

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

Monday, December 17, 2012

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:

Bob Arvin	Jan Horton
K.C. Bart Leet	Denia Crosby
Laura Bohne	Kevin Mesker
Joyce Albertsen	Robert Zimlich
Vicky Grace	Greg King
Joe McWilliams	Tom Henrion
John Falvey	

Others present and sworn in were Planning and Development Services Director Jim Urban, Planning and Development Services Assistant Director Brian Davis, County Engineer Beth Stuber, and Secretary Amy Alvey. Attorney John Carter was present.

Chairman Jeffries welcomed new Commissioner Rob Zimlich who is was appointed by the City of LaGrange.

Approval of Minutes – November 27, 2012

Motion was made by Commissioner Henrion and seconded by Commissioner McWilliams to approve the minutes as submitted and corrected.

Motion carried by unanimous voice vote.

Secretary Alvey called and read Docket PZ-12-017.

DOCKET PZ-12-017 -Application has been filed by Baptist Hospital Northeast for approval of a Program for Signs. The property is located at 1023, 1025 and 1031 New Moody Lane. The zoning is R-4 Residential.

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

Brian Davis presented the following:

- Summary of application.
- Site history.
- Notes and Issues.

Mr. Davis responded to questions from the Commission:

- Applicant will be replacing existing signs with the new logo and adding additional signs on the building façade.

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

Joey Barnett, Director of Engineering, Baptist Hospital Northeast, 1025 New Moody Lane, LaGrange, after being sworn, presented the following:

- Baptist Health is in the process of rebranding all its medical facilities in Kentucky.

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

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

Mr. Barnett responded to questions:

- Baptist Health partnered with a consulting company named FMG and took their recommendation of the new branding philosophy of having the name "Baptist" followed by the city or town the facility is located.
- Signs are located on Interstate 71 near the exits, northbound and southbound, informing that there is a hospital at the exit.
- All hospitals owned by Baptist Healthcare will be renamed and hospitals managed by Baptist Health will remain the same.

Lloyd Graves, Commonwealth Sign Company, 1824 Berry Blvd, Louisville, after being sworn, responded to questions:

- A sign is located at Highway 53 and New Moody Lane identifying the hospital.

(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
PZ-12-017– Program for Signs

Motion made by Commissioner McWilliams and seconded by Commissioner Horton to approve Docket PZ-12-017, Program for Signs, on property located at 1023, 1025, 1031 New Moody Lane, LaGrange, based on the testimony and evidence presented at today's hearing.

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

1. There shall be no changes to the program for signs without approval by the Oldham County Planning Commission.
2. There shall be no signage in the right-of-way.
3. Site lighting shall be designed to not shine in the eyes of drivers.

The vote was as follows:

YES: Commissioners Albertsen, Arvin, Bohne, Crosby, Falvey, Grace, Henrion, Horton, King, Leet, Mesker, McWilliams & Zimlich.

No: None.

ABSTAIN: None.

ABSENT: Commissioner Klingenfus.

The motion passed on a vote of 13 to 0.

Extension of Expiration---Crestwood Patio Homes

Commissioner Falvey recused himself from the hearing because he represents the applicant.

Brian Davis gave a brief history of the development. Original two year extension was approved at the September 28, 2010 Planning Commission meeting for two years with an expiration of December 2012.

Stuart Porter, 126 Peace Lane, Pewee Valley, after being sworn, stated the following:

- Requested an extension of expiration for Crestwood Patio Homes due to the current economic conditions not allowing the development to move forward and the current housing market.
- Provided clarification of development location.

Mr. Davis clarified that the current plan does expires December 2012 and the applicant had applied early in 2010 for the original extension of expiration.

Motion made by Commissioner King and seconded by Commissioner Bohne to approve the extension of expiration to December 2014 for Crestwood Patio Homes with the same terms and conditions as originally approved.

Motion carried by unanimous voice vote.

Secretary Alvey called and read Docket PZ-12-018.

