

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

Tuesday, March 22, 2016

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

Others present and sworn were Planning and Development Services Director Jim Urban, Senior Planner Amy Alvey and Community Planner Brooke Radcliffe Viehmann. Also present were County Attorney, John Carter, County Engineer, Beth Stuber, Traffic Consultant, Paula Wahl and Administrative Assistant, Ethel Foxx.

Approval of Minutes:

Motion was made by Commissioner Bohne and seconded by Commissioner King to approve the minutes of February 23, 2016 as submitted and corrected.

Motion carried by unanimous voice vote.

OTHER BUSINESS:

Secretary Foxx called and read the following:

Oldham County Schools-- Three Year Enrollment & Growth Comparison

Mike Williams of the Oldham County School Board was present to give the Three Year Enrolment & Growth Comparison report for the Oldham County Schools. He presented the report (Exhibit A) on the overhead stating that annually they present growth numbers for the capacity ordinance. The Commission should have already received the three, five and ten year projections.

At the end of the first month of school, they had 12,049 students, 45 more students than the prior year. With housing starts of 225, that ratio gives .2 students per building permit. The average for three years is 82 students on 312 permits and .264 is the number they will use for the capacity letters for the year to come. The numbers are slightly down.

Mr. Williams responded to questions from the Commission:

- The capacity for Oldham County High School is 1500; capacity for South Oldham High School is 1075 (120%) and has the smallest capacity.
- Eventually there will be another high school but not yet ready for that as have to be able to populate them.
- There is a potential that they could do a renovation to South High and something the District can look at rather than build another high school.
- Presently South Oldham County Middle School is being renovated just like Oldham County Middle School did last year; got a new music room and the building is being changed a little bit and getting a new roof.
- Explained how the school projects the numbers for the future, which was started by Dr. Arvin. Kindergarten is projected on live births; elementary numbers are down now.
- The accuracy of this year's numbers is 99%; it is hard for him to pull down to a school level but it is 99% accurate county-wide.

Motion was made by Commissioner Albertsen and seconded by Commissioner Finney to accept the Three Year Enrollment and Growth Comparison for the Oldham County Schools .264 students per residential building permit.

Motion carried by unanimous voice vote.

Secretary Foxx called and read Docket PZ-16-004

DOCKET PZ-16-004 - Application has been filed by Fox Run Investments, LLC for the approval of a Preliminary Subdivision Plan for 64 lots (13 in Oldham County) on approximately 36.2 acres (12.7 acres in Oldham County) to be known as The Reserve at Fox Run. The property is located at 9300 Ash Avenue, Ash Avenue and Old Henry Road. The property is zoned R-2 Residential District and CO-1 Conservation District.

Docket PZ-16-004 was tabled at the February 23, 2016 meeting.

Motion was made by Commissioner McWilliams and seconded by Commissioner Horton to place Docket PZ-16-004 back on the table for consideration. Motion carried by unanimous voice vote.

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

Community Planner Brooke Radcliffe Viehmann presented the following:

- Summary of application for a preliminary subdivision plan.
- Notes and issues (Exhibit A: Staff Report dated February 23, 2016).
- Site history.
- Aerials and photos of the property and surrounding area.
- The property consists of 36.2 acres however, a portion of the property, 12.7 acres (13 lots) is in Oldham County and what is being considered today.
- A portion of the property is located in the flood zone. However, the residential lots will not be in the flood zone.

Paula Wahl, Traffic Consultant with Neel Schaffer presented the following information:

- Reviewed the traffic assessment and it does comply with the Subdivision Regulations.
- Old Henry Road extension is scheduled for construction in the summer of 2016.
- Based on the volume of traffic generated by the development and the amount of traffic proposed for the year 2020, there will be minimal impact to the highway network.
- No potential problems were identified during the assessment.
- No mitigation is required as a result of this development.
- Old Henry Road will be a three lane section. It is recommend that conditions be clarified related to the vehicular use for both subdivision construction and for residents living there during the construction of Old Henry Road.
- It is possible that Louisville Metro may require that once they reach the 200 unit limit, they may need another access point and may want to ask the applicant how they will coordinate access to Old Henry Road while under construction.

Beth Stuber, Oldham County Engineer presented the following information:

- She has concerns but will have the Applicant address those issues.
- Responded that the issue of the island has not yet been addressed.
- She thinks Applicant will be addressing the environmental issues.
- They do need to address run-off concerns and the road construction plans will be submitted to her for review.

(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 in behalf of this application.

Attorney Roelandt stated that applicant is seeking approval of this preliminary subdivision plan.

- There are 12.7 acres in Oldham County and the majority of this property lies in Jefferson County.
- The engineer and land planner are present to address questions and concerns.
- LD&D will be able to address concerns of the County Engineer or Commission.
- LD&D is very good in taking care of issues especially of the very sensitive area of Ash Run Creek.
- There will be no need for variances, waivers or zoning map amendment for the proposed subdivision.

Ann Richard, Land Design Development, 503 Washburn Avenue, Louisville, was present and sworn prior to speaking in behalf of this application.

- Presented a power point showing the colored rendering of the proposed subdivision to be called The Reserve at Fox Run.
- Pointed out on the rendering the location of the island of which Ms. Stuber has concerns as it may be difficult to maneuver around.
- When they get to the construction phase that issue will be addressed and designed to her satisfaction.
- Pointed out the location of the Jefferson/Oldham County line.
- The open space area is adjacent to Ash Run Creek, is heavily treed and will not be disturbed.
- Presented several photos of homes that R.J. Thieneman and Billy Doelker have constructed and a photo of a signature entrance that Mr. Thieneman created.

Attorney Roeland continued as follows:

- Billy Doelker and Bob Thieneman are major developers and have been very successful in Jefferson County.
- This presentation can best be continued by responding to questions by the Commission.

There were no others present to speak in favor of the application.

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

Jennifer Nunley, 9215 Ashland Court, Pewee Valley, was present and sworn prior to stating her concerns regarding this subdivision:

- Is a resident of Ashland Subdivision and asks how the sewers will be run.
- Has a wooded area behind her home and wishes to save the trees and minimize the disturbance of the vegetation in the area.
- The lot referred to is an open space lot.

Scott Spears, Engineer with Land Design and Development, 503 Washburn Avenue, Louisville, was present and sworn and responded to Ms. Nunley's concerns:

- Has been working with the Oldham County Environmental Authority (OCEA) and MSD.
- Referred to the preliminary plan and showed where they have been approved to build a pump station in Oldham County.
- Explained how it would be tied to the existing sewers in Jefferson County.
- OCEA wishes them to build gravity sewers to the Ash Run Plant, however, if they cannot obtain the easements they will have to go with the pump station to MSD.
- Explained the size of the easement required and if approval is obtained, would not need an access road.
- If they are approved today, they would need to submit construction plans to the Oldham County Engineer, OCEA, MSD and Division of Water and all have to be approved before any construction can begin.
- They would have to receive approval from the Ashland Home Owners Association for the easements before they can proceed.

Billy Doelker, 4751 Fox Run Road, Buckner, was present and sworn prior to responding to Ms. Nunley.

- There is much discussion involved and are working with MSD and OCEA who prefer that the easements be obtained.
- Sewers involve three properties and have to go under the Old Henry Road extension.
- They want to be a good neighbor and cooperate with the Home Owners Association.

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

Ann Richard responded as follows:

- This proposal is scheduled to be heard in Jefferson County on Thursday, March 24, 2016.

- They have complied with all the technical requirements for Jefferson County and have no outstanding issues with any of the reviewing agencies in Jefferson County.

Mr. Spears responded as follows:

- Explained how all the sewers would go to the pump station by gravity except for a few lots as there is an underground gas transmission line.
- MSD has not asked for any easements at this time.
- He pointed out on the preliminary plan where the easement has been acquired and will cut across Lot 27.
- They want the Commission to know what the sewer options are.

Mr. Doelker responded as follows:

- There will be a variety of square footage homes and will be a step above The Meadows at Fox Run.
- The square footage for a ranch will be about 2200 to 2400; house prices will be about \$450,000.00 to \$600,000.00.
- Many of the homes will consist of a two-car front loaded garage, three to four bedrooms and the majority will have basements.
- They have had several meetings and have approval if they wish to extend Old Henry Road and will have to build it to KYTC specifications; it will be temporary for construction use.
- The Old Henry Road project is behind schedule and construction will probably start after 2017; there are many variables and at this time just wish to get approval for the development and are in the process of purchasing the land.
- The demand for housing is there and their goal is to develop land and begin building in 2019.

Michael Williams of the Oldham County School Board responded to the Commission at this time that the students in this area would attend Crestwood Elementary, South Middle and South High and they are only talking about 3.86 children.

Mr. Doelker continued response:

- Clarified to Ms. Wahl's concern regarding maintenance of traffic and vehicular access. Referred to the preliminary plan regarding the temporary Old Henry extension and that the Old Henry right-of-way has been acquired.

Administrator Urban stated this time that the Old Henry Road project is in the six year plan and there is funding in both Oldham and Jefferson Counties. They will start construction on the Oldham County side because that is where they can get dirt for the Jefferson County side. Were it not in place the applicant would have to build their own road.

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

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

Mr. Doelker responded to Ms. Nunley as follows:

- They will not be able to run the sewers until 2019.
- They have requested a waiver from the Division of Water and are still waiting on that. They will not build all 64 homes in 2017 or 2018; the homes will be built in phases.
- They have not yet selected the company that will do the construction.

(7) Final statement of the Opposition:

Ms. Nunley stated that they are concerned about the vegetation and area as her neighbors all have access to that area which adds so much to their neighborhood.

(8) Final statement of the Applicant: None

Attorney Roelandt stated that this approval is critical to his client. Everything is not yet in place but to help put things in place they need to establish that they are approved in Oldham County as well as Jefferson County. They realize the easements need to be satisfied and there is an alternative. Mr. Doelker is working very well with the Planning Commission and County Engineer, Beth Stuber. They request that the preliminary plan for Fox Run be approved.

END OF PUBLIC HEARING

Administrator Urban stated as follows:

- There are no waivers or variances requested.
- MSD has not said they cannot serve the proposed subdivision; we rely on the technical review committee and Oldham County Environmental Authority has not said that they cannot serve this if MSD cannot.
- Have heard there is a restriction that they may not be able to tap into Ash Avenue Waste Water Treatment Plant; only after it becomes a pump station. If they put in a pump station it will go to MSD.
- The bottom line is that they cannot get a building permit until they get sewers.
- If they can't get the easements it does not matter whether there is capacity at Ash Avenue, they will go to MSD.

FINDINGS AND DECISIONS
PZ-16-004
Preliminary Subdivision Plan
The Reserve at Fox Run

Motion was made by Commissioner McWilliams and seconded by Commissioner Falvey to approve Preliminary Subdivision Plan for the Oldham County portion of this development, 13 lots on approximately 12.7 acres to be known as The Reserve at Fox Run because:

- It complies with the objectives of the Oldham County Comprehensive Plan, the Zoning Ordinance and the Subdivision Regulations.

The following are the Conditions of Approval:

1. The approval shall only apply to the application considered at the March 22, 2016 Oldham County Planning Commission public hearing.
2. There shall be no further subdivision of any lot into a greater number of lots without review by the Oldham County Planning Commission.
3. The preliminary plan must comply with the Oldham County Fire Hydrant Ordinance.
4. The construction entrance and maintenance of driveways and parking areas shall be sufficient to prevent the tracking of mud or debris onto public streets.
5. All TRC agency comments and concerns must be addressed in the construction plans.
6. A comprehensive sediment and erosion control plan shall be developed and implemented on the proposed development project.
7. The two open space lots shall be deemed a “No Disturb Zone/Tree Protection Area” except for the dedication of easements and utilities.

Discussion

Administrator Urban clarified for Ms. Nunley’s benefit:

- The issue of whether or not the easement will go through the open space has not been clarified for the Commission until they know where the sewers are going. On the plan they have a pump station and it goes to MSD. Oldham County Environmental Authority wants to go to Ash Avenue; the granting of an easement is contingent on the property owner approval. If for some reason they vote to approve, it does not mean that Ms. Nunley’s concern gets ignored.
- There is only capacity on Ash Avenue when that becomes a pump station and goes to the regional plant on Hitt Lane. But today, there is no capacity on Ash Avenue for this development unless the Division of Water says they can go in there temporarily. They have to make it a pump station and that will not happen until 2019.

Attorney Carter responded to the Commission that the County has the right of eminent domain to put in the sewers and not the developer.

Vote for PZ-16-004

- YES:** Commissioners Albertsen, Arvin, Bohne, Crosby, Falvey, Finney, Douglas, Horton, King, Klingenfus, McWilliams and Smith
- NO:** NONE
- ABSTAIN:** NONE
- ABSENT:** Commissioner Mesker

Motion passed on a vote of 12 – 0.

Secretary Foxx called and read Docket PZ-16-005;

DOCKET PZ-16-005 – An application for a waiver to allow a residential use in an industrially zoned district for a tract located at 2617 Singleton Lane, LaGrange. The zoning is I-2 Heavy Industrial.

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

Planner Amy Alvey presented the following:

- Summary of application to allow residential use in an industrially zoned area.
- Notes and issues (Exhibit A: Staff Report dated March 22, 2016).
- Site history.
- Aerials and photos of the property and surrounding properties.

Ms. Alvey responded to the Commission:

- The owner of the property as well as his real estate agent are here on behalf of this application.

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

Doug Embry, 2617 Singleton Lane, LaGrange, was present and sworn prior to speaking on behalf of this application.

