

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

**Tuesday, October 28, 2014**

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	Sam Finney
Bob Arvin	Jan Horton
Laura Bohne	Greg King
Denia Crosby	Bob Klingenfus
William Douglas	Kevin Mesker
John Falvey	Mary Ann Smith

Others present and sworn in were Planning and Development Services Director, Jim Urban, Planning and Development Services Assistant Director, Brian Davis and Community Planner, Amy Alvey. Also present was Administrative Assistant Ethel Foxx and County Attorney John Carter.

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**Approval of Minutes - August 26, 2014 Oldham County Planning Commission meeting minutes.**

Motion was made by Commissioner Crosby and seconded by Commissioner King to approve the August 26, 2014 minutes as submitted and corrected.

Motion carried by unanimous voice vote.

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FOR THE RECORD: Chairman Jeffries and Commissioner Mesker recused themselves from participating in Dockets PZ-010 and PZ-011. Vice Chairman Greg King will preside over the hearing.

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**Secretary Foxx called and read Docket PZ-010:**

**DOCKET PZ-14-010** – Application has been filed by Carl and Carol Greer for the approval of a Zoning Map Amendment for a 1.66 acre tract located at 2125 W. US Highway 42, LaGrange. The proposed Zoning Map Amendment is from C-1 Local Business to AG-1 Agricultural/Residential.

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

Assistant Director Brian Davis presented the following:

- Summary of application.
- Notes and Issues (Exhibit A dated October 28, 2014)
- Site history.
- Aerials and photos of site.

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

Carl Greer, Jr., 2125 W. US Highway 42, LaGrange, was present and sworn prior to speaking on behalf of this application:

- Purchased property from a developer and feels the property is best suited as residential rather than commercial.

Albert Harrison, 114 McMakin Manor, LaGrange, was present and sworn prior to speaking in behalf of this application.

- Does not remember a request like this having come before the Commission in the past.
- The property is leftover prior to the construction of Interstate I-71 when there were restaurants and hotels along Highway 42 which are now all gone.

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

**(4) Questioning of the applicant:**

Mr. Greer responded to questions by the Commission:

- Is retired and now has the time to prepare future plans for the property.

- Has no plans to build his personal home on the property, but wishes to sell the property for residential use in the future.

**(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:** None.

**END OF PUBLIC HEARING**

**FINDINGS AND DECISIONS**

**DOCKET PZ-14-010**

**Zoning Map Amendment from C-1 to AG-1**

**2125 W. US Highway 42, LaGrange**

Motion was made by Commissioner Arvin and seconded by Commissioner Horton to approve Docket PZ-14-010 because:

- It complies with the objectives of the comprehensive plan.
- The existing zoning classification given to the property is inappropriate.

The vote was as follows:

YES: Commissioners Klingenfus, Smith, Albertsen, Arvin, Bohne, Crosby, Falvey, Finney, Douglas, and Horton.

NO: None

ABSTAIN: None

ABSENT: Commissioners Mesker, McWilliams, Zimlich, and Jeffries.

Motion passed on a vote of 10-0.

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**Secretary Foxx called and read Docket PZ-14-011:**

**DOCKET PZ-14-011** – Application has been filed by Hills Land & Development Company for approval of a Preliminary Subdivision Plan to create 71 lots on 32.5 acres to be known as Heather Ridge. The property is located on the east side of Cedar Point Road, approximately

200 feet south of the intersection of Cedar Point Road and Heather Green Boulevard, LaGrange. The property is zoned R-2 Residential

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

Community Planner Amy Alvey presented the following:

- Summary of application.
- Notes and Issues (Exhibit A dated October 28, 2014)
- Site history.
- Aerials and photos of site.

Dianne Zimmerman, Oldham County Traffic Engineer presented the following:

- Traffic assessment (Exhibit B) and the impact study of 2004.
- Presented the 2003 Capacity map showing that area operates at a Level Service C or better.
- Presented the trip generation numbers for morning and afternoon peak hours.

Ms. Zimmerman confirmed to the Commission that there was no analysis; however, the count was made to confirm the numbers at Heather Green Boulevard and Cedar Point Road.

**(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:

- Heather Ridge Subdivision is to be located on 32 acres on the east side of Cedar Point Road, to the south of Heather Green Subdivision and to the west of Stonefield Trace.
- There are no waivers, variances or zone changes required for the proposed subdivision.
- A report from the Oldham County Board of Education has been presented showing adequate school capacity (Exhibit C).
- The proposal shows community connectivity which has been emphasized by the Commission especially for emergency, egress and ingress issues.
- The proposed subdivision meets the Goals and Objectives of the Comprehensive Plan, such as the land use element, is compatible with the surrounding neighborhoods, and the applicant has addressed environmental and transportation concerns.
- The proposed subdivision is a worthwhile subdivision plan and will enhance the economic vitality of the County.