DOCKET PZ-12-018 - Application has been filed by Oldham County Fiscal Court for approval of a Community Facility Review for a correctional facility to be located at 3417 W Highway 146, LaGrange. The zoning is AG-1 Agricultural/Residential.

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

Brian Davis presented the following:

- Summary of application.
- Site history.
- Notes and Issues.

Mr. Davis responded to questions from the Commission:

- The Oldham County Road Department was relocated to an existing building on Quality Place in Buckner. The Recycling Center's new location has not yet been determined. It is still functioning at its current location on KY 393 in Buckner.
- The correctional facility is allowed in AG-1 zoning district.

Director Jim Urban outlined to the Commission their role and duties in a Community Facility Review. A development plan is not required to be brought back to the Commission for review but the Commission could request that the applicant to do so.

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

John W. Black, Deputy Judge Executive, 108 N. 5th Street, LaGrange, after being sworn, presented the following:

- Property is approximately 20 acres of which 10 acres would be utilized for the new correctional facility.
- History of new Oldham County Road Department.
- Recycling Center may be relocated to the old road department building due to the new realignment of KY 393.

- History of Oldham County Jail.
- Administrative Office of the Courts (AOC) needs to expand and would utilize the old jail space and fund the construction project and lease the space from the County.
- Proposed Oldham County Regional Detention Facility would be a 250 bed jail with provisions to add an additional 100 beds in the future.
- Proposed facility would be low lying, one-story with appearance not typical of a correctional facility.
- Revenue sources will be from federal inmates, surrounding county inmates and substance abuse programs.
- Estimated cost is \$11-12 million dollars.
- Currently working with adjoining property owners to extend sewer line to serve the new facility.

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

Paulette Lawson, 3501 W Hwy 146, LaGrange, after being sworn, presented the following:

- Owner of the Affordable Shop & Treasures, which is an adjoining property.
- Concerns regarding safety of her business and surrounding schools in the event of an escape.
- Placement of sewer line extension along rear of property to serve new facility would not allow future expansion of her building to the property line as allowed in her zoning classification.

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

Mr. Black responded to questions:

- Current jail was designed to house 80 inmates but with minimum square footage requirement changes and conversion of administrative area to inmate space, the current capacity of the jail is 115 inmates.
- New facility would house 250 inmates with future expansion to 350 inmates.
- Provided location of sewer manhole on map that would be used to connect facility to sewers.
- Design of the facility has not been done but if there is an outside recreation area the fencing will most likely have the concertina wire around the top of the fence.
- The sewer line has not been constructed across the rear of Ms. Lawson's property to connect to the county's property at this time but may eventually place a pump station on the County's property to serve the jail and any other future buildings that may be placed on the site.
- There are no sewers on the east side of the property and would have to be served by the sewers to the west.
- The new site location is a better and more appropriate location for a jail than downtown LaGrange.
- Regarding safety concerns, there are inmates or trustees working out of the animal "killing barn" located near the County's property and Ms. Lawson's property and use tractors and farm equipment almost daily.

Ms. Stuber responded to questions:

- There is no current sewer easement along the rear of the Ms. Lawson's property.
- Outlined the three areas that the plan meets the goals and objectives of the comprehensive plan; CF-1-2, CF-1-4 and LU-1-3.

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

Mr. Black stated the following:

- Ideal location for correctional facility being located adjacent to property where four other correctional facilities are located.
- Would like to have the CFR approval to submit with the application to the Department of Corrections.

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

- Ms. Lawson stated that there is no sewer easement along the rear of her property and by granting an easement it would lower the value of the property. Provided clarification of the existing sewer lines and manholes in the area.

(7) Final statement of the Opposition:

Ms. Lawson stated that she disapproves the location of the new correctional facility.

(8) Final statement of the Applicant:

Mr. Black stated that he has tried working with property owners to acquire sewer easements and offers were made. Fiscal Court is working with Veolia to work out the sewer connection issues and thanked the Commission for their time and patience.