- Is requesting approval of a waiver so that a single residence may be constructed on the proposed lot.

Sam George-Greer, 1700 Grand Villa Drive, LaGrange was present and sworn to prior to speaking in regard to this application.

- Feels Planner Alvey has covered everything in the application very well and is here to answer any questions.

Mr. Embry responded to the Commission:

- His understanding is that it would be more cost effective to record the minor plat at closing rather filing it before the land sells and understands that the plat is valid one year from the signature date.

Ms. Alvey responded as follows:

- Clarified that the applicant has one year from the date of approval to record the minor plat.

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

(4) Questioning of the applicant and those opposing the application by the Commission: None

(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

Administrator Urban responded to concerns of the Commission that the current zoning ordinance does not allow tiered uses. There has been a history of land being used as residential and not industrial and is an established pattern. This property is not being rezoned.

Ms. Alvey responded that the Commission is approving the residential use waiver for the proposed division of 1.469 acre tract only. The house on the residual tract was constructed when there was tiered zoning and did not need a waiver. Because there is no longer tiered zoning a waiver is required for residential use.

FINDINGS AND DECISIONS
PZ-16-005
Residential Use Waiver

Motion was made by Commissioner Horton and seconded by Commissioner McWilliams to approve Docket PZ-16-005, Residential Use Waiver because:

- This will not be a detriment to the area and will be an improvement.
- There are already residential homes in that industrially zoned area.

Condition of Approval:

- The approval shall only apply to the application considered at the March 22, 2016 Oldham County Planning Commission public hearing.

YES: Commissioners King, Klingenfus, McWilliams, Smith, Albertsen, Arvin, Bohne, Crosby, Falvey, Finney, Douglas and Horton
NO: NONE
ABSTAIN: NONE
ABSENT: Commissioner Mesker

Motion passed on a vote of 12-0.

Secretary Foxx called and read Docket PZ-16-006:

DOCKET PZ-16-006 – An application has been filed for a Program for Signs (Section 290-140 of the Oldham County Zoning Ordinance) for the property located at 6159 West Highway 146, Crestwood. The property is zoned C-1 Local Business District.

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

Community Planner Brooke Radcliffe Viehmann presented the following:

- Summary of application.
- Notes and issues (Exhibit A: Staff Report dated March 22, 2016)
- Site history
- Aerials and photos of the property, the surrounding area, the existing signs and a drawing of the proposed sign having four cabinets.
- If this application is approved, applicant plans to remove the existing free-standing sign which is the Anderson logo and replace it with a new free-standing sign 30 feet back from the property line.

- The only thing that will be approved today is the square footage of the signs.

Ms. Viehmann responded to the Commission:

- If the sign package is approved, the existing free-standing sign will be removed and will be replaced with a new one.
- There will be a total of four wall signs (one is existing), the logo and the three lines that the dealership carries.
- Explained the square footage allowed if the property were zoned C-3, however, because this property is zoned C-1 it allows only 50 square feet of signage and they are requesting 64 square feet.
- They can have as many signs as they want as long as they don't exceed the total square footage.
- The existing Anderson wall sign (14 square feet) has already been permitted; they are requesting three more signs (a total of 64 square feet).
- The signs will be internally lit.
- Confirmed that the square footage requested should be 62 square feet and not 64 square feet.

Ms. Alvey explained to the Commission:

- Applicant is requesting four wall signs, a total of 62 square feet and that exceeds what is required under C-1 zoning.

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

Steve Emery, Attorney, 105 North First Street, LaGrange, was present to speak in behalf of this application.

- They are not focusing on C-1 zoning sign requirements, but a program for signs which supersedes what is in the regulations.
- Named other dealerships in the county which have received approval for program for signs having different trademarks and product lines which exceed what is allowed in C-1 zoning.
- This type of business relies on this type of signage, and they now have high quality product lines and need to be competitive.

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

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

Greg Hydes, 6159 West Highway 146, Crestwood, was present and sworn prior to speaking in behalf of this application.

- The sign at the front will be perpendicular; because of the island off the front medium, there is an in-ground sprinkler system and do not wish to damage any water lines.
- Perpendicular is best as can be seen during the night and they need to position it so that it can also be seen in both directions.
- Because of where they are located with a shared driveway with another business it will be so much easier for customers and delivery drivers to find their location.
- The 18 foot sign at the front will be lit and the signs on the building will be internally lit.
- Kubota pays top dollar for their signs, are very adamant about their signs; wish to be consistent as it is the lead brand and financially a good investment.
- They are a full line dealer and they have to live up to their contracts and if this is approved they can receive additional rewards.

Attorney Emery responded to the Commission:

- Read portion of “Anderson’s Program for Signs” statement of purpose, which is much like for automobile dealerships and power equipment dealership, and the purpose fits in this instance.
- Stated that the sign meets the character, color and size and is an excellent sign.

(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:

Attorney Emery stated that the program for signs is important to this business and they have met all the requirements. This is an important business in the community and this program for signs is excellent. They have met the requirements of the regulations and it is in the best interest of the community and will allow Andersons to do well in this location.

END OF PUBLIC HEARING

Administrator Urban stated that the Program for Signs was put in the regulations as an alternative for individual signs. The Commission must set out the reasons for approval of the requested Program for Signs.

Ms. Alvey stated that a variance is not needed for this application.

Administrator Urban responded to the Commission that if Anderson sells to another company, the approval goes with the location. One would be allowed to change out the face plate and that does happen on a regular basis.

FINDINGS AND DECISIONS
PZ-16-006
Program for Signs

Motion was made by Commissioner King and seconded by Commissioner Bohne to approve Docket 16-006, Program for Signs because:

1. There is no detriment to the public good.
2. It is a desirable development for the neighborhood and the community as proposed by the Comprehensive Plan.
3. There have been similar requests including Champion Chevrolet, Craig and Landreth, Crestwood Station, Baptist Health and Tri-County Ford.

Proposed Binding Elements:

1. There shall be no changes to the Program for Signs without approval by the Oldham County Planning Commission.
2. Signage lighting shall be designed so as not to shine in the eyes of drivers.
3. Any temporary signage must be in compliance with Section 290 and only permitted upon submittal and approval of a sign permit application.
4. An approved sign permit from Oldham County Planning and Development Services must be obtained before signs may be installed.

Discussion

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

NO: Commissioner Crosby

ABSTAIN: NONE

ABSENT: Commissioner Mesker

Motion passed on a vote of 11 – 1.

Secretary Foxx called and read Docket PZ-16-007 and PZ-16-008:

DOCKET PZ-16-007 - Application has been filed by Pollard Builders, LLC for the approval of a Zoning Map Amendment on approximately 10.988 acres. The property is located at 1000, 1001 and 1010 Oldham Oaks Road, LaGrange. The proposed change is from R-4 Residential to C-2 Community Business.

