

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

**Monday, December 16, 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	Kevin Mesker
Denia Crosby	Joe McWilliams
John Falvey	Mary Ann Smith
Sam Finney	Robert Zimlich
Tom Henrion	

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 – November 26, 2013**

Motion was made by Commissioner Albertsen and seconded by Commissioner Henrion to approve the minutes of November 26, 2013 as submitted with corrections.

Motion carried by unanimous voice vote.

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Docket PZ-13-021 was called and read by Secretary Foxx:

**DOCKET PZ-13-021** – Application has been filed by GPS Investments LLC for approval to amend a binding element attached to the original approval of Camden Wood (Docket Number PZ-11-008). The development is located at Camden Wood Place and W. Hwy 146, Crestwood. The property is zoned R-4 Residential.

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

Assistant Director Brian Davis presented the following:

- Summary of application.
- Site History
- Aerials, photos and site plan of property
- Notes and Issues (Exhibit A dated December 16, 2013)
- Applicant is requesting amendment of binding element #6 as he no longer requires a four board fence as originally requested.
- The four board fence was a request of the adjoining property owner; however, that property owner feels he no longer needs that fence.

**(2) Presentation by the applicant in support of the application:**

Steve Moss, GPS Investments, 4112 Myers Avenue, Crestwood, was present and sworn prior to speaking in behalf of this application.

- Presented letter from adjoining property owner, Dick Beard, requesting the elimination of binding element #6 (Exhibit B).
- Mr. Beard states in the letter that he no longer requires the four board fence to be installed and withdraws his request for that requirement.

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

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

Mr. Moss responded to the Commission as follows:

- It was Mr. Beard's request to remove the Binding element requiring the four board fence as he does not want the fence there.
- Binding element #6 specifically refers to the four board fence from the front to the right-of-way.

Administrator Urban explained that originally the fence was requested to keep people from cutting through the properties. There is a privacy fence from the front façade of the Beard's building back to the rear property line and therefore, part of the Binding element is in place.

**(5) Rebuttal evidence: 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**  
**PZ -13-021**  
**Amendment of Binding Element #6: Camden Wood**

Motion was made by Commissioner King and seconded by Commissioner Mesker to amend Binding Element #6 by removing the portion which reads, "Applicant shall construct a four board fence from Highway 146 to the back of the front porch of the improvements on the adjoining property of Beards," which was attached to the original approval of Camden Wood Place.

**Conditions of Approval:**

1. The approval shall only apply to the plan considered at the December 16, 2013 Oldham County Planning Commission public hearing.
2. All other binding elements from Docket PZ-11-007 and PZ-11-008 shall remain in effect.

**The vote was as follows:**

**YES: Commissioners Horton, King, Mesker, McWilliams, Smith, Zimlich, Albertsen, Arvin, Bohne, Crosby, Falvey, Finney**

**NO: Commissioner Henrion**

**ABSTAIN: None**

**ABSENT: Commissioner Klingenfus**

**The motion passed on a vote of 12-1.**

A ten minute recess was taken at this time to prepare for the next application.

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Docket PZ-13-022 was called and read by Secretary Foxx:

**DOCKET PZ-13-022** – Application has been filed by Longwood LLC for approval of a Preliminary Subdivision Plan to create 45 lots on 22.7 acres to be known as Harmony Pointe. The property is located at KY 1793 and W US Hwy 42, Goshen and is zoned R-2 Residential.

**FOR THE RECORD:** Commissioner Bohne has requested to recuse herself from Docket PZ-13-022.

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

Assistant Director Brian Davis presented the following:

- Summary of application.
- Site History
- Photos of property

- Plans of proposed subdivision.
- Notes and Issues (Exhibit A of December 16, 2013)
- The plan meets all the subdivision regulations.
- Staff has requested additional landscaping along KY Highway 1793 and U.S. Highway 42 to allow buffering to preserve the rural character of the corridor.
- Confirmed that the existing pump station will remain and another will be added near U.S. Highway 42.

Mr. Davis responded to questions from the Commission:

- Pointed out the locations of the existing pump station and proposed pump station.
- Because the Applicant has not changed the plan and there has been no re-design since the TRC meeting, it is not necessary to receive Fire Department approval.
- There are no open space requirements for property zoned R-2.

Diane Zimmerman, Traffic Consultant, Jacobs Engineering, 11940 U.S. Highway 42, Goshen, was present and sworn prior to speaking on behalf of this application.

- Presented the traffic assessment giving the a.m. and p.m. peak hour trips (Exhibit B).
- Per request from the State Highway Department a left turn lane of 220 feet in length would need to be constructed at that location.