END OF PUBLIC HEARING

FINDINGS AND DECISIONS
PZ-12-018– Community Facility Review

Motion made by Commissioner King and seconded by Commissioner Horton to acknowledge the acceptance of the Community Facility Plan, as presented, for a correctional facility to be located at 3417 West Highway 146, LaGrange, because it is not in conflict with the comprehensive plan as outlined in sections CF-1-2, CF-1-4 and LU-1-3. The Commission also requests that Fiscal Court bring back the final plan for informational purposes only.

The vote was as follows:

YES: Commissioners Albertsen, Arvin, Bohne, Crosby, Falvey, Grace, Henrion, Horton, King, Leet, Mesker, McWilliams & Zimlich.

No: None.

ABSTAIN: None.

ABSENT: Commissioner Klingenfus.

The motion passed on a vote of 13 to 0.

Secretary Alvey called and read Docket PZ-12-019 & PZ-12-020.

DOCKET PZ-12-019 - Application has been filed by Oldham County Industrial Park LLC for approval of a Zoning Map Amendment on approximately 10.0 acres. The property is located at the northeast corner of the KY 393 and I-71 intersection, LaGrange. The proposed change is from IPD Industrial Park District to C-3 General Business.

DOCKET PZ-12-020 - Application has been filed by Oldham County Industrial Park LLC for approval of a Development Plan (auto dealership) on approximately 10.0 acres. The property is located at the northeast corner of the KY 393 and I-71 intersection, LaGrange. The proposed zoning is C-3 General Business

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

Brian Davis presented the following:

- Summary of application.
- Site history.
- Notes and Issues.

Mr. Urban provided information of future road projects and running/walking trails in the area.

Diane Zimmerman, Jacobs Engineering Group, 11940 US Hwy 42, Goshen, after being sworn, presented the traffic impact study for the proposed project.

Mr. Davis responded to questions from the Commission:

- Provided clarification of the map color descriptions.
- Request could be considered down zoning.

- The KY 393 realignment does include a train overpass and a car underpass.

Mr. Urban responded to questions from the Commission:

- The running/walking trail has future plans to connect to KY 393 and Wendell Moore Park, a pedestrian bridge across I-71 at Old LaGrange Road and extension of the trail along the new portion of Commerce Parkway connecting to Mattingly Road.
- Uncertain if Mattingly Road would need improvements to handle increased truck traffic but purpose would be to route business park traffic to Exit 18 and lessen traffic on Hwy 146.
- Access to the property would be via a temporary access easement extending from KY 393. When the proposed widening of KY 393 and proposed extension of Commerce Parkway are completed the temporary easement would be eliminated and access will come off of the Commerce Parkway extension.

Ms. Zimmerman responded to questions from the Commission:

- Once KYTC does their proposed road improvements it will improve the traffic conditions of that area and will operate at Level C.
- Until the road improvements are done the traffic conditions will operate at Level F.
- A signal light will be installed at KY 393 and Commerce Parkway in the future once traffic levels increase.

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

Robert A. Jones, 3215 Hwy 1694, Crestwood, after being sworn, presented the following:

- History of property and zoning changes.
- Review of IPD zoning permitted uses and exclusions.
- Map of property showing sell-off of 10 acres and location of private access road.

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

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

Mr. Jones responded to questions:

- The access road will have adequate site distance for entering and exiting.

Ms. Zimmerman stated the applicant's client is constructing their buildings in phases and a turning lane is not warranted at this time. As construction of the future buildings occurs KYTC may require a turning lane to assist in traffic movement in the area until the KY 393 realignment is completed. The majority of traffic in the calculations is from the apartments currently under construction off of Commerce Parkway. Once the apartments are complete and traffic increases from the residents it is possible that KYTC may install a traffic light but there is currently a left turn lane on Commerce Parkway at KY 393.

Mr. Urban stated that his office and the applicant are working with KYTC to coordinate the access road so it does not interfere with the realignment of KY 393 and keep both parties from moving forward with their projects. The temporary access road is aligned with Commerce Parkway.

(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. Jones stated that he would like to have the zoning change request approved but would also like staff and the Commission review IPD zoning classification and exclusions.

END OF PUBLIC HEARING

FINDINGS AND DECISIONS
PZ-12-019– Zoning Map Amendment

Motion made by Commissioner McWilliams and seconded by Commissioner Falvey to recommend to Fiscal Court the Zoning Map Amendment on approximately 10.0 acres for property located at the northeast corner of KY 393 and I-71 Intersection from IPD Industrial Park District to C-3 General Business based on the evidence and testimony presented at today’s meeting because:

- It complies with objectives T-1-5, BI-1-1 and LU-3-2 of the Comprehensive Plan.
- The existing zoning classification given to the property is inappropriate and the proposed zoning is appropriate because of the current businesses in the area.
- There have been major changes of an economic and physical nature within the area involved which were not anticipated in the adopted Comprehensive Plan with current business along Commerce Parkway and multi-residential units that are planned in the area.

The vote was as follows:

YES: Commissioners Albertsen, Arvin, Bohne, Crosby, Falvey, Grace, Henrion, Horton, King, Leet, Mesker, McWilliams & Zimlich.

No: None.

ABSTAIN: None.

ABSENT: Commissioner Klingenfus.

The motion passed on a vote of 13 to 0.

FINDINGS AND DECISIONS
PZ-12-020– Development Plan

Motion made by Commissioner King and seconded by Commissioner Mesker to approve the Development Plan (auto dealership) on approximately 10.0 acres for property located at the northeast corner of KY 393 and I-71, based on the evidence and testimony presented at today’s meeting because:

- It complies with objectives T-1-5, BI-1-1 and LU-3-2 of the Comprehensive Plan, the zoning ordinance and the subdivision regulations.

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

1. There shall be no changes in use or changes to the development plan without approval by the Oldham County Planning Commission.
2. There shall be no increase in drainage run off to state roadways.
3. Site lighting shall be designed to not shine in the eyes of drivers.
4. Potential signage shall be in compliance with Section 290-150 regarding signs along scenic corridors.

The vote was as follows:

YES: Commissioners Albertsen, Arvin, Bohne, Crosby, Falvey, Grace, Henrion, Horton, King, Leet, Mesker, McWilliams & Zimlich.

No: None.

ABSTAIN: None.

ABSENT: Commissioner Klingenfus.

The motion passed on a vote of 13 to 0.

The meeting was recessed at 11:45 a.m. for a lunch break. The meeting reconvened at 12:53 p.m.

Secretary Alvey called and read Docket PZ-12-021 & PZ-12-022.

DOCKET PZ-12-021 - Application has been filed by GPS Investments LLC for approval of a Zoning Map Amendment on approximately 1.1 acres. The property is located at 6153 W Highway 146, Crestwood. The proposed change is from R-2 Residential to R-4 Residential and O-2 Office.

DOCKET PZ-12-022 - Application has been filed by GPS Investments LLC for approval of a Development Plan (8 apartment units/2,440 square feet of office) on approximately 1.1 acres. The property is located at 6153 W Highway 146, Crestwood. The proposed zoning is R-4 Residential and O-2 Office.

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

Brian Davis presented the following:

- The property location description was incorrect in the staff report for Docket PZ-12-022 but all notices were mailed and signs placed on the property as required.
- Summary of application.
- Site history.
- Notes and Issues.

Mr. Davis responded to questions from the Commission:

- Louisville Water Company currently serves the area and has no issues with the proposed zone change and development plan.

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

Kevin Young, Land Design & Development, 503 Washburn Ave, Louisville, after being sworn, presented the following:

- Introduced property owner, Harold Smith and developer, Steve Moss.
- Proposed property line, Site plan and photos.
- Would convert the home into office space.
- Sewer line would be extended to serve the home.
- Agrees to partner with County Engineer Beth Stuber and the City of Crestwood to address drainage issues in Magnolia Place.
- Privacy fence will be extended up to the additional apartment building.