DOCKET PZ-16-008 - Application has been filed by Pollard Builders, LLC for the approval of a Development Plan on approximately 10.988 acres. The property is located at 1000, 1001 and 1010 Oldham Oaks Road, LaGrange. The proposed zoning is C-2 Community Business.

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

Planner Amy Alvey presented the following:

- Summary of application for a zoning map amendment and for a development plan for a child care facility.
- Notes and issues (Exhibit A: Staff Report dated March 22, 2016).
- Site history.
- Aerials and photos of the property and surrounding properties.
- Applicant had previously applied for a conditional use approval for the child care facility, however because the facility was to have 13 or more children, the use required a zoning map amendment.
- The Commission received a revised development plan today (Exhibit B) with revisions requested by the TRC and shows location of detention area, the landscape buffer has been changed and the side yard setbacks have been corrected.
- The proposed plan meets all other regulations such as setbacks, parking, lot coverage and impervious surface.
- The remaining lots 2 and 3 do not have proposed uses at this time. However, will need to return to the Commission for any future development plans.

Administrator Urban informed the Commission that staff met with the applicant and recommended they bring both lots along Oldham Oaks Road for rezoning because the Comprehensive Plan Future Land Use Map suggests this use as commercial zoning. The application for zoning map amendment is a recommendation to the LaGrange City Council at to whether or not this zoning request is appropriate.

Paula Wahl, Neel-Schaffer, Oldham County Traffic Consultant, was present and sworn prior to speaking regarding the application.

- Summarized the traffic analysis.

- Presented Exhibit C, a power point showing aerials of the property of Oldham Oaks and Commerce Parkway, the surrounding property, and the development plan showing three lots.
- Presented the traffic counts and roadway conditions along Oldham Oaks Road and Commerce Parkway for the proposed use and highest use possible on the adjoining lots.
- Analysis determined for 2017 that there is no requirement for a left or right turn lane into the development on Commerce Parkway.
- The 2018 scenario does indicate that an eastbound left turn will be required, but will depend what type use will be proposed on those lots; and if a third lot is added with retail a right turn lane is required.
- The existing analysis indicates all movements are acceptable levels of service during a.m. and p.m. peak hours and did not include any additions of any lane.
- Depending on the land use proposed for Lots 2 and 3 it is recommended that additional traffic analysis be required at the time of the development approval of the those lots.

Beth Stuber, Oldham County Engineer was present and sworn prior to speaking regarding the application.

- This is the first time she has seen this revised plan.
- There were questions at the TRC meeting last week but at this time does not have any comments and does not yet have any storm water calculations but the plan seems to be in line with the apartment buildings.

Response to Questions by the Commission.

Administrator Urban responded to the Commission as follows:

- Regarding the 70 percent occupancy of the Oldham Oaks Apartments, Ms. Wahl did give projections at 100 percent occupancy next year for the 216 apartment units.

Ms. Alvey responded to the Commission as follows:

- Regarding the 13 or more children listed in the zoning regulations, the applicant and/or representative can give more information regarding their enrollment numbers.
- As to drainage and detention concerns, she reminded the Commission that the TRC comments state that Ms. Stuber will address drainage and detention at the time of the construction plans.

Ms. Wahl responded to the Commission as follows:

- Does not know the year that the ninth edition of the trip generation manual was published but it has probably been over five years.

- Commerce Parkway was taken into consideration in the traffic count.
- There could be a slight increase in traffic with the Kroger store going in at Highway 393 and Commerce Parkway and this is the reason to have a revised traffic analysis performed at the time the other lots are developed.

Ms. Stuber responded to the Commission as follows:

- As to concerns of people making U turns in the cul-de-sac at the Oldham Oaks Road, that concern will most likely go to the City of LaGrange.
- A minor plat has been prepared to turn Oldham Oaks Road into a right-of-way but the decision has not yet been made.
- The bulb in the roadway has been constructed.
- This is not that unusual and does not see an issue and feels it is safe.
- Confirmed that she did see the development plan but it did not have the detention basin but the location was obvious.
- Will need to see the details as to the flow and making sure they are staying off the blue line stream when it comes to construction plans.
- Has not seen the most current drainage plan.

Administrator Urban stated that the applicant will need an encroachment permit from the City of LaGrange to get a driveway. Beyond the north of the cul-de-sac is private property. They are interested in making a public road up to that point.

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

Joshua Clubb, Attorney, Brammel & Clubb, 206 North Second, LaGrange, was present to speak on behalf of this application.

- Represents Pollard Builders who is requesting to rezone 10.992 acres from R-4 to C-2.
- Although the property fronts on Commerce Parkway the address will be on Oldham Oaks Road.
- Only one of the three lots has a proposed use at this time and under contract for construction of a pre-school and child care facility to be called Kids Haven by Sandy.
- Kids Haven by Sandy is currently located on Yager Avenue in LaGrange and plan to relocate to Oldham Oaks Road.

Morris Talbott, Licensed Engineer, 319 Tucker Station Road, Louisville, was present and sworn prior to speaking on behalf of this application.

- Performed the engineering work and the survey.

- Addressed the concerns regarding the existing cul-de-sac at the north end of this project.
- Presented Applicant's Exhibit A, site plan, and stated that when they brought this development in for the apartments, there was a concern for the need of school busses to turn around creating the cul-de-sac bulb.
- The cul-de-sac was created with an adequate radius to allow school busses to come in and make a U turn and go back out.
- Clarified location of the existing bus shelter at the corner of the apartment property abutting the cul-de-sac.
- When the property was developed for the apartments the sanitary sewers, water lines and fire hydrants were installed and are in place for this new development.
- There is also a walking trail which was put in for the apartment development that runs almost to Clifford Lane and ties into the bike path on Commerce Parkway.
- Sidewalks will be built along Oldham Oaks Road as the property is being developed.
- The road was built to County standards and are in the process of getting the City of LaGrange to accept maintenance responsibility.
- Mr. Pollard has signed the ownership and dedication certificate to convey Oldham Oaks Road to the City of LaGrange.
- A request has been made for a bond release and that has been turned over to County Engineer, Beth Stuber for processing.
- Addressed the detention area concerns in that the site is marginal whether it needs detention but did put in detention at the rear of the proposed daycare building and it does work fine.
- There was a note that they would do the hydraulic analysis if the Commission approves the plan and will revise the site plan with the construction plans.

Sandy Johnson, 230 Yager Avenue, LaGrange, was present and sworn prior to speaking on behalf of this application.

- Is the owner of Kids Haven by Sandy on Yager Avenue and has owned the business for eighteen years.
- Nine years prior had a center in Louisville and has been in the child care industry for twenty-seven years.
- Is licensed for a Type One Facility allowing more than 13 children and currently licensed for 115 children in her facility.
- Currently has 82 to 100 children.
- Currently leases the building on Yager Avenue which is old and needs repaired.
- Staff consists of 15 employees that have been employed at the business from 2 to 12 years.