Ms. Zimmerman responded to questions from the Commission:

- Confirmed the number of trips into the subdivision.
- Numbers were based on study and data; may generate more than 42 trips during school traffic.
- The major thoroughfare plan is from 2003 however, the Planning Commission has requested that data to be updated.

Administrator Urban confirmed to the Commission that there are no long range plans or funds available from the State or KIPDA to widen that road.

Michael Williams, Oldham County School Board, 6165 West Highway 146, Crestwood, was present and sworn prior to speaking on behalf of this application.

- Have looked at the numbers as to capacity for the schools in the area.
- The new redistricting was not approved when the capacity letter was requested.
- North Oldham High School will be at 77 percent capacity, North Middle at 91 percent and Harmony Elementary (gaining a portion of Liberty) at 100 percent.

Mr. Williams responded to questions from the Commission:

- He will request written confirmation as to those numbers from the School Board Attorney.
- Confirmed that relief from the capacity at Harmony will come with the future construction of Brownsboro Elementary.

Administrator Urban responded to the Commission that the Board of Education has a limit of 40 units per year, and this development plan is for 45 lots.

**(2) Presentation by the applicant in support of the application:**

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

- Presented an overall site map showing adjacent streets and contours for the proposed 45 lot subdivision.
- A 0.7 acre site will be provided for open space.
- Harmony Pointe will be developed by the same group that developed Longwood Subdivision which is adjacent to the subject property.
- Although minimum 80 foot wide lots are required in R-2 zoning, they are proposing 90 foot lot widths.
- Had a neighborhood meeting and because of the concern from the Lions Club, the right-of-way has been dedicated along U.S. Highway 42 to accommodate any future improvements.
- Because of concerns from the Conners, adjoining property owners, a soil and erosion control plan will be provided especially to respond to any of their concerns.
- The trees at Lots 35 and 36 will remain to protect the site lines at KY Highway 1793 and U.S. Highway 42.
- There will be a berm so that the detention basin will not be visible from U.S. Highway 42.
- Confirmed that the apron at the entrance to U.S. Highway 42 has been installed and lines up with the Lions Club entrance.
- Showed existing entrance to the pump station off KY Highway 1793 that will be removed as part of this development; a driveway will be cut at Lot 26 that will service the existing pump station.

James Gonda, Project Engineer, Land Design & Development, 503 Washburn, Louisville, was present and sworn prior to speaking on behalf of this application.

- Showed location of the second pump station which will serve the eastern portion of the property.
- Wastewater plant will have capacity for the flow generated by this development.
- There are two proposed detention basins and an existing detention basin at Longwood for added capacity of run-off from this development.
- Confirmed that a left turn lane will be constructed as requested by the Transportation Cabinet; will have a 220 foot accommodation to take care of State's concerns.
- Stated all requirements for plan review and soil and erosion controls will be met.
- Will incorporate best management practices and follow all local, state and federal regulations required prior to construction.

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

Gregg Kastman, 13326 Westbury Way, Goshen, was present and sworn prior to stating concerns regarding this application.

- He and other neighbors (from Longwood Subdivision) are present and are not here to oppose as they have a great rapport with Main Street Realty.
- Have safety concerns regarding U.S. Highway 42 as the proposed subdivision abuts their neighborhood and other nearby neighborhoods that may create traffic jams during morning and afternoon school traffic.
- There is only one lane either way on U.S. Highway 42, and those exiting KY Highway 1793 rarely stop to get onto U.S. Highway 42.
- Request trees remain for privacy between the existing neighborhoods.

Richard Barksdale, 13311 Westbury, Goshen, was present and sworn prior to stating concerns regarding the proposed subdivision.

- Main Street Realty has done a good job of developing Longwood and has been very cooperative.
- The traffic flow is a concern and requests the speed limit be lowered on Highway 42.
- Concerned regarding the 1793 intersection as it is hard to make a left turn onto Highway 42.
- Concerns with erosion and how that will be addressed for the proposed subdivision.
- Asks how the developer will incorporate visual distinction between Longwood and the proposed subdivision.

Katy McAllister, 1801 Hampton Way, Goshen, was present and sworn prior to stating her concerns regarding the proposed subdivision.

- Her property adjoins the proposed subdivision and she is concerned with erosion.
- When it rains, the basin floods and water flows over the big pipe; concerned how that will affect the trees and property.
- Since Liberty Elementary will be going away and Harmony Elementary may already be at 100 percent, concerned as to whether there will be room for the additional children from the proposed subdivision.