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

- Presented (Portions of Exhibit A) subdivision plan to be known as Heather Ridge Subdivision located on 32 acres on Cedar Point Road.
- Showed access point off Cedar Point Road.
- Will be developed in phases, about 20 lots per section beginning at Cedar Point Road.
- Outlined the roadway layout and two stub streets.
- The terrain is rolling and the developer will not have to do anything extraordinary in developing the property.
- Stonefield Trace subdivision does stub into this development at Chelsea Meadow Way.
- Proposing a four way stop, median and curved roadway along Chelsea Meadow Way to help slow traffic down.
- There should be no issues of cut-through traffic in Heather Green due to the location of the entrance.
- There are 1.3 acres of green space and the existing pond will be reconstructed and used as a retention basin and sized 20 percent over the requirement.
- Explained features that will be added for additional green space in the development and will provide a landscape buffer along Cedar Point Road.
- Will meet the concerns of the Oldham County Water District regarding water pressure.
- Have met with neighbors to get their feedback and alleviate their concerns.
- Met with Beth Stuber and Victor Peak regarding the subdivision entrance and plan to shift the entrance to the north to increase site distance.

Scott Speers, Land Design & Development, 503 Washburn Avenue, Louisville, was present and sworn prior to speaking on behalf of this application.

- Explained how drainage will flow and how the lots will be graded for proper drainage.
- The subdivision plan shows how drainage flows along Cedar Point Road with a series of catch basins and head walls.
- Gave an overview of the sewer system.

Michael Copfer, Hills Properties and Inverness Homes, 4901 Hunt Road, Cincinnati, Ohio, was present and sworn prior to speaking on behalf of this application:

- Has developed several subdivisions in the Louisville area and has been very successful
- Developed Madison Park in the Crestwood area in 2003.

- Hills Land Development and Hills Properties are the parent company; the single family homes are built under Inverness, a subsidiary of Hills Land Development.
- Gave the history of the business and developments in Oldham and surrounding counties.
- Presented a map (Exhibit D) showing the areas where they have developed throughout the state.
- Presented several design photos (Exhibit E) of two-story and ranch style model homes showing the interior and exterior.
- Provided details as to how the homes are energy efficient and can be custom built to fit the lots and can make design changes per customer request.
- Average home value will be \$300,000 to \$500,000.

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

Jennie and Denis McAuliffe, 1602 Cedar Point Road, LaGrange, were present and sworn prior to speaking in opposition to this application.

- Major concern is water runoff to the north from this development which directly impacts their property.
- Presented aerial photos (Exhibit F) of their property and clarified location of their home, bridge and creek.
- When there is heavy rain the creek floods the property and bridge which prevents tenants from leaving or entering the property.
- Presented several photos (Exhibit G) of the property during a flood event.
- The bridge is approximately 22 feet long and there is 5 feet from the floor of the bridge to the creek area.
- Upstream debris comprised of garbage, garbage cans, swing sets and tree limbs have blocked the water flow at the bridge during rain events.
- Concerned that the proposed development has small lots with large homes on them causing more water runoff.
- Have owned the property since 1970 and have watched the creek grow.
- Ask if there is any way the developer can deter the water from dumping into Darby Creek which will in turn empty into Marcum's lake and will overflow the same time the creeks do.
- Request that the lot size be increased similar to the adjoining properties as this is a rural area and a berm be placed along Cedar Point Road.
- Concerned what the proposed development will do to the value of their property.

Joseph John, 1800 Cedar Point Road, LaGrange, was present and sworn prior to speaking in opposition to this application.

- Reiterated what the McAuliffes stated.
- Has been Oldham County residents since 1988 and Cedar Point residents since 1992.
- Property sits on Darby Creek which becomes a torrential river during a heavy rain event and is cutting new channels due to the developments.
- Not against new development but want to protect the environment for their children and grandchildren and not worry about E. coli in the creek.
- Requests that the Commission ensure that environmental checkpoints are done and that the new development will not impact Darby Creek, Harrods Creek and ultimately the Ohio River.

Jason Morgan, 2610 Stonefield Lane, LaGrange, was present and sworn prior to speaking in opposition to this application.

