lots. All adjoining property owners were notified and there were no concerns about buffering.
- The 1,500 minimum square footage would be for homes that are 1 ½ stories.
- The monthly maintenance fee would be around \$175-\$200 per month which would include master insurance policy.
- Minimum lot size is 6,000 square feet.

A motion was made by Commissioner McWilliams and seconded by Commissioner Finney to add ten additional minutes to the questioning of the applicant. Motion carried by unanimous voice vote.

Jeff Sled, Appraiser, 123 Travois Road, Louisville, was present and sworn prior to responding to questions by the Commission:

- Real estate broker and appraiser for 23 years.
- Villas of Rock Springs is a prime example of a patio home development that did not succeed and was rebranded into a single family development on small lots, the same as being proposed today.
- Villas of Rock Springs was a 150 lot development and was built out in two years.

**(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. Young stated that the zoning request to R-4 Residential allows the developer to utilize a small piece of land and implement a product that is in demand on fee simple lots. The required open space for this size development is 6,750 square feet and the proposed plan has 39,526 square feet of open space.

Mr. Roelandt stated there is a demand for this type of development and studies have shown that it is the future of construction for local communities. Developers and builders need to be attentive to the needs of our changing demographics. This is a prime location and is a perfect example of where this type of development fits in our community. Respectfully asked for approval of the zoning change, variance and preliminary subdivision plan.

## **END OF PUBLIC HEARING**

### **FINDINGS AND DECISIONS**

**PZ-15-010**

**Zoning Map Amendment**

Motion was made by Commissioner King and seconded by Commissioner McWilliams to recommend approval to the City of Crestwood Docket PZ-15-010, application for a Zoning Map Amendment on approximately 7.2 acres, from R-2 Residential to R-4 Residential, located at Claymont Crossings, Crestwood, to be known as Villas at Claymont Springs because:

- It complies with the objectives of the Comprehensive Plan as outlined in the application relating to land use, transportation and environmental.
- Neighborhood meeting attendance in excess of twenty individuals and no opposition testimony present at today's hearing.
- Changes along the Highway 329 corridor area and the migration to fee simple lots which was not contemplated during original design of the development.
- National trend of aging population shows the desire or request to have smaller homes with a smaller footprint, high-end amenities and maintenance free living.

The vote was as follows:

**YES: Commissioners Albertsen, Arvin, Bohne, Crosby, Douglas, Finney, Horton, King, McWilliams and Smith.**

**NO: NONE**

**ABSTAIN: NONE**

**ABSENT: Commissioner Falvey, Klingenfus, Mesker and Zimlich**

Motion passed on a vote of 10-0.

### **FINDINGS AND DECISIONS**

**PZ-15-011**

#### **Side Yard Setback Variance (7.5 feet to 5 feet)**

Motion was made by Commissioner King and seconded by Commissioner Finney to approve the Side Yard Setback Variance from 7.5 feet to 5 feet because:

- It will not adversely affect the public health, safety or welfare
- It will not allow an unreasonable circumvention of the requirements of the zoning regulations because:
  - There was no one present speaking in opposition of the changes requested
  - The development has adequate open space.

The vote was as follows:

**YES: Commissioners Arvin, Bohne, Crosby, Douglas, Finney, Horton, King, McWilliams and Smith.**

**NO: Albertsen**

**ABSTAIN: NONE**

**ABSENT: Commissioner Falvey, Klingenfus, Mesker and Zimlich**

Motion passed on a vote of 9-1.

### **FINDINGS AND DECISIONS**

**PZ-15-011**  
**Preliminary Subdivision Plan- Villas at Claymont Springs**

Motion was made by Commissioner Horton and seconded by Commissioner Bohne to approve Preliminary Subdivision Plan for 27 lots on approximately 7.2 acres to be known as Villas at Claymont Springs because:

- It complies with objectives LU 1, LU 1-2, LU 1-3, LU 2-1, LU 2-3 and LU 2-4 of the comprehensive zoning ordinance and subdivision regulations.