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**At this time, upon request by the Commission, Brian Davis presented the 2014 proposal regarding the redistricting project for the proposed school capacity for the Harmony Elementary as 603 enrollment, North Oldham Middle capacity of 88% and North Oldham High at 77% (Exhibit C).**

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

Kevin Young responded to the Commission:

- The number shown on the proposed detention basin is an open space number so as not to confuse it with the buildable lots.
- The 0 .7 acre space includes the detention basin and the whole area around it. Pointed out the area that would be maintained by the home owners association.

**Meeting resumed at 10:50 after Commissioners took a 15 minute recess.**

*CONTINUED RESPONSE TO THE COMMISSION BY KEVIN YOUNG*

- Showed the easement area of the current detention basin and the sediment detention basin and showed how the water will be directed and flow into the Conner's property.
- The build out time could be one year and the first certificate of occupancy is anticipated late 2014.
- As to tree preservation, lots 35 and 36 will have a 25 foot area along KY Highway 1793 and U.S. Highway 42; trees three inches or larger must be preserved unless a tree is diseased.
- There is to be no construction on Lot 23 as it is a sewer and drainage easement; it is designed for a 100 year flood.

Administrator Urban responded to questions from the Commission:

- There are no rules or regulations relative to landscaping in a scenic area.
- Addressed the soil and erosion control measures and some previous issues were not caused by the developer.
- Beth Stuber reviews the soil and erosion control plans and a bond is placed on the property while under construction.
- Victor Peak visits the construction site and is on the property on a regular basis to make sure silt fences are in place and is enforced at every phase of the project.
- Approvals have been received from the Transportation Cabinet; the only requirement is that a left turn lane be provided from U.S. Highway 42 into the development.

Charles Weiter, Vice President of Main Street Realty, 471 West Main, Louisville, was present and sworn prior to responding to questions from the Commission:

- Originally, the Longwood Subdivision property was farm land.
- The subject property has more trees and as a developer has no intentions of clearing the property.
- Topography will not be changed and the preservation of the trees will be along the creek bank as mandated by the Army Corps of Engineers.
- The reason people are buying in their subdivision is due to the rural character, the trees and the fall-away lots.
- The square footage of homes will basically be as in Longwood and the builders will be the same; a new builder must meet their criteria along with their strict deed restrictions.
- Confirmed that the back of the lots cannot be viewed from U.S. Highway 42 because of the design intent of the landscaping and berm along U.S. Highway 42.
- Sidewalks will be included in this subdivision.
- If anyone calls with soil and erosion control problems, the developer will immediately address the situation.

*At this time, motion was made by Commissioner Horton and seconded by Commissioner King to extend additional time for more testimony. Motion carried unanimously by voice vote.*

Kevin Young continued response to questions from the Commission:

- Met with the Department of Transportation and that entrance had been cut in 10 years ago; it is confirmed that the entrance is fine and so is the pump station entrance; they have received approvals from the Transportation Department.
- As to preservation of trees, this site has not been farmed for 25 years; there are many first generation growth trees, and more in the slope area.

Beth Stuber responded to questions from the Commission:

- As to bonds they will be conservative and there will be a statement that this proposal will be eligible to come back in three years if the project has not been completed.
- Confirmed that they no longer bond with insurance companies but instead prepare a letter of credit.

Dianne Zimmerman responded to the Commission:

- Explained that the terminology for Level Service C is “operating at capacity” and therefore, in 2003, U.S. Highway 42 was operating at capacity; there are no plans for widening at this time.
- Confirmed that the speed limit in the school zone is 35 mph on U.S. Highway 42; the school zone must be within the visual site of the school entrance.

*AT 11:30 A.M. THE COMMISSION RECESSED FOR LUNCH AND RETURNED AT 12:30 P.M.*

Michael Williams returned to the meeting and responded to questions from the Commission:

- Confirmed that according to his office the letter regarding school capacity was sent to Main Street Realty; the office plans to fax that letter to the Planning Office.
- The letter and chart from the Board of Education was presented he explained how capacity is determined; they have had schools that functioned very well even though they were above capacity.
- He is comfortable with the numbers presented for redistricting for the schools.

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

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

Kevin Young responded to concerns of Mr. Kastman and Mr. Barksdale as follows:

- Longwood LLC is also concerned regarding the speed limit on U.S. Highway 42 and a special request to lower the speed limit has been made by the traffic engineer.
- A left turn lane off U.S. Highway 42 will be provided.
- There is a sanitary sewer and drainage easement in between the lots that back up to Longwood and already a 10 foot no-disturb area is required by the Army Corp of Engineers.

- There will be a physical delineation because of the ditch and a detention basin having been constructed.
- The Longwood Subdivision lots that adjoin at that point are 220 feet deep, are near the creek line and have not been disturbed by those property owners; most likely the future residents will also leave the back part of their property undisturbed.