- Offers after school care and summer camp for elementary age children.
- Hours of operation are from 6:30 a.m. to 6:00 p.m.
- Gave an overview of the floorplan of the building.

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

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

Mr. Talbott responded to questions from the Commission:

- Referred to the site plan and showed the location of the playground which is required to be fenced and screened.
- The landscaping plan will be determined after approvals and indicated the landscaped areas on the site plan.

Ms. Alvey responded that the 27 parking spaces proposed is adequate for that facility.

Ms. Johnson responded to questions from the Commission:

- The playground area has to be 60 square feet per child.
- They are not allowed to mix age groups of children during outside play time and they have a schedule for each age group.
- The playground surface will be grass and specific mulch areas for the play systems which is regulated by the State.
- Plans to own the building and no longer rent or lease.
- They have several children having a sort of special need such as attention deficit disorder but current do not have any handicap children requiring a caretaker but have in the past and would welcome any new ones.

(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:

Attorney Clubb stated the following to the Commission:

- Document justifying approval of the zoning map amendment and the development plan.
- The plan meets the goals and objectives of the Comprehensive Plan.
- Commerce Parkway is being developed and more commercial development is coming towards that property.
- The future land use map shows that this property and adjoining properties are proposed to be industrial or commercial properties.
- It is clear that the proposed zoning is appropriate and the proposed business will be a great addition to this county.

END OF PUBLIC HEARING

Regarding Zoning Map Amendment:

Administrator Urban stated that this is a recommendation from the Planning and Zoning Commission to the Legislative Body which in this case is the LaGrange City Council. The motion would be to recommend approval or denial of the Zoning Map Amendment.

Recommends that if the Commission wishes to approve the Zoning Map Amendment that the only binding element considered is that all future development plans on lots 2 ad 3 must be presented before the Planning Commission.

Regarding Development Plan:

Administrator Urban stated that if the LaGrange City Council agrees with the Commission’s recommendation and choose to change the zoning map it would be appropriate to consider the following:

- Development Plan as a proposal for the portion of the property that is being rezoned.
- That the six Proposed Conditions of Approval become a part of the record as stated in the Staff Report.
- There are no variances or waivers requested in this application.

**FINDINGS AND DECISIONS
PZ-16-007
Zoning Map Amendment**

Motion was made by Commissioner King and seconded by Commissioner Falvey to recommend approval of approve Docket PZ-16-007, Zoning Map Amendment from R-4 Residential to C-2 Community Business District to LaGrange City Council because:

- It complies with the objectives of the Comprehensive Plan specifically those cited in LU-1-3, LU-3-1, LU-3-2 and BI-1.

Proposed Binding Element:

- All future development plans for lots 2 ad 3 must be presented before the Planning Commission.

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

NO: NONE

ABSTAIN: NONE

ABSENT: Commissioner Mesker

Motion passed on a vote of 12 – 0.

FINDINGS AND DECISIONS
PZ-16-008
Development Plan – Child Care Facility

Motion was made by Commissioner McWilliams and seconded by Commissioner Smith, to approve Docket PZ-16-008, Development Plan for a Child Care Facility, because:

- It complies with the objectives of the Comprehensive Plan and the Zoning Ordinance that is applicable for this property and this area.

Conditions of Approval:

1. Any amendments to the development plan must be reviewed by the Oldham County Planning Commission.
2. A comprehensive sediment and erosion plan shall be developed and a soil and erosion bond will be posted before any site disturbing activity occurs pursuant to the soil and erosion control requirements in the construction site runoff ordinance.
3. The sediment and erosion plan shall include a phasing plan that limits the amount of the sediment exiting from the site.
4. The development must comply with the Oldham County Fire Hydrant Ordinance.
5. All easements requested by any utility or service agency shall be provided and labeled on the construction plans.
6. A landscape plan must be submitted to staff for review and approval.

Discussion:

- YES:** Commissioners Albertsen, Arvin, Bohne, Crosby, Falvey, Finney, Douglas, Horton, King, Klingenfus, McWilliams and Smith
- NO:** NONE
- ABSTAIN:** NONE
- ABSENT:** Commissioner Mesker

Motion passed on a vote of 12 – 0.

Secretary Foxx called and read Docket PZ-16-009:

DOCKET PZ-16-009 – An application has been filed for a Program for Signs (Section 290-140 of the Oldham County Zoning Ordinance) for the property located at 6501 Veterans Memorial Parkway, Crestwood. The property is zoned C-4 Highway Service District.

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

Community Planner Brooke Radcliffe Viehmann presented the following:

- Summary of application for a Program for Signs for the Wal-Mart building.
- Notes and issues (Exhibit A: Staff Report dated March 22, 2016).
- Site history.
- Aerials and photos of the property and the surrounding area and photos of the signs already on the Wal-Mart building.

Ms. Viehmann continued as follows:

- On January 19, 2016, a sign permit was issued for a total of 711.37 square feet of building signage (wall signs).
- Ten additional square feet are still unused per the original approved program for signs, which amounted to 721.52 square feet.
- Applicant is now proposing 20 square feet of wall signs on the front elevation for each tenant, a total of 60 square feet.
- If the additional 60 square feet is approved the total square feet of signage will be 781.52 square feet.
- If the Revised Program for Signs is approved, tenants will be required to obtain a sign permit from Oldham County Planning and Development Services before they are installed.
- Presented drawings of the development plan, building elevations and photos of the building showing the current tenants and where the future tenants will place their signs.

- The L&N Federal Credit Union sign was shown giving an idea of the type of the sign that will be placed.
- Photos shown of the building from adjoining properties and nearby roads showing where all the other signs have been installed and all the other areas where the future tenants will be placed.

In summary Applicant is requesting an amendment to their current Program for Signs package, allowing a total of 781.52 square feet.

Ms. Viehmann responded as follows:

The existing free-standing sign will remain; they are not asking for any additional free-standing signs.

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

Richard Hopgood, Attorney, Wyatt, Tarrant & Combs, 250 West Main Street, Lexington, was present to speak in behalf of the Wal-Mart stores.

- The Crestwood Wal-Mart opened on March 9, 2016 and just inside the entrance to the store they have what is referred to as “vestibule space”, for services that are offered to customers.
- At the time the Program for Signs was originally approved, they did not know how much space would be needed for these services such as the L&N Federal Credit Union.
- This is the first physical presence for L&N in Oldham County and concerned that when customers look for the location, they may not realize that it is located inside the Wal-Mart Store and will help promote this location.
- The proposed size of the sign is two by ten feet, will be internally lit, will have two other spaces (40 square feet) available and also will be internally lit; the signs will be of the same quality and simply identifying the name of the tenant in the building.
- The location of the signs on the building give the general idea as to where the business is located within the Wal-Mart store which will be helpful to customers that may pull up to Wal-Mart and think they are not at the right location.
- The request for Program for Signs is for tenant space; all their signs are installed and do not need anything else from Wal-Mart.
- This is a multi-tenant building and this request achieves the basic design innovation for this sign package that would be consistent with the regulations and would be permitted.