Harold Smith, 2710 Heights Lane, LaGrange, after being sworn, presented the following:

- Acquired property by loan default.
- History of property.
- No plans to reside at the property and plans on putting the property on the market for sale or lease.

(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:

- Drainage calculations will be performed to determine how much water runoff is present and then determine how to reroute the water to a larger drainage area.
- Provided clarification on the site plan of lots with drainage issues and detention basins.

Mr. Smith responded to questions:

- Owns all the property being rezoned.
- Unaware if attempts were made in the past to have home placed on the national historic registry.
- No intentions of remodeling the exterior of the home except to repair the garage and place large stones back at the front of the home for steps.

- Owns adjacent property and has no issues with the apartment complex being two-story.
- A landscape plan has to and will be submitted to staff for review and approval.

Steve Moss, GPS Investments LLC, 4112 Meyers Ave, Pewee Valley, after being sworn, responded to questions:

- Provided clarification of extension of privacy fence along Cottages of Crestwood development which will be extended to the end of the proposed two-story building.
- Numerous meeting have been held with Mr. Esposito, developer of Cottages of Crestwood, regarding the height of the two-story apartment complex and had no concerns.

Ms. Stuber responded to questions:

- No issues with the proposed development plan and the drainage issues will not be a quick fix but agrees to work with the developer towards a solution.

(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 Mr. Moss is near completion of Camden Wood I and can see that it is a very nice development and has been completed as it was planned and presented. Thanked the Commission for their time and questions and respectfully requested a favorable vote of approval.

END OF PUBLIC HEARING

FINDINGS AND DECISIONS **PZ-12-021– Zoning Map Amendment**

Motion made by Commissioner McWilliams and seconded by Commissioner Mesker to recommend to Crestwood City Council the Zoning Map Amendment on approximately 1.1 acres for property located at 6153 West Highway 146, Crestwood, from R-2 Residential to R-4 Residential and O-2 Office, based on the evidence and testimony presented at today's meeting because:

- It complies with objectives LU-1-1, LU-1-3, L-2-2, T-1-1, T-2-1 and E-2-6 of the Comprehensive Plan.
- There have been major changes of physical and social nature within the area of Highway 146 corridor with mixed use development.
- Camden Wood II is an extension of Camden Wood I, which has had no issues.
- Provides alternative housing to homeownership in the area.

The vote was as follows:

YES: Commissioners Albertsen, Arvin, Bohne, Crosby, Falvey, Grace, Henrion, Horton, King, Leet, Mesker, McWilliams & Zimlich.

No: None.

ABSTAIN: None.

ABSENT: Commissioner Klingenfus.

The motion passed on a vote of 13 to 0.

FINDINGS AND DECISIONS **PZ-12-022– Development Plan**

Motion made by Commissioner King and seconded by Commissioner Henrion to approve the Development Plan (8 apartment units /2,440 square feet of office) on approximately 1.1 acres for property located at 6153 West Highway 146, Crestwood, based on the evidence and testimony presented at today's meeting because:

- It complies with objectives T-1-5, BI-1-1 and LU-3-2 of the Comprehensive Plan, the zoning ordinance and the subdivision regulations.

The approval is contingent upon the strict adherence to the following binding elements:

- (1) There shall be no changes in use or 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. All hydrants shall be of the type with two steamer connections, 4" National Standard Thread.
- (3) Applicant is required to submit a landscape plan for review by staff. Landscape plan shall include a 10-foot landscape buffer along the property line between Tract 2 and the Cottages of Crestwood development to the north.
- (4) Erosion and sediment control plan shall be developed for the project.
- (5) An open ditch line with a slope of less than 2 percent should have an under drain.
- (6) Applicant and County Engineer will work with adjoining property owners to address storm drainage.