**Binding Elements:**

1. There shall be no subdivision of any lot into a greater number of lots without review by the Oldham County Planning Commission.
2. This approval is for 27 building lots only.
3. The development plan must comply with the Oldham County Fire Hydrant Ordinance.
4. The construction standard and maintenance of driveways and parking areas shall be sufficient to prevent the tracking of mud or debris onto public streets.
5. Sinkhole locations, if any, shall be shown on the record plat.

The vote was as follows:

**YES: Commissioners Albertsen, Arvin, Bohne, Crosby, Douglas, Finney, Horton, King, McWilliams and Smith.**

**NO: NONE**

**ABSTAIN: NONE**

**ABSENT: Commissioner Falvey, Klingenfus, Mesker and Zimlich**

Motion passed on a vote of 10-0.

**A ten minute recess was called to allow setup for the next docket.**

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**Secretary Alvey called and read Docket PZ-15-012 & Docket PZ-15-013:**

**DOCKET PZ-15-012** - Application has been filed by Norton Properties, Inc. for the approval of a Zoning Map Amendment on approximately 2.34 acres. The property is located at 6321 Veterans Memorial Parkway, Crestwood. The proposed change is from R-2 Residential to C-3 General Business.

**DOCKET PZ-15-013** - Application has been filed by Norton Properties, Inc. for the approval of a Development Plan on approximately 2.34 acres. The property is located at 6321 Veterans Memorial Parkway, Crestwood. The proposed zoning is C-3 General Business.

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

Planner Brooke Radcliffe presented the following:

- Summary of application
- Notes and Issues (Exhibit A: Staff Report dated July 28, 2015)
- Site history
- Aerials and photos of site

Ms. Radcliffe clarified that there will only be one monument sign and the development plan distributed to the Commission shows three. The free standing sign will be located at the corner of the property at Veterans Memorial Parkway and the school entrance road.

Director Urban responded to questions by the Commission:

- The comments at the TRC meeting by KYTC have been clarified with Dianne Zimmerman, Traffic Engineer, that the anticipated trips generated by the medical office would not warrant a traffic assessment or study. To warrant a traffic assessment the development would have to generate more than 20 peak-hour trips and have an entrance on the road with greater than 1,500 Average Daily Trips (ADTs). Kenwood Crossing Road anticipated ADTs is 1,200, which included Wal-mart, and the proposed development would only have 18 peak-hour trips. KYTC requested that the traffic counts at Kenwood Crossing and Veterans Memorial Parkway to confirm that traffic mitigation was not needed at this phase and applicant provided those numbers to them. After reviewing the numbers KYTC decided that a light was not warranted to the increase in traffic by this development.

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

Josh Club, Attorney, Brammell & Clubb, 206 N. Second Street, LaGrange, was present to speak on behalf of this application:

- Introduction of engineers and Norton staff.
- Summary of zoning request to go from R-2 Residential to C-3 Commercial.

David Boone, Norton Properties, 315 E. Broadway, Louisville, was present and sworn in prior to speaking on behalf of this application:

- History of Norton Healthcare.

- Anticipate construction to begin January 2016 and be completed by October 2016.
- Will have at total of 7 healthcare providers and 23 staff members once fully staffed.
- Hours of operation for the medical office will be Monday thru Friday 8am-5pm, Wednesday 8am-8pm and Saturday 8am-12pm.
- The urgent care center will be open daily from 9am-9pm.

John Addington, BTM Engineering, 3001 Taylor Springs Drive, Louisville, was present and sworn in prior to speaking on behalf of this application:

- Gave overview of existing detention basins, elevations, parking, location of building, landscape buffer and utility easements.
- Total site is 2.34 acres, site work will be on 1.4 acres. The remainder of the land will be graded and seeded to have a nice lawn.
- No plans to disturb the gas easement area.
- Provided location of sanitary sewer line.