- It was confirmed that the signs are internally lit (LED lighting).

Greg Epley, Creative Design Director for L&N Federal Credit Union, 9265 Smyrna Parkway, Louisville, was present and sworn prior to speaking in behalf of this application.

- This is the fourth Wal-Mart in which they have a presence, however, the first for Oldham County.
- Having the wall sign has worked very well in the other locations and very helpful to the customer realizing that they are located in the Wal-Mart store.

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

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

- Administrator Urban responded that the pylon sign shown in the packet had already been approved in the original program for signs request.
- There is no proposal to add more signs to the existing pylon sign and it may be difficult to do so as it is such a big pole sign; they would have to return to the Commission if they wanted to do so.

(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:

Attorney Hopgood stated the basis for the motion to approve, is that the design innovation is to provide signage and to achieve the basic objective to inform customers that there are multi-permitted uses and multi-tenants in the Wal-Mart building.

END OF PUBLIC HEARING

Administrator Urban informed the Commission that the Commission is asked to consider an amendment to the original program for signs. There is a sample motion in the staff report for approval or denial and must give reasons. There are five standard reasons and two alternatives. There is also a justification for the program for signs.

Attorney Carter stated that the request does comply with the sign plans as it is for multiple occupants and not just Wal-Mart.

**FINDINGS AND DECISIONS
PZ-16-009
Revised Program for Signs**

Motion was made by Commissioner King and seconded by Commissioner Falvey to approve Docket PZ-16-009, Program for Signs, because:

- Per testimony given, does not find that there is a detriment to the public good.
- Does not find that there is a material addition to permitted square footage of sign space under the application.
- The basic objectives and intent of the regulations are maintained within this application.

Proposed Binding Elements:

1. There shall be no changes to the Program for Signs without approval by the Oldham County Planning Commission.
2. Signage lighting shall be designed to not shine in the eyes of drivers.
3. Any temporary signage must be in compliance with Section 290 and only permitted upon submittal and approval of a sign permit application.
4. An approved sign permit from Oldham County Planning and Development Services must be obtained before signs may be installed.

Discussion: None

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

NO: NONE

ABSTAIN: NONE

ABSENT: Commissioner Mesker

Motion passed on a vote of 12-0.

Secretary Foxx called and read Docket PZ-16-010:

DOCKET PZ-16-010- Oldham County Comprehensive Zoning Ordinance Revisions

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

Chairman Jeffries informed those present that this is a hearing to consider the update on the Oldham County Comprehensive Zoning Ordinance Revisions. They will take public comment and hopefully take a vote of recommendation to send this to the Legislative Bodies: Oldham County Fiscal Court, City of Crestwood, City of LaGrange and City of Pewee Valley for consideration of updating the Oldham County Comprehensive Zoning Ordinance.

Administrator of the Oldham County Planning and Development presented the following:

- Staff and the Commission will go through portions of the presentation.
- At the last Planning Commission meeting staff distributed to the Commission members recommendations of the Study Review Committee after two years of meetings.
- They did not meet every month but they met on a regular basis along with holding several public meetings.
- They have come up with a document that is about half of what the recommendations will be for the Zoning Ordinance; much of this is a major overhaul of the zoning ordinance, to modernize it, update to meet current and future trends in the building industry.
- Hope that the Commission members have read the recommendations and staff will present six different subjects one at a time, discuss it and follow with a ten minute public comment.
- Named the Commission members that have been part of the Study Review committee: Commissioners Jeffries, Horton, Smith, King, Klingenfus and Crosby, all voting members. There were others at the meetings, Mayor Dennis Deibel of the City of Crestwood, Mayor Bob Rogers of the City of Pewee Valley and occasionally members of the City of LaGrange and several citizens and building industry members that were involved.
- The Comprehensive Plan was approved in 2014 and took a couple of years to process.
- Biggest difference was the future land use map.
- Wants to be clear about the distinction between the Comprehensive Plan and the Comprehensive Zoning Ordinance.
- On the screen shown in red was the Comprehensive Zoning Ordinance which is what will be reviewed today. Still have the subdivision regulations and various other ordinances such as nuisance and fire hydrant to update.

- It was recommended in 2014 to update the regulations on a regular basis, complete a sustainability audit of the zoning ordinance, and keep up with modern trends.
- Last revision of the zoning ordinance was in 2007 and there were some changes but not a major overhaul; there are minor mistakes that will also be corrected.
- Have had 18 SRC meetings and on Feb 16, 2016, SRC recommended to the full Planning Commission to consider their work and pass it on to the legislative bodies.
- Reviewed what would be taken into consideration, however, there are six subjects that will be discussed in detail and will begin with the Sign Regulations.
- There will be ten minutes to discuss each subject and then the floor will be opened for public comment.
- Administrator Urban confirmed that this hearing was advertised in the Oldham Era.

Sign Regulations

Community Planner, Brooke Radcliffe Viehmann presented the following:

Made multiple recommendations for signs and some were miscellaneous corrections, misspellings and some things that needed to be removed.

Sign Definitions: reviewed language that was being added, definitions, corrections and off-premise signs, banners and what signs are prohibited. Stated where these are allowed and the time period allowed.

Addressed and defined what is considered the right-of-way and stated that the signs are not permitted in the right-of-way for safety reasons and because it is publically owned.

PUBLIC COMMENT ON SIGNS:

James Key, Briarwood Road, LaGrange, was present and sworn and addressed what he thought was changed regarding the real estate signs.

Ms. Viehmann responded: told what was added to make things clear and did not change real-estate sign regulations.

Administrator Urban confirmed that the SRC did not change from what was originally proposed regarding real-estate signs.

Ms. Alvey confirmed to Mr. Key that there was only one change proposed: "... a sign must be taken down seven days after a sale is complete and cannot be located in the road right-of-way."

Dewey Wotring - 3520 Rock Rose Lane, LaGrange, was present and sworn prior to stating his concerns:

- Does not get the Oldham Era and therefore is not aware as to when public meetings are being held.
- Inquired as to whether the Ordinance addresses fines for those having sign violations.
- Informed the Commission that often it is hard to hear the proceedings and cannot hear the Commission members when they speak.

Chairman Jeffries informed Mr. Wotring that there are head phones available in the court room and they can be requested for those that are in need of them.

Administrator Urban responded regarding sign violations:

- One does have the opportunity to remove the sign but if that is not done that issue can go to the Code Enforcement Board.
- There can be monetary fines which is addressed in the Code Enforcement Ordinance.
- Confirmed for the record that this meeting was posted on the website

Accessory Uses and Structures - Accessory structures without a dwelling unit

Planner Amy Alvey presented this portion of the Ordinance:

- Stressed that this topic is for accessory structures without a dwelling unit such as a garage, sheds, etc.
- There are many requests for a second accessory structure and much research was done as to what other communities do with accessory structures.
- Reviewed the proposed chart showing that based on the size of the parcel, shows the total maximum floor area allowed for the two structures.
- If a parcel has less than 20,000 square feet, 800 square feet of accessory structures is allowed; i.e. a 600 square foot one car garage and a 200 square foot gardening shed. The owner would not have to go before the Board of Adjustments to request that second accessory structure.
- If a parcel is from one acre to 2.99 acres there can be a total of 1800 square feet of accessory structures.
- On property of 5.01 acres or larger there is not a restriction as to what size; two is allowed by right, however if a person wants a third building they would have to go before the Board of Adjustments.
- This does not include agricultural structures.

Doreen Carlson, 2824 Barrickman Lane, Goshen, was present and sworn prior to stating her concerns:

- Presented a document (Opposition Exhibit A) addressing issues that cases like this will not be heard by the Board of Adjustments.
- Board of Adjustments cases allow adjoining property owners to be present at a hearing and give their input on a second accessory building; if necessary the Board can place conditions on that approval.
- Concerned that an oversized building can be placed next to her fence and nothing can be done about it.
- Presented a chart (Opposition Exhibit B) showing cases that have had appeals and lawsuits.

Administrator Urban referred to the graph Mrs. Carlson presented. Clarified that the chart shows only properties that had a principal structure.

Administrator Urban responded to the Commission regarding larger accessory buildings. Presently, there are regulations for side yard setbacks and as long as they comply with the setbacks, one can obtain a building permit; nothing is being changed regarding setbacks for accessory structures.

If someone had a three acre tract with a 4000 square foot house and wanted to build an accessory building for antique cars, that could be done by applying for a building permit. The Board of Adjustments and Appeals would not be a part of that process. Currently if a property owner wants to construct a second accessory structure, they would have to request approval to do so from the Board of Adjustments and Appeals.

Administrator Urban stated for the record, that the chart Mrs. Carlson submitted is inaccurate. There have not been 19 appeals and law suits. The appeals are actually applications.

Ms. Alvey responded to the Commission and clarified that #3, which was part of the draft in September was removed; variances and waivers cannot be approved at staff level. That would go to the Board of Adjustments and Appeals. Item "D" was also removed as that would also go to the Board of Adjustments.

Judge-Executive David Voegelé, Oldham County Fiscal Court was present and sworn prior to making the following statement:

- Feels that one should have the opportunity to go before the Board of Adjustments and Appeals for exceptions regarding accessory structures.
- Requested clarification regarding accessory structures.

Ms. Alvey responded as follows:

- Reviewed the proposed chart outlining property sizes and total accessory square footage allowed by right.
- Clarified if the owner wanted to build two accessory structures totaling 2000 square feet on a 1.0 to 2.99 acre tract, they would need to go before the Board of Adjustments for approval of a variance or a waiver for the additional 200 square feet.
- Notice would be mailed to the adjoining property owners and notification would be advertised in the Oldham Era.

Lot Width and Setbacks

Ms. Alvey presented a chart on the overhead showing the current minimum lot width or setbacks, and a column showing the proposed minimum lot width or setback. Reviewed the updates showing what is now proposed for each zoning district.

Public Input

Mr. Wotring stated concerns that reducing the setbacks will make a dramatic appearance to the neighborhoods and very little difference in the maintenance. There are many commercial mowers in the county and they will have a problem getting their machines in between two houses. It is the developer that will benefit from this allowing them to put in more homes and it should be the people, not the developers to dictate the size lots.

Mr. Key stated that this is not something that needs to be fixed. People did not move out here to be closer to neighbors. He moved to Oldham County because of the reputation of having larger lots. He does not think this is the right thing to do.

Mr. Key stated that Bo Crouch has a proposed subdivision with large lots. Mr. Crouch told him he can sell those lots very quickly. Mr. Key does not understand where this trend comes from in proposing the smaller lots.

Mrs. Carlson stated that her husband is a registered builder. SRC heard studies and number one criteria is land saturation. The studies were from Massachusetts where there is no land and have a very dense population. Does not want that and do not need that in Oldham County and do not want buildings on top of her. Feels that Mr. Urban is

cheerleading denser populations. Citizens trust the Commission to keep Oldham County in its rural character of open spaces and not making it just like Jefferson County.

Ms. Alvey responded to the Commission:

- Confirmed that the side setback will be a minimum of 5 feet and there would be a distance of at least 10 feet in between the houses.

Administrator Urban responded to the Commission:

- They rely on experts and SRC had a meeting with representatives of the building industry.
- According to their statistics, we have an aging population and everyday 10,000 people are turning 65 and living longer. People are no longer looking for large lots and the same goes for young professionals.
- The reasoning for the five foot minimum setbacks is that in R-4 zoning, the minimum lot size on sewers is 6000 square feet. One cannot put the modern house they desire having a front loading garage on less land having a 7.5 foot side yard (a 15 foot total side yard setback). The staff and SRC felt that the proposed setback is an acceptable minimum. It does not mean that every developer will come in with that side yard setback and does not mean larger lot developments will not happen, however, we have not seen five acre lot developments recently as there is not a demand for that anymore.

Chairman Jeffries stated that many people want a nice looking home but do not want to come home and have to maintain their lots all weekend. Realtors came forward stating the same thing and that even nationwide realtors feel this way. They went through several meetings and felt this is what people are comfortable with.

Commissioner Horton stated that people are not doing anything about lowering the price of a house.

Commissioner Albertsen stated she appreciates SRC and all the work they do. Is concerned with the proposed setbacks. She lived in California where they had five feet in between which was just enough room in between the houses. But that is not how she thinks Oldham County should go forward.

Chairperson Jeffries stated at this time that Mr. Urban is not cheerleading this. There has been much material brought to the SRC committee. They have brought in experts from different industries, not just builders and even people from U of L talking about national

trends and statistics. It is SRC that has made these recommendations and are bringing it to the Planning Commission.

Accessory Dwelling Units

Senior Amy Alvey presented the following;

Described the Three Types of Accessory Dwelling Units:

- Interior: Created and contained within the footprint of an existing or a new home.
- Attached: Added to the floorplan of an existing house.
- Detached: Separate from the primary dwelling unit (Must go before the Board of Adjustments)
 - Gave definition of a breezeway: Covered walkway open on all sides and does not exceed 20 feet in length

Addressed the General Provisions for an accessory dwelling unit

Public Comment Regarding Accessory Dwelling Units

Mr. Wotring stated he personally cannot imagine looking down the street and see 3000 to 4000 square foot homes with a 1000 square foot ADU's in a nice neighborhood. Will not help the communities as the properties will deteriorate. Feels that if these are added that it will reduce the value of the homes.

Ms. Alvey responded to Mr. Wotring that one would not be allowed to put an ADU where there are already two accessory buildings; it would be considered an accessory structure and are only allowed two.