The vote was as follows:

YES: Commissioners Arvin, Bohne, Crosby, Falvey, Grace, Henrion, Horton, King, Leet, Mesker, McWilliams & Zimlich.

No: Commissioner Albertsen.

ABSTAIN: None.

ABSENT: Commissioner Klingenfus.

The motion passed on a vote of 12 to 1.

Secretary Alvey called and read Docket PZ-12-023.

DOCKET PZ-12-023 - Application has been filed by Urbane Homes for approval of a Preliminary Subdivision Plan for 20 tracts on approximately 24.3 acres. The applicant is also requesting a variance from Section 020-040, Minimum Road Frontage. The property is located at 6308 & 6316 Cherry Lane, Pewee Valley. The zoning is AG-1 Agricultural/Residential.

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

Brian Davis presented the following:

- Summary of application.
- Site history.
- Notes and Issues.

Mr. Davis responded to questions from the Commission:

- The property is located in the Floyds Fork watershed.

Diane Zimmerman, Jacobs Engineering Group, presented the traffic assessment for the proposed project.

Ms. Zimmerman responded to questions from the Commission:

- Cherry Lane to the west of the site is a two-lane highway with nine foot lanes and two foot shoulders.

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

Kathy Linares, Mindel Scott & Associates, 5151 Jefferson Blvd, Louisville, after being sworn, presented the following:

- Introduced developer Abe Gilbert of Urbane Homes.

- Summary of proposed major subdivision preliminary plan.
- Lots 1A and 1B will not be subject to the subdivision deed restrictions.
- Building envelopes have been shown on proposed lots 9, 10, 11 and 1B because of the sensitive environmental features.
- Only variance request is for lot 11 to have less than 150 feet of frontage on a public road.

Abe Gilbert, Urbane Homes, LLC, 4603 Chelsea Meadow Court, Buckner, after being sworn, presented the following:

- History of company.
- Picture of proposed home design.
- Sale price of homes will be \$400,000-\$600,000.
- Location of proposed subdivision entrance.

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

Marcie Anderson, 6113 Old Floydsburg Road, Crestwood, after being sworn stated the following:

- Concerned with Lot 1B and construction of home on that lot with location of 190 foot cell tower adjoining the property.
- Area along the creek is very beautiful with waterfalls and wildlife and would like to see that part of the development undisturbed.

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

Ms. Linares responded to questions:

- Location of lots 1A & 1B on map.
- No proposed road improvements from subdivision entrance to Beechdale Road at this time.
- Lot 1B will not be part of the subdivision because access to the lot will not be from the proposed subdivision street and topography issues.
- Staff requested the building envelopes on lots 9, 10, 11 and 1B because of the steep slopes and intermittent streams.
- Lot 1B proposed driveway location has been discussed with County Engineer Beth Stuber and agreed once proposed road improvements to Old Floydsburg Road were completed driveway location may be adequate.
- Building envelope for Lot 1B was placed to observe the 50-foot no disturb area around the stream and to stay on the uphill side of the lot.
- Uncertain of the setback requirement when building next to a cell tower but will observe whatever the regulation requires.
- Access to Lot 10 would most likely be close to Lot 9 due to the steep slopes but will explore other options once the development moves forward.
- Not interested in removing Lot 1B from the development at this time.
- A water line from the proposed development would be used to serve Lot 1B or may possibly have water brought in to serve the home.
- Army Corps of Engineers does have jurisdiction over anything constructed over or near blue-line streams and nothing at this time would require their approval other than placing a water line across the stream to serve lot 1B.

Mr. Gilbert responded to questions:

- Anticipates widening Cherry Lane from the proposed subdivision entrance to the bridge to meet the 18 foot road width requirement.
- Oldham County Health Department has been to the property and tested soils but has not tested each individual lot.
- Lots 10, 11 and 12, which have more difficult soils, will require a more elaborate septic system.
- Urbane Homes will build all the homes in the proposed subdivision.
- Uncertain of what to do with lot 1B but wanted to make it part of the subdivision so if improvements are made to Old Floydsburg Road in the future the lot could then be accessible and buildable.