- President of Stonefield Trace home owner's association.
- Concerned that not having minimum square footage restrictions will affect their property values.
- As good faith to neighborhoods request their deed restrictions state the minimum square footage and build homes similar in size to the adjoining subdivisions.
- Request improvements such as widening and curbing along Cedar Point Road due to additional traffic.
- Request that the developer and Commission work together to deter traffic from the proposed development from using Chelsea Meadow Way as a cut-through by placing collapsible pylons at the stub street that would deter regular traffic but allow emergency vehicles to drive over them.

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

The McAuliffes responded to questions by the Commission:

- Clarified the location of their home, the location of the creek and how it flows behind Mr. John's home.
- Hired a contractor to construct the bridge on their property which has concrete head walls and deck.

Mr. Morgan responded to questions by the Commission:

- Minimum square footage requirement for Stonefield Trace is about 2,200 square feet for a ranch, 2,500 square feet for a story and a half and 2,700 square feet for a two-story.

Mr. Copfer of Hills Development responded to questions by the Commission:

- Rather than considering square footage, they concentrate on the buildable area to accommodate any size home desired.
- Communities like Stonefield Trace have only a four-page deed restriction and Heather Ridge deed restrictions will be around 40 pages.
- Hills Development typically does not include square footage minimums in the deed restriction.
- They will require minimum square footage if the Commission wishes but would rather not.
- It is required that every house design be approved by Hills Development and meet their standards before construction begins.
- No construction traffic will be allowed to use Chelsea Meadow Way to the development through Stonefield Trace.
- Willing to put up a barricade should the Commission require it but stub street connections are a requirement by the County.

Administrator Urban responded to the Commission as follows:

- Historically CCR's and deed restrictions are not approved by the Planning Commission because they are considered a civil agreement between property owners.
- The fire district lines were drawn years ago and when it came to review as to who would provide fire protection, both South Oldham Fire District and LaGrange Fire District responded that they could provide adequate fire protection to the area.
- The subdivision will be constructed in phases with the last phase connecting to Stonefield Trace Subdivision which limits construction traffic, if any, through that subdivision.

Michael Williams, Director of Pupil Personnel, Oldham County School Board, was present and sworn prior to responding to questions by the Commission:

- The School Board Transportation Director would have stated if the requirements had not been met for the school bus turn-around.
- Recently finished the growth projections and school attendance is not growing therefore there would be adequate capacity in the schools during the six to eight years build out.
- Explained how school capacity is determined at the high school and elementary school levels.

Beth Stuber, Oldham County Engineer, was present and sworn prior to responding to questions by the Commission.

- There has been discussion that neither cul-de-sac meets the required 39 foot radius but would have school bus access.
- Confirmed how they intend to make improvements to Darby Creek which does have a high yield of E. coli.

Brian Davis responded to the Commission as follows:

- The cul-de-sac roads are below the school board's road length threshold so buses will not be going down them; therefore, there are no concerns in meeting the school board's normal cul-de-sac radius.

Kevin Young responded to questions by the Commission:

- Can divert the stormwater and not cause any problems to Randy Schureck's property that is still being used for agricultural use.
- Mr. Schureck was satisfied with the stormwater plan because they can reduce fifty percent of the current run-off towards his property.
- The subdivision design is very typical and all the homes will sit above the street.
- As to the entrance on Cedar Point Road, it will be shifted 30 feet to the north to align better with the driveway across the street and will not have significant changes to the lay of the first lot.
- Confirmed that drainage into Heather Green flows into the pond (which has been reconstructed) but exits into Darby Creek; Mr. Perkins had informed him that in all the rain events, it has never been inundated with water.
- Confirmed that the proposed subdivision is on sewers.

Time was extended 10 additional minutes to allow continued testimony.

- They have done more than required on the pond and have done a good job of addressing properties to the South.
- Stormwater runoff towards Darby Creek has not been a concern.
- Agrees to look at the McAuliffe's property and make a commitment as part of the condition of approval if there are any issues.
- As part of the TRC review, they did increase the radius for the cul-de-sacs to 39 feet even though a school bus will not use those cul-de-sacs.

Diane Zimmerman responded to questions by the Commission as follows:

- The traffic assessment was based on traffic counts made on September 30 and October 1, 2014 at Heather Green Boulevard and Cedar Point Road.
- The original assessment for Heather Green, Section 2 was completed as a full traffic study in April of 2004.

**(5) Rebuttal evidence and Cross Examination by the Applicant:**

Attorney Roelandt stated the following:

- Questions have been adequately addressed regarding detention and run-off concerns.
- Studied the history of this company and they have not had issues regarding square footage requirements although it will be controlled.
- As to connectivity to adjoining subdivisions, that is up to the Commission to decide.

Mr. Young stated the following:

- Have addressed the McAuliffes' concerns and agree to a condition of approval that the detention area will be oversized 20 percent.
- Have had a site analysis from Redwing and minimal features along the pond and the property do not meet the qualifications as wetlands. It does need some attention to have proper drainage which will be addressed.
- There will be a 50 foot landscape buffer along Cedar Point Road that will mimic the buffering and landscaping of Heather Green.
- Agrees to not allow construction traffic through Stonefield Trace Subdivision.

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

Mr. Morgan of Stonefield Trace asked Mr. Copfer to read the minimum square footage requirements for some of the neighboring subdivisions. Heather Green which is 2,000 square feet, Stonefield Trace is 2,200 square feet and Reserves at Deerfield is 1,500 square feet.

The McAuliffes have concerns with tractor trailers traveling from the plant located at Highway 146 to Cedar Point Road. There is also truck traffic from Highway 146 to Highway 393 that travel at high speeds and that is a big concern. Mr. McAuliffe is concerned as to the size of the detention basin.

At this time, Administrator Urban responded to Mr. McAuliffe that according to testimony, they will do a detention analysis and will detain 20 percent more than what is required.

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

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

Attorney Roelandt stated that a good plan has been presented to the Commission. The developer has a good track record and has been in business for a long time. This development will not need any variances or waivers and he requests that the Commission approve this plan.

**END OF PUBLIC HEARING**

**FINDINGS AND DECISIONS**

**Docket PZ-14-011**

**Preliminary Subdivision Plan - Heather Ridge**

Motion is made by Commissioner Falvey and second by Commissioner Finney to approve Docket PZ-14-011, Preliminary Subdivision Plan for Heather Ridge Subdivision because

- It complies with objectives of the comprehensive plan, the zoning ordinance, the subdivision regulations and the drainage requirements.

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

**Conditions of Approval:**

1. There shall be no changes to the development plan without review by the Oldham County Planning Commission.
2. An encroachment permit and bond will be required for all work done in the right-of-way (which is on Cedar Point Road).
3. The plan must comply with the Oldham County Fire Hydrant Ordinance.
4. There shall be no direct access to Cedar Point Road from any individual lot.
5. A comprehensive sediment and erosion control plan shall be developed and implemented on the proposed development project.
6. As to the phasing plan, a three year build out plan shall allow 25 (building permits) in 2015, 25 in 2016 and 21 in 2017.
7. The road connecting to Chelsea Way into Stonefield Trace shall not be opened to the public until the last phase or at 80% completion of the subdivision.
8. The entrance is to be moved across from the driveway on Cedar Point Road and completed at the construction plan phase.
9. The developer is to work with the County Engineer and the Board of Education on the phasing plan, the temporary turn-around for buses and emergency vehicles if necessary during the construction phase.
10. In terms of stormwater, further detention analysis should be conducted to show the development detains 20 percent greater than the requirements in the regulations.

11. The developer is to continue to work with the property owner to the south to ensure there shall be no storm water impact to crops or property.
12. There is to be a 50 foot landscape buffer along Cedar Point Road similar to that in Heather Green.

The vote was as follows:

YES: Commissioners Albertsen, Arvin, Bohne, Crosby, Falvey, Finney,  
Douglas, Horton, Klingenfus and Smith.  
NO: None  
ABSTAIN: None  
ABSENT: McWilliams, Zimlich, Jeffries and Mesker.

Motion passed on a vote of 10-0.

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**OTHER BUSINESS:**

**Bylaw Amendments – Section 11 Study and Review Committee – Standing Committee:**

Brian Davis presented the changes to Article 11 of the Bylaws for the Planning Commission and the Study and Review Committee:

- Changes are due to how the Committee is really operating.
- The number of SRC members is changing from 5 to 6 members and therefore changing the quorum from 3 to 4.
- The appointment schedule is for a two year cycle.
- The meeting day is typically the fourth Thursday of the month.
- The time has changed from 6:00 p.m. to 5:00 p.m.
- The meeting place is the Fiscal Court Building.
- Recommendations from the Study Review Committee must be submitted to the Planning Commission between 7 and 21 days before the Planning Commission meeting.

Motion was made by Commissioner Albertsen and seconded by Commissioner Crosby to approve the amended Bylaws.

Motion carried by unanimous voice vote.

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There being no further business, the meeting adjourned at 11:45 a.m. The next regular meeting is scheduled for Tuesday, November 26, at 9:00 a.m. in the courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Respectfully Submitted:

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Ethel Foxx, Secretary

Approved:

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Kevin Jeffries, Chairman