

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

Monday, December 14, 2015

At 9:03 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 Acting Chairwoman Denia Crosby.

Other Commission members present were:

Joyce Albertsen	Bob Arvin	Laura Bohne
John Falvey	Sam Finney	William Douglas
Jan Horton	Bob Klingenfus	Kevin Mesker
Joe McWilliams	Mary Ann Smith	

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

Approval of Minutes – October 27, 2015

Motion was made by Commissioner McWilliams and seconded by Commissioner Albertsen to approve the October 27, 2015 minutes as amended.

Motion carried by unanimous voice vote.

Docket PZ-15-020 – An application has been filed by Louisville Water Company for approval of a Community Facility Review for an elevated storage tank and booster pumping station to be located as the intersection of Old Highway 1793 and Rose Island Road, Prospect.

Mr. Urban announced that Docket PZ-15-020 has been withdrawn by the Louisville Water Company.

Secretary Alvey called and read Docket PZ-15-022 & 023:

DOCKET PZ-15-022 - Application has been filed by Steve Moss for the approval of a Zoning Map Amendment on approximately 0.80 acres. The property is located at 6153 West Highway 146, Crestwood. The proposed change is from O-2 Office to R-4 Residential.

DOCKET PZ-15-023 – Application has been filed by Steve Moss for the approval of a Development Plan on approximately 0.80 acres. The applicant is also requesting a variance from Section 100-040, Residential District Property Development Regulations (rear yard setback). The property is located at 6153 West Highway 146, Crestwood. The proposed change in zoning is R-4 Residential.

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

Ms. Radcliffe presented the following:

- Summary of application
- Notes and Issues (Exhibit A: Staff Report dated December 14, 2015)
- Site history
- Aerials and photos of site

Ms. Stuber responded to questions from the Commission:

- The agency comments noted on the drawing are not due yet, but assumes all will be addressed.

Mr. Radcliffe responded to questions from the Commission:

- Is not aware of any previous variances required from the previous construction.
- The tall trees shown in the photos are on the subject property and the binding elements outline a 10-foot landscape buffer.
- The privacy fence runs parallel to Cottage Lane.

Mr. Urban responded to a question from the Commission:

- The rear yard setback variance is only required because the applicant has not been able to purchase subject property yet but plan to purchase it for the project.

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

Ray Roelandt, 6506 West Highway 22, Crestwood, attorney for the applicant, was present to speak on behalf of this application:

- The need for the variance is only a technicality because the back property line is going to go away when the additional property is purchased eliminating the need for the variance.
- This is the third phase of the Camden Wood project.

- The use of the property for apartments is an excellent fit because of the mixed use of land in the vicinity.
- Justification statement has been provided for the variance and zoning change and the existing zoning is no longer appropriate.

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

- The neighboring residents of The Cottages asked that the trees along the property line remain and the privacy fence be extended, but otherwise are pleased with the project.
- The building is turned sideways so that residents do not have KY 146 at their front door.
- Sidewalk will be continued with four board fence, stone columns and evergreen hedge.
- The building will be the same as owner's project already constructed in Apple Patch.
- Minimal trees will be removed.
- Project will be connected to sanitary sewers.

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

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

Mr. Young responded to questions from the Commission:

- There are two handicapped parking spaces for the new structure for a total of six overall handicapped spaces in the development.
- There are four units upstairs and eight downstairs units for a total of 12 units.

Steve Moss, 4112 Meyers Avenue, Crestwood, the applicant, was present and sworn in prior to speaking.

Mr. Moss responded to questions from the Commission:

- Residents of The Cottages had questions regarding the fencing and setbacks but not additional landscaping buffering.

Mr. Young responded to questions from the Commission:

- The plan was revised to meet the needs of the neighbors who asked that the building be pushed forward about six feet to maintain a similar distance from the back property line.

Mr. Urban responded to questions from the Commission:

- The variance will apply only to this development plan by binding element.
- Recommendation goes to the City of Crestwood and if approved, the zoning change would remain on the property, even if the purchase deal falls through. Any changed or

new development plan would have to come back to the Planning Commission for review.