- No current plans for a walking trail or added open space because of the one acre lot sizes.
- Some lots may require a mound type septic system due to the soil conditions.
- Home on Lot 1B will be smaller than the homes in the proposed subdivision, but is buildable.
- It is not financially feasible to combine lots 10 and 11 at this time.
- Estimated lot purchase price will be around \$100,000.
- A homeowners association will be established for the development.
- Sewer pump station services areas in Crestwood.

Ms. Stuber responded to questions:

- If a cell tower is 150 feet tall then the no building zone normally would be 150 feet fall radius around the cell tower area but there currently are no local, state or federal regulations for enforcement.
- There are no regulations regarding grade or slope of driveways, only that they encroach properly to the street or cul-de-sac.

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

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

Ms. Anderson stated that she would like to see green space preserved as much as possible due to the natural beauty of the land.

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

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

Ms. Linares stated that Mr. Gilbert is trying to preserve the natural beauty of the land by conserving as much open space as possible without setting aside a separate area for green space due to liability reasons.

END OF PUBLIC HEARING

FINDINGS AND DECISIONS
PZ-12-023– Variance

Motion made by Commissioner McWilliams and seconded by Commissioner Falvey to approve Docket PZ-12-023, a Variance Request from Section 020-040, Minimum Road Frontage, for Lot 11, for a total variance request of 50 feet, on property located at 6308 & 6316 Cherry Lane, based on the testimony and evidence presented at today's hearing because:

- It will not adversely affect the public safety and welfare.
- It will not alter the essential character of the general vicinity.
- It will not cause a hazard or nuisance to the public.
- It will not allow an unreasonable circumvention of the requirements of the zoning regulation because:
 - Historical precedent of approving road frontage variance for lots located in cul-de-sacs.
 - Undue hardship on the applicant by lowering the number of buildable lots in the development.

The vote was as follows:

YES: Commissioners Albertsen, Arvin, Bohne, Crosby, Falvey, Grace, Henrion, King, Leet, McWilliams & Zimlich.

NO: Commissioner Horton.

ABSTAIN: None.

ABSENT: Commissioners Klingenfus and Mesker.

The motion passed on a vote of 11 to 1.

FINDINGS AND DECISIONS
PZ-12-023– Preliminary Subdivision Plan

Motion made by Commissioner King and seconded by Commissioner Falvey to approve the Preliminary Subdivision Plan for 20 tracts on approximately 24.3 acres for property located at 6308 & 6316 Cherry Lane, Pewee Valley, based on the evidence, testimony and submittals presented at today's meeting because:

- It complies with objectives of the Comprehensive Plan, the zoning ordinance and the subdivision regulations.

The approval is contingent upon the strict adherence to the following binding elements:

- (1) There shall be no changes in 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.
- (3) The development plan must comply with the Oldham County Fire Hydrant Ordinance.
- (4) There shall be no direct access to Cherry Lane from Lot1.
- (5) All sinkholes shall be shown on the record plat.
- (6) Adherence to all agency and utility requirements as outlined by the Oldham County Health Department and Oldham County Soil & Water Conservation District.
- (7) Adoption of site notes as listed on plan.

The vote was as follows:

YES: Commissioners Arvin, Crosby, Falvey, Grace, Henrion, King, Leet, McWilliams & Zimlich. .

NO: None.

ABSTAIN: Commissioners Albertsen, Bohne, & Horton.

ABSENT: Commissioners Klingenfus & Mesker.

The motion passed on a vote of 9 to 0 to 3.

There being no further business, the meeting adjourned at 3:08 p.m. The next regular meeting is scheduled for Tuesday, January 22, 2013 at 9:00 a.m. in the courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Respectfully Submitted:

Amy Alvey, Secretary

Approved:

Kevin Jeffries, Chairman