

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

Tuesday, June 28, 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	Denia Crosby
William Douglas	John Falvey	Sam Finney
Jan Horton	Greg King	Bob Klingenfus
Joe McWilliams	Kevin Mesker	JW Neal
Mary Ann Smith		

Commissioner Bohne was absent.

Others present and sworn in were Planning and Development Services Director Jim Urban, Senior Planner Amy Alvey and Community Planner Brooke Viehmann. County Attorney John Carter, County Engineer Beth Stuber and Paula Wahl, Oldham County Traffic Consultant were also present and sworn. Ethel Foxx was the Secretary for the meeting.

Approval of Minutes –

Motion was made by Commissioner McWilliams and seconded by Commissioner Mesker to approve the minutes of May 24, 2016 as submitted and corrected.

Motion carried by unanimous voice vote.

Secretary Foxx called and read Docket PZ- 16-019

DOCKET PZ-16-019 - Application has been filed by Todd A. Simmons for the approval of a Preliminary Subdivision Plan for 10 lots on approximately 13.78 acres to be known as Saddlevue. The property is located at 11300 Highway 329, Prospect. The property is zoned R-2 Residential District and AG-1 Agricultural District.

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

Senior Planner Amy Alvey presented the following:

- Summary of application.
- Notes and issues (Exhibit A: Staff Report dated June 28, 2016).
- Site history.
- Addressed the open space area of Hidden Falls.
- Aerials and photos of site and surrounding area.

Questions to Staff by the Commission:

Beth Stuber, Oldham County Engineer, confirmed that Hidden Falls Drive is a County Road.

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

Attorney Berry Baxter, 117 West Main Street, LaGrange was present to speak on behalf of this application:

- Mr. Simmons proposes to create a subdivision consisting of 10 lots on about 13 acres.
- The proposed subdivision is to be located on Hidden Falls Drive.
- The development is located about 1200 feet back on Hidden Falls Drive and although it does not abut Highway 329, has a Highway 329 address which will remain with the residual tract.
- The property is owned by Mr. Craig from whom he will purchase the property.
- The property has been a cow pasture for many years.
- Showed the location of an existing spring which has been degraded by cattle and the applicant plans to construct a spring house and restore the spring channel.
- The property adjoins the Hebel property on which there is an existing tree line along the fence row that will not be disturbed and remain as a buffer.
- Any proposed lighting to be installed will comply with what is considered "dark sky" regulations, a low level lighting for the development.
- A letter has been provided from the Health Department and their only concern is the sink hole and the spring, both of which are located on Lot 9.
- Submitted a compliance statement (Exhibit B) outlining the reasons why the development is in compliance with all the regulations including the Brownsboro Master Plan.
- The proposed development will not require any variances or waivers, is good for this location and they have not had any complaints.

- Mr. Simmons has worked out an agreement regarding maintenance of the entrance, landscaping and fencing with the attorney representing Hidden Falls.

James Griffin, Evans-Griffin Engineer and Land Surveyor, 4010 DuPont Circle, Louisville, was present and sworn prior to speaking in behalf of this application:

- Development will be done in two phases which will give the developer the opportunity to sell some lots and have money to build the roads.
- There is a sink hole on Lot 9 and there will be restrictions that the builder is to protect the sink hole during construction of a house on that lot.
- Referred to the new roadway on the aerial of the property that appears as a sharp turn radius; there is a concern about the radius going around the corner.
- Explained that the 40 foot radius is equal to the same as a cul-de-sac bulb and minimum radius for a school bus.

Todd A. Simmons, 1511 Riverside Drive, Prospect, was present and sworn prior to speaking on behalf of this application:

- Reviewed the Brownsboro Plan and the Comprehensive Plan when considering the proposed subdivision.
- There will be very little site disturbance.
- The majority of the four lots at the rear of the subdivision is treed and plans to remove as few trees as possible.
- In keeping with the Brownsboro Master Plan, the development will not be visible from Highway 329.
- Will add native species trees on each side but not in the utility area; may be a few years by the time the tree line is developed.
- Adding a horse fence in keeping with the character of the area and will allow horse fencing on the lots.
- Will use the same deed restrictions as Hidden Falls requiring the same house size and architecture so it will flow with the other developments.
- Will only be ten lots which will have very little effect on Highway 329.
- The spring is basically a ditch and has water in it only half of the year.
- Will do everything possible to improve the spring which should improve the water quality of Harrods Creek which is about one and one-half mile away.

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

(4) Questioning of the applicant and staff by the Commission:

Beth Stuber, Oldham County Engineer, responded as follows:

- Concerning the cul-de-sac radius for the number of lots, a 39-foot radius is acceptable to her but would like the opinion of Michael Williams of the Oldham County Board of Education regarding the school bus pick up on that road.
- Normally the 39-foot radius would be acceptable for garbage trucks and that type vehicle.

Michael Williams, Oldham County Board of Education, having been sworn, responded as follows:

- Their Transportation Department stated they do not feel the school bus should travel down that road because it will be tight and the students will be able to walk to the front of the subdivision for pick-up.

Todd Simmons responded as follows:

- Will work with the Planning staff as to the type trees that would be acceptable; they would like a mix of shade trees but do not want Ash or Cedar trees.
- Lots 1 through 6 will have driveway access off Hidden Falls Drive and there are already curbs there.
- As to school bus pick-up, most likely the children will congregate at the entrance at Hidden Falls Drive.
- As to the sink hole on Lot 9, it has not been evaluated; it is about five feet in diameter and three feet deep. In relation to construction, they will work with Ms. Stuber and fill it with stone or whatever is recommended; that is the only sink hole they found on the site.
- The sink hole and the spring are only about 20-30 feet apart and there should be a 70 foot buffer around the sink hole and 50 foot buffer around the spring per the Oldham County Health Department.
- The Health Department tested each lot and they will have the traditional septic systems.
- The spring is not a year round spring and is dry in the summertime.
- Lives in Constantine Farms and his children have been walking to a bus stop for years; he does not feel there will be a safety issue.
- Does not know who maintains the neighboring cemetery in Hidden Falls but as the original developer it was cleaned up and a fence was installed around it.
- The homeowner will be responsible for maintenance of the spring house once they take title and that will be part of the deed restrictions.
- The spring house will be made of stone and will be an 8 x 8 building.

Attorney Baxter responded as follows regarