

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

Tuesday, November 26, 2013

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	Jan Horton
Bob Arvin	Greg King
Laura Bohne	Bob Klingenfus
Denia Crosby	Kevin Mesker
Sam Finney	Joe McWilliams
Tom Henrion	Mary Ann Smith

Others present and sworn 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.

Approval of Minutes September 24, 2013

Motion was made by Commissioner Albertsen and seconded by Commissioner McWilliams to approve the minutes of September 24, 2013, with corrections on Page 17 regarding Dogwood Estates to read, "Massie School Road will be widened from the intersection of Zhale Smith Road South to the proposed subdivision entrance".

Motion carried by voice vote.

Approval of Minutes October 22, 2013

Motion was made by Commissioner King and seconded by Commissioner Crosby to approve the minutes of October 22, 2013 as submitted and corrected.

Motion carried by voice vote.

Docket PZ-13-019 was called and read by Secretary Foxx:

DOCKET PZ-13-019 - Application has been filed by Ballardsville Rural Fire Protection District for approval of a Community Facility Review for a new fire station to be located at 2414 W. Highway 22, Crestwood. The zoning is R-2 Residential.

Introduction of the application by staff and questions by the Commission:

Assistant Director Brian Davis presented the following:

- Summary of application.
- Site History
- Aerials and photos of property.
- Notes and Issues (Exhibit A dated 11.16.13)

Mr. Davis responded to questions from the Commission:

- The proposed building will be in addition to the Ballardsville Fire Station.
- There is an identified area of need in lowering response times for emergency and fire services in the area.

Administrator Urban responded to questions from the Commission:

- Explained CF-1-2, Item 2: Review Community and Service Plans
 - When one looks at the existing development patterns in the county, it is an attempt to coordinate all services and utilities in areas that are growing.
 - This is being reviewed to determine if the community facility is best located for their service area, in particular, the fire district and response time.
 - There have been issues in the community as the maximum distance of five miles from the fire station to homes has raised issues with fire protection and insurance.

(1) Presentation by the applicant in support of the application:

Rick Godsey, Godsey Associates Architects, 207 West Market Street, Louisville, was present and sworn prior to speaking on behalf of this application.

- Presented site plan for the new facility to be located on Highway 22 (Exhibit B).
- There will be two separate entrances, one for the fire trucks and one off Montfort Lane to keep emergency responding vehicles away from the public.
- They have complied with all zoning setbacks.
- Presented drawing of proposed building giving dimensions and the materials that will be used for construction (Exhibit C).

Steve Fante, Chief of Ballardsville Fire Department, was present and sworn prior to speaking on behalf of this application.

- One reason for the proposed building is to help lower insurance rates.
- In order to comply with insurance regulations a fire department must be under five miles from every residence in the district.
- Homeowners Insurance rates can drop in half if fire stations are within five miles of every house.
- Tax dollars will pay for the proposed building and therefore can offer the use of the community area for birthdays, homeowners association meetings, training opportunities, etc.
- They are also working on a safe room should there be severe weather.

- Should there be a tornado warning, the trucks will be pulled out of the building; there are plans for an outdoor weather siren.
- Croftboro Farms residents were given the opportunity of signing a yes or no vote for the amendment, and that was accomplished.

Bob Vinsand, Vinsand Engineering Land & Surveying, 306 West Jefferson Street, LaGrange, was present and sworn prior to speaking on behalf of this application.

- Referred to Exhibit B, site plan showing location in the Centerfield area.
- The entrance on Highway 22 near the intersection of Montfort Lane has been reviewed by KYTC and given verbal approval and the second entrance on Montfort Lane was given verbal approval by Beth Stuber, County Engineer.
- Explained drainage from the building to the detention basin and the septic system will be taken care of with a lateral field which has been reviewed and approved by the Oldham County Health Department.
- There is a 12-foot Oldham County Water easement which has a 16-inch water main.
- Explained the following objectives:
 - Objective CF-1-2:**
 - A fire department is critical and needed by the community.
 - The purpose of this fire department is to lower response time, the ability to get insurance and the ability to lower rates for property owners.
 - All utilities are on site and will have enough volume of water for filling of the tanker trucks which is very important.
 - Objective LU-1-3:**
 - This is a site that has been looked at for many years; there has been much planning and forethought on the project.
 - Objective E-2-6:**
 - Have developed a preliminary site plan, and the architect will prepare the building plans and an extensive landscaping plan for proper screening due to the residential area.
 - Objective G-1-1:**
 - They are providing a service to the tax payers in an area that is needed at this time.
 - Objective CF-1-4:**
 - Plan should be reviewed by the Planning Commission; public notices were mailed to adjoining property owners as required.

Geoff Arth, 2118 Outer Circle Drive, Crestwood, was present and sworn prior to speaking on behalf of this application.

- Lives in Croftboro Farms and was on the Board of Directors at Croftboro Farms.
- The proposal was able to get 75 % of the neighborhood vote; this is something that everyone feels should be there.
- Looks forward to fire department moving closer to their neighborhood.

(2) Testimony and questions by those opposing the application: NONE

(3) Questioning of the applicant by the Commission:

Bob Vinsand responded to questions from the Commission:

- As part of the engineering design calculations, a detention basin must be put in place and the flow that is leaving the site cannot exceed what is there before development.
- They do not expect any disruption in water flow as there is nothing that the Fire Department will do out of the ordinary.
- The sinkholes will be covered with impervious concrete and GEM Engineering will recommend the actual treatment procedure.
- Explained how the sinkholes will be filled and if properly done there should be no settling.
- As to the sink hole closest to Highway 22, water going into the sinkhole will be significantly decreased.
- Showed the location of the lateral field area which must be a minimum of 25 feet from the water line; the water line must be shown on the construction plans and sinkholes must be a minimum of 25 feet from the water lines.
- There are four white pines on the adjoining property and landscaping is planned to keep minimal impact from the headlights.

Chief Fante responded to questions from the Commission:

- The capacity planned for the community room is for 50 people; the 25 by 25 foot safe room will have all concrete walls; he is not sure what that capacity will be.
- There are no plans for a traffic fire signal.
- There are plans to install generators which can power the entire facility.
- Signage will be placed on the building.
- There are plans for living quarters in the future; presently there is a crew Monday through Saturday, from 8 a.m. to 5 p.m.

Mr. Godsey responded to questions from the Commission:

- Pointed out on the drawing of the building where the front of the building is to be located and the building will face Highway 22; there will be three 14 foot apparatus bays.
- There is a door to the right rear side of the building which is actually a maintenance type bay and not a response bay; it will face towards Centerfield.
- Showed the location of the adjoining house located to the rear of the proposed building; the house faces the side road.

(4) Rebuttal evidence: NONE

(5) Rebuttal evidence and Cross Examination by the Opposition: NONE

(6) Final statement of the Opposition: NONE

(7) Final statement of the Applicant: NONE

END OF PUBLIC HEARING

Administrator Urban informed the Commission that the Community Facility Review is to allow public comment. The Commission is to review the Community facility with regard to compliance with the Comprehensive Plan. There have been recommendations by staff and the Applicant's engineer. It is the Commission's job to accept the community review plan as submitted or the Commission can accept with recommendations. There was testimony that there will be a landscape plan and staff will review those plans should the Commission wish to recommend.

FINDINGS AND DECISIONS
PZ-13-019
Community Facility Review for a New Fire Station

Motion was made by Commissioner McWilliams and seconded by Commissioner Albertsen to approve Docket PZ-13-019, Community Facility Review submitted by the Ballardsville Protection District because:

- The proposal is consistent with the goals and objectives of the Comprehensive Plan.
- For reasons shared by the Ballardsville Fire Department, the major one being response time and the other one, insurance rates.

Conditions of Approval:

- The approval shall only apply to the plan considered at the November 26, 2013 Oldham County Planning Commission public hearing.
- Landscaping plans are to be submitted prior to construction for review.

The vote was as follows:

YES: Commissioners Henrion, Horton, King, Klingenfus, Mesker, McWilliams, Smith, Albertsen, Arvin, Bohne, Crosby and Finney

NO: None

ABSTAIN: None

ABSENT: Commissioners Falvey and Zimlich

The motion passed on a vote of 12-0.

DOCKET PZ-13-020 – Application has been filed by Lewis Carlisle for approval to amend a binding element attached to the original approval of Highgrove Subdivision (Docket Number PZ-08-016) and remove “Future Road A” from the Highgrove Subdivision preliminary subdivision plan. The development is located at Highgrove Lane and W. Mt. Zion Road, Crestwood. The property is zoned R-2 Residential.

FOR THE RECORD, Chairman Jeffries stated that Commissioner Bohne had to leave and will not be present for this docket.

Introduction of the application by staff and questions by the Commission:

Assistant Director Brian Davis presented the following:

- Summary of application
- Site History
- Aerials and photos of property
- Notes and Issues (Exhibit A November 26, 2013)

Beth Stuber, Oldham County Engineer, 100 West Jefferson Street, LaGrange, was present and sworn prior to speaking on behalf of this application.

- Stated that in her opinion it is not a good idea to build this stub road now.
- It will most likely be a road to nowhere, will eventually disintegrate, and will not add to the subdivision.
- If it were ever needed, it would have to be rebuilt.
- She is neutral as to whether or not the right-of-way should remain.

Mr. Davis responded to questions from the Commission:

- Referred to the note on the plan and stated that at the time of the hearing there was discussion that the Planning Commission did not agree with Note #14.
- The Planning Commission wanted the road paved as they did not want to have to rely on someone else to pave it in the future being the reason for that binding element.
- Confirmed that the note was not to be put on the record plat.
- Nothing about the adjoining property owner reconstructing the road was to be put on the record plat, but the Commission wanted the road and stub to be included and paved.

At this time, Commission members had questions regarding stub roads. Chairman Jeffries suggested that the Commission continue with the hearing while staff does more research regarding stub roads.

1. Presentation by the Applicant in support of the Application:

Ray Roelandt, Attorney, 6506 West Highway 22, Crestwood, was present and sworn prior to speaking on behalf of this application.

- Highgrove Subdivision was approved in 2008 and in 2010, applicant, Lewis Carlisle reduced the number of lots from 32 to 28 lots.
- Mr. Carlisle is now requesting the Commission to eliminate the binding element regarding the stub road.
- William Wakefield, adjoining property owner, has many concerns and is not in favor of developing the stub road (Exhibit B Letter from W. Wakefield).
- The property viewed in the photo is heavily wooded beside the development and on the Wakefield side of the property (Exhibit C).
- It is an environmentally sensitive area as there are one or two sinkholes; if the road were built, it would lead to nowhere.
- The property is heavily forested and it may have not been wise to incorporate into the plan as there are sinkholes on the property; however, it was, and was listed as a binding element that the stub road be paved.
- Section 1 was developed and Section 2 has gone to record that excluded the property on one side of the stub street.
- It is requested that the Planning Commission will agree not to require the stub road as the original plat was approved.
- Letter (Exhibit D) from Jeff and Kelly Anderson (adjoining property owners) was presented requesting the elimination of future road A for several reasons; there will be no need for connectivity to the Wakefield Farm at this time as there is much road frontage on Mt. Zion and Todd's Point Road.

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

- Very concerned from the beginning regarding the paving of a stub road to nowhere as the adjoining property owners had no intentions for development.
- Concerns of deterioration of the stub road and a nuisance for the subdivision.
- Stub road shown (Exhibit E) would cause the removal of more trees and also stub into the Wakefield farm which is a treed area.
- Propose to create a property line down the middle of the 60 foot access and eliminate the right-of-way; that would allow the construction of a home on either side and could preserve those trees.
- Presented a plan (Exhibit F) showing the sinkholes on the property.
- One of the requirements when presenting a plan is to disclose the sinkholes and stay out of the area and would be good to leave it undisturbed.
- There was an agreement that should the Wakefield property be developed, that a pedestrian access be allowed for adults and kids to pass through the large lot subdivision.

Timothy Wakefield, 8403 Todds Point Road, Crestwood, was present and sworn prior to speaking on behalf of this application.

- Confirmed that the correct acreage of the Wakefield farm is 306.2 acres and just a little over two miles of road frontage, one mile on Todds Point and one mile on Mt. Zion Road.
- Opposed to the stub road as he is concerned it would be used for dumping.
- Farm was intentionally left wooded as family uses the area for recreation and hunting.
- There are no intentions of developing the land anytime soon.

(2) Testimony and questions by those opposing the application: NONE

(3) Questioning of the applicant by the Commission:

Lewis Carlisle, 7300 Highgrove Lane, Crestwood, having been sworn, responded to questions from the Commission:

- Referred to aerial photo and showed location of the stub road; it was at the end of the paved road at the time the photo was taken.
- Showed where the Anderson's property is located at Lot 5.
- Although he is open to the idea of the walking easement, William Wakefield is not, according to his letter.
- It is suggested to do away with the stub road and therefore would be logical to add a portion to the existing Lot 5 and to the lot yet to be recorded.
- The Andersons have gone to deed and their property line does adjoin the stub road.

Administrator Urban explained that the stub road has not been put to record; Section 1 did not include the 60 foot right-of-way and basically is still with the remainder of the land. There has been no commitment and the lot has not been platted; anything can be done with that.

- Attorney Roelandt responded to the Commission that the property had been owned by the Marguerite Wakefield Living Trust, consisting of three siblings; Mary Esterle, Tim Wakefield and Bill Wakefield. Since the plat was prepared, it has been transferred to Bill Wakefield.

- Tim Wakefield responded to the Commission that he fully supports the elimination of the stub road.

DISCUSSION REGARDING STUB ROADS

Administrator Urban explained and confirmed that this property is not considered landlocked. They can rely on the frontage on Mt. Zion Road to Highgrove as there is plenty of access for emergency vehicles. Confirmed that a second entrance is required when there are more than 200 homes.

Attorney Carter read a portion of Page 19 of the Subdivision Regulations pertaining to stub roads. He stated that although stub streets are required, it may be waived by the Commission. He read the findings to Highgrove which only stated that there shall be a stub street.

Administrator Urban stated that he watched the original hearing for Highgrove Subdivision and read the minutes. Beth Stuber stated she saw no value or need for the stub road, and the Board of Education saw no need for the stub road. The adjoining property owner is not planning any development and does not want development. Administrator Urban recommends the Commission waive the requirement of the previously approved binding element.

Attorney Carter read a portion of the regulations regarding waivers that, "... the Commission can waive the requirements of the regulations to the extent necessary to relieve the undue hardship"

(4) Rebuttal evidence: NONE

(5) Rebuttal evidence and Cross Examination by the Opposition: NONE

(6) Final statement of the Opposition: NONE

(7) Final statement of the Applicant:

Attorney Roelandt stated that when Section 2 went to record, they did not get near this stub street. The old plat shows Lots 5 and 6 because the lots had not yet been numbered for the subdivision. Because this subdivision has ample green space, large lots and the number of lots has been reduced to 28, it makes no sense to put in a road that leads to nowhere. It makes no sense for the County to maintain that road. Adjoining property owner Mr. Wakefield stated that it is not logical to stub a road to his 300 acres. There is ample road frontage at Mt. Zion Road and Todds Point Road, and there will always be access to that land. The request is in keeping with the tenor of the subdivision. He requested that the Commission do the right thing and remove that statement from the binding element.

END OF PUBLIC HEARING

Discussion

Administrator Urban stated that the application is to remove the binding element and effectively waive the requirement for the stub street. There was testimony regarding the environmentally sensitive area for both the subject property and the Wakefield property due to the treed area and the desire to support the removal of the binding element. It is up to the Commission whether or not it is necessary to keep the stub street.

Administrator Urban confirmed that the additional right-of-way is considered Future Lot 22.

Attorney Carter stated that there needs to be a motion to waive the Subdivision Regulations, Section 5.3C4E which requires stub streets in a development. The reasons being that not to do so would impose an exceptional hardship on the developer and the adjoining property owner. The developer did agree to a binding element regarding future lot 22.

FINDINGS AND DECISIONS
PZ-13-020
Amendment of Binding Elements/Conditions of Approval
For Highgrove Subdivision

Motion is made by Commissioner King and seconded by Commissioner Smith, to approve Amendment of Binding Element/Conditions of Approval, specifically Condition of Approval Number 10 for Highgrove Subdivision, and granting a *Waiver of Subdivision Regulations Section 5.3C4E, based on testimony during the hearing:*

- There has been exceptional hardship imposed by this requirement.
- The area in question is environmentally sensitive.
- The roadway would support no desired ingress or egress.
- There is no opposition.
- The adjoining property owner has provided testimony in support of this application.

Conditions of Approval:

1. The approval shall only apply to the plan considered at the November 26, 2013 Oldham County Planning Commission public hearing.
2. Future Road A shall be eliminated and the area shall be incorporated into either or both of the adjoining lots.
3. All other conditions of approval from Docket Number PZ-08-016 shall remain in effect.

The vote was as follows:

YES: Commissioners Smith, McWilliams, Mesker, Klingenfus, King, Horton, Albertsen, Arvin, Finney and Henrion

NO: None

ABSTAIN: Commissioner Crosby

ABSENT: Commissioners Bohne, Falvey and Zimlich

The motion passed on a vote of 10-0-1.

OTHER BUSINESS

1. Motion was made by Commissioner Albertsen and seconded by Commissioner Crosby to appoint Commissioner Smith to the SRC Committee. Motion passed by unanimous voice vote.
2. Assistant Director Brian Davis informed the Commission Members that the Statement of Goals and Objectives will be going to Fiscal Court on December 3rd. The City of Crestwood had it's first hearing and Pewee Valley and LaGrange will be holding their meeting December 2 and 3rd. If it passes through Fiscal Court, the second public hearings will be held in January 2014.

There being no further business, the meeting adjourned at 11:05 a.m. The next regular meeting is scheduled for Monday, December 16 at 9:00 a.m. in the courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Respectfully Submitted:

Ethel Foxx, Secretary

Approved:

Kevin Jeffries, Chairman