Rob Candler, BTM Engineering, 3001 Taylor Springs Drive, Louisville, was present and sworn in prior to speaking on behalf of this application

- Detention will be offsite and anticipate 12-16,000 cubic feet of runoff.
- Proposed bio-swale will assist in storm water runoff but uncertain at this stage how much it will handle but will work with the County Engineer on the storm water plan.

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

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

Mr. Boone responded to questions by the Commission:

- The Pewee Valley office will close and move to this location.
- There is a medical office located down the street but they do not provide urgent care.
- No plans at this time to include mental health services at the proposed location.
- Building will have wall signs and the monument sign will be illuminated.
- The first physician is relocating so the first 3 jobs will not be new jobs in the County.

**(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:**

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

Attorney Clubb stated that the proposed commercial development is a needed service and will not only be beneficial to the residents of Crestwood but also to those in the surrounding area. The plans submitted adequately address landscaping, storm water drainage as well as site design. The Commission’s time and consideration is appreciated.

Mr. Clubb provided a sample motion to the Commission for consideration (Exhibit B).

**END OF PUBLIC HEARING**

**FINDINGS AND DECISIONS  
PZ-15-012  
Zoning Map Amendment**

Motion was made by Commissioner King and seconded by Commissioner Douglas to recommend approval to the City of Crestwood Docket PZ-15-012, application for a Zoning Map Amendment on approximately 2.34 acres, from R-2 Residential to C-3 Commercial/General Business District, located at 6321 Veterans Memorial Parkway, Crestwood, because:

- The existing zoning classification given to the property is no longer a suitable use due to the intensity of the development in the area along the Highway 329 corridor.
- No evidence or testimony to find that the proposed change is in conflict with the Comprehensive Plan and meets the goals and objectives as outline in the applicant’s application.

The vote was as follows:

**YES: Commissioners Albertsen, Arvin, Bohne, Crosby, Douglas, Finney, Horton, King, McWilliams and Smith.**

**NO: NONE**

**ABSTAIN: NONE**

**ABSENT: Commissioner Falvey, Klingenfus, Mesker and Zimlich**

Motion passed on a vote of 10-0.

**FINDINGS AND DECISIONS  
PZ-15-013  
Development Plan**

Motion was made by Commissioner McWilliams and seconded by Commissioner Arvin to approve the Development Plan for Norton Properties, on approximately 2.34 acres, located at 6321 Veterans Memorial Parkway, Crestwood, because:

- The proposed plan complies with the comprehensive plan and zoning ordinance and supported by evidence provided by the applicant and staff report.

**Binding Elements:**

1. Any amendments to the development plan must be reviewed by the Oldham County Planning Commission.
2. The development plan must comply with the Oldham County Fire Hydrant Ordinance.
3. All easements requested by any utility or other service agency shall be provided and labeled on the record plat and/or construction plans.
4. The development plan must comply with the Oldham County Fire Hydrant Ordinance.
5. A landscape plan must be submitted to staff for review and approval.

The vote was as follows:

**YES: Commissioners Albertsen, Arvin, Bohne, Crosby, Douglas, Finney, Horton, King, McWilliams and Smith.**

**NO: NONE**

**ABSTAIN: NONE**

**ABSENT: Commissioner Falvey, Klingenfus, Mesker and Zimlich**

Motion passed on a vote of 10-0.

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**OTHER BUSINESS:**

Ms. Alvey advised the Commission that at this time there have not been any filings for the August meeting but the deadline is tomorrow. If any filings are received an email will be sent out to the Commissioners to inform them of the August meeting.

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There being no further business, the meeting adjourned at 11:32 p.m. The next regular meeting is scheduled for Tuesday, August 25, 2015, at 9:00 a.m. in the courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Respectfully Submitted:

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Amy Alvey, Secretary

Approved:

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Kevin Jeffries, Chairman