Mr. Key has concerns that when people move out of the homes, they will become rental property. Asked who will enforce when these ADU's become apartments and have slum lords. Sounds great to have a Mother-in-law suite but once it is not needed will become a rental unit.

Mrs. Carlson presented four photos (Opposition Exhibit C) of property that adjoins her property which are most likely enforcement issues. Has concerns of the type of activities that will occur in the ADU's.

Presented an Affidavit (Opposition Exhibit D) stating objections to the revised regulations regarding ADU's.

Mrs. Carlson responded that the fence shown in the photo is her fence. The neighbor's house was under construction and they obtained a permit to build a barn. There is a concrete driveway where several vehicles are parked. She has concerns about the second accessory structure. The lady in the photo is going into the ADU which is not the primary residence. She questioned whether the lady is an employee as she comes there at the same time on a daily basis.

Commission members stated that a representative from the Board of Adjustments had attended their meetings and requested guidelines regarding ADUs. There are different types of requests and as Judge Voegelé stated, in fairness it is necessary that one go before the Board of Adjustments.

Administrator Urban addressed this subject and presented portions from the Comprehensive Plan Update which was approved in 2014. They struggled with this subject matter back then. Referred to Item #3, LU-2-3: as to Zoning Regulations defining appropriate conditions where accessory dwellings units may be approved. A detached accessory dwelling unit will go to the Board of Adjustments.

In the newspaper, there have been successful accessory dwelling unit stories. One is where a man's son was injured and living in a trailer on Clore Lane. There was a code enforcement issue because the son was living in a trailer. The father was able to go before the Board of Adjustments, and after testimony, received approval and a church group helped him build an accessory dwelling unit for his son.

In Summary, we are taking direction from the Comprehensive Plan which was adopted by the legislative bodies and tried to describe the conditions where they may be approved. The Board of Adjustments will place conditions on the approval of the accessory dwelling unit. The SRC realized that a detached building does have to go before the Board of Adjustments where they may approve and place conditions, or they may deny the request.

Development Review: (Site Plan Review) Section 390-040

Ms. Alvey presented the following:

Presently there is no real distinction as to who should review a Development Plan, whether at staff level or go to technical review committee or the full planning commission for review.

Addressed Category 1, Category 2 and Category 3 Reviews. This gives staff more of a guidance as to where a development plan should go and who should review.

Administrator Urban responded regarding the three categories starting with the traffic consultant. All plans need to be reviewed by the traffic consultant and they can clarify which review category is used. Many applications that come through may not need to be here and could take place at staff level.

There was no public comment.

Planned Residential Development:

Community Planner Brooke Radcliffe Viehmann presented the following:

- This is a new Zoning district and the purpose is for flexibility and design.
- Currently there is a planned unit development in zoning regulations (PUD) for mixed uses.
- This is to provide for a different type residential district.
- Will go to the Planning Commission and then to the legislative body as a zoning change.

Gave an example of a 20 acre tract if someone wishes to implement something different than what R-4 or R-2 permit they could ask for a rezoning. In the process would create a master plan that outlines all the development residential district regulations showing setback, lot sizes, and style of houses and bring it to the Planning Commission for approval. This is just a new development district opportunity for flexible housing styles.

For instance, Norton Commons has different lot sizes and setbacks, all in one development. But you cannot do that here. Everybody has to have the same lot size and same setbacks. It will be reviewed the same way any zoning map amendment will be reviewed. It can be something of a variety, such as apartments, single family homes and duplexes all in the same development.

Administrator Urban responded that Norton Commons already has an approved development plan in the Oldham County section and do not need a PRD. If they wanted this they would have to go through a rezoning process. Someone could ask for consideration on a new piece of property.

Continued responding that one has to develop a master plan. For instance Oldham Reserve is a planned unit development, has a mixed use and they came in with a change in zoning and a master plan and came before the Commission and Legislative bodies. Buckner Crossing at Commerce Parkway and Highway 393 is a mixed use development. The Commission would determine whether or not this is appropriate zoning classification and use of the land. PUD is a

mixed use and this is doing something similar without the commercial portion. Requires a master plan, setbacks and not arbitrary at all.

NO PUBLIC COMMENT

Administrator Urban reminded that the Study Review Committee has reviewed everything. If they trust their work they can move forward, otherwise can continue reviewing.

Section 250-060

Administrator Urban responded concerning adult entertainment establishments and why they are being added. This is already in the regulations but need to put them in a zoning classification and that is where they will now be listed.

Ms. Alvey confirmed to the Commission, that on Page 74 to 75 of the Ordinance, it lists the zoning in which that is allowed. But it is not listed under Permitted Uses and Conditional Uses.

Administrator Urban confirmed that the use is already in there, but now it is listed in the permitted uses category.

Commissioner Finney stated that he appreciates all the work and time that staff and SRC has been put into this.

NO PUBLIC COMMENT

END OF PUBLIC HEARING

DECISIONS

PZ-16-010

**Oldham County Comprehensive
Zoning Ordinance Revision**

Motion was made by Commissioner Finney and seconded by Commissioner Arvin to recommend to the Legislative Bodies to approve Docket PZ-16-010, Revision of the Oldham County Comprehensive Zoning Ordinance as presented and having been reviewed.

YES: Commissioners Albertsen, Arvin, Crosby, Falvey, Finney, Douglas, Horton, King, McWilliams and Smith.

NO: Commissioner Klingenfus

ABSTAIN: NONE
ABSENT: Commissioners Bohne and Mesker

Motion passed on a vote of 10 – 1.

Discussion

Commissioner Horton stated that not only did they do additions, but they also did subtractions such as Blacksmith horseshoeing which is no longer needed as that type thing no longer applies.

Commissioner Douglas commends the SRC and staff. They realize they have had many meetings and has been a very good idea as has helped to provide transparency.

Administrator Urban responded to a question regarding accessory dwelling units. If the Board of Adjustments approves an accessory dwelling unit, an affidavit is signed and a Certificate of Land Use Restriction is filed and is on record. Someone doing a title search will see that there are conditions with that approval. As to ownership, that is based on the deed and whose name is on that deed.

Ms. Albertsen has concerns putting more responsibility and workload on staff. Asks if there are plans to hire more people.

Administrator Urban commends the staff, Planners Amy Alvey and Brooke Viehmann and he could not have done this without them. At this time they can handle the workload but it is getting greater. There is an old position that has not been filled and are one staff member less than in 2010.

Chairman Jeffries responded to concerns that if something is not working, can always make corrections and bring it back to the Commission.

Administrator Urban reminded the Commission that this still has to go to the Legislative bodies and there may be more recommendations from them.

At this time, Ms. Alvey reminded the Commissioners of a Regional Mobility Council Transportation Summit meeting on April 14, 2016. All those going need to notify her very soon and can make plans to carpool.

There being no further business, the Planning Commission meeting adjourned at 4:55 p.m.

The next regular meeting is scheduled for Tuesday, April 26, 2016, 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