Mr. Moss responded to questions from the Commission:

- The zoning change stays with the land, but the development plan stays with the project.
- Mr. Beard asked for the four-board fence not to be built as outlined in the binding elements because he (Mr. Beard) did not want to have to maintain it. The privacy fence adjoining Mr. Beard's property was constructed but the four-board fence was not.

(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. Roelandt stated that the proposed plan is an extension of existing project and is a perfect use of the land. The plan meets the goals and objectives of the Comprehensive Plan.

END OF PUBLIC HEARING

FINDINGS AND DECISIONS

PZ-15-022

Zoning Map Amendment

Motion was made by Commissioner McWilliams and seconded by Commissioner Bohne to recommend approval to the City of Crestwood for Docket PZ-15-022, application for a Zoning Map Amendment on approximately 0.80 acres at 6153 West Highway 146, from O-2 Office and R-4 Residential because:

- It complies with the goals and objectives of the Comprehensive Plan as per the staff report and applicant's justification statement which were presented to the Commission.
- The proposed zoning is appropriate because there have been major changes of an economic, physical or social nature within the area which were not anticipated in the adopted Comprehensive Plan and the character has changed to mixed use.
- There is a demonstrated need for additional residential rental property in this area.

Discussion:

Mr. Urban responded to questions from the Commission:

- The current vote is only for the zoning of the property. This does not consider the requested variance.

The vote was as follows:

YES: Commissioners Albertsen, Arvin, Bohne, Falvey, Finney, Douglas, Horton, Klingenfus, Mesker, McWilliams, Smith

NO: NONE

ABSTAIN: NONE

ABSENT: Commissioner King, Chairman Jeffries

Motion passed on a vote of 11-0.

FINDINGS AND DECISIONS

PZ-15-023

Variance: Rear Yard Setback

Motion was made by Commissioner Arvin and seconded by Commissioner Douglas to approve the rear yard setback variance, Docket PZ-15-023, because it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow for an unreasonable circumvention of the requirements of the zoning regulations because of evidence presented.

The vote was as follows:

YES: Commissioners Albertsen, Arvin, Bohne, Falvey, Finney, Douglas, Horton, Klingenfus, Mesker, McWilliams, Smith

NO: NONE

ABSTAIN: NONE

ABSENT: Commissioner King, Chairman Jeffries

Motion passed on a vote of 11-0.

FINDINGS AND DECISIONS

PZ-15-023

Development Plan

Motion was made by Commissioner Albertsen and seconded by Commissioner Mesker to approve the development plan because it complies with the Comprehensive Plan, the zoning ordinance and the subdivision regulations. The approval is contingent upon the strict adherence to the binding elements of approval listed below.

BINDING ELEMENTS:

1. There shall be no changes to the development plan without review by the Oldham County Planning Commission.
2. The development plan must comply with the Oldham County Fire Hydrant Ordinance.

3. Applicant is required to submit a landscape plan for review by staff. Landscape plan shall include a 10-foot buffer along the property line between Tract 2 and the Cottages of Crestwood development to the north.
4. All agency comments from the Technical Review Committee must be addressed in the construction plans.
5. Trees along the north property line, and along the Highway 146 border are to be maintained unless they become diseased, damaged, or a safety hazard.

The vote was as follows:

YES: Commissioners Albertsen, Arvin, Bohne, Falvey, Finney, Douglas, Horton, Klingenfus, Mesker, McWilliams, Smith

NO: NONE

ABSTAIN: NONE

ABSENT: Commissioner King, Chairman Jeffries

Motion passed on a vote of 11-0.

OTHER BUSINESS:

- The election of officers will be postponed until January.
- SRC meeting notifications will go out as the meetings are scheduled.
- The 2016 meeting and filing date calendar has been provided to Commission members.

There being no further business, a motion was made by Commissioner Falvey and seconded by Commissioner Smith to adjourn the meeting at 10:14 a.m. Motion passed by unanimous voice vote.

The next regular meeting is scheduled for Tuesday, January 26, at 9:00 a.m. in the courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Respectfully Submitted:

Belinda Dimas

Approved:

Denia Crosby, Acting Chairwoman