Charles Weiter responded to those concerned as follows:

- Explained that that the creek runs alongside the adjoining property lines.
- There is a 10 foot non-disturb area at the back lines of Longwood and Harmony, having a total of a 20 foot no-disturb area where the trees are located.
- The property owners are not cutting at the rear of the property, only cutting enough trees to build their houses.

**(7) Final statement of the Opposition: NONE**

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

- Kevin Young confirmed that the total no-disturb area of the lots that back up to the creek will be a total of 20 feet.
- There will be a 25 foot area for Lots 35 and 36 at the intersection of KY Highway 1793 and U.S. Highway 42 that will be protected and those trees will not be disturbed.
- They will work with staff regarding the scenic byway along U.S. Highway 42.

**END OF PUBLIC HEARING**

Attorney Carter informed the Commission that if the Commission decides to approve the plan, a motion must be made stating the findings and any other reasons for approval; if they wish to deny the application, a motion to deny must be made and reasons stated for denying.

Administrator Urban reminded the Commission of the statements on Page 3, Conditions of Approval.

- In regards to open space, the right-of-way has been dedicated at U.S. Highway 42 which was done years ago. There is probably an extra 20 feet and an additional buffer has been placed at KY Highway 1793 and U.S. Highway 42.
- Concerns regarding those wanting to turn into the subdivision off U.S. Highway 42, and those trying to turn left off KY Highway 1793 onto U.S. Highway 42 going up the hill.

There was much discussion regarding concerns of traffic especially during school hours at KY Highway 1793 and U.S. Highway 42.

There was discussion regarding a proposal of a phasing schedule due the schools already at capacity.

**FINDINGS AND DECISIONS  
DOCKET PZ-13-022  
PRELIMINARY PLAN – HARMONTY POINTE**

Motion is made by Commissioner McWilliams and seconded by Commissioner Falvey, to approve Docket PZ-13-022, for the following reasons:

1. Complies with the objectives of the comprehensive plan, the zoning ordinance and the subdivision regulations.

**Conditions of Approval:**

1. There shall be no changes in use or changes to the development plan or subdivision of any lot into a greater number of lots without review by the Oldham County Planning Commission.
2. A comprehensive sediment and erosion control plan should be developed prior to the beginning of construction activities.
3. A Soil and erosion control bond will be posted before any site disturbing activity occurs pursuant to the soil and erosion control requirements in the subdivision regulations
4. A left turn lane of approximately 220 feet total on U.S. 42 shall be constructed, making the turning movement from U.S. 42 into the subdivision
5. The preservation of three inch or larger trees behind lots 35 and 36 shall be part of the deed restrictions as per agreement of the Applicant.
6. A landscape plan is to be submitted for staff review for the entrance as well as the detention basin area, similar to what was proposed in the exhibits, as part of their construction plans
7. There shall be a total of 20 feet no-disturb area along the creek behind Lots 22 to 28 for the three-inch caliper trees.
8. There shall be a phasing schedule regarding construction of 25 homes for the year of 2014.

**The vote was as follows:**

**YES: Commissioners Smith, McWilliams, Mesker, King, Henrion, Falvey, Crosby, Arvin, Albertsen**

**NO: Commissioners Horton, Zimlich and Finney**

**ABSTAIN: NONE**

**ABSENT: Commissioners Klingenfus and Bohne**

**The motion passed on a vote of 9-3.**

**OTHER BUSINESS**

- For the Record: Commissioner Bohne returned to the meeting.

- Chairman Jefferies informed Commissioners that the Goals and Objectives were unanimously approved by Fiscal Court on December 3, 2013. They can now proceed to the cities for their consideration.

**Adoption of the 2014 Planning & Development Calendar**

Motion was made by Commissioner Henrion and seconded by Commissioner Zimlich to adopt the Planning and Development Calendar for the year 2014.

Motion passed by unanimous vote.

**Election of Officers**

1. Vice Chairman Greg King opened the floor for nominations for Chairman of the Oldham County Planning and Development Commission.

Motion was made by Commissioner Finney and seconded by Commissioner Horton to nominate Kevin Jeffries as Chairman of the Oldham County Planning and Development Commission.

Motion passed by unanimous vote.

2. Chairman Jeffries opened the floor for nominations for Vice Chairman of the Oldham County Planning and Development Commission.

Motion was made by Commissioner McWilliams and seconded by Commissioner Mesker to nominate Greg King as Vice Chairman of the Oldham County Planning and Development Commission.

Motion passed by unanimous vote.

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There being no further business, the meeting adjourned at 1:13 p.m. The next regular meeting is scheduled for Tuesday, January 28, 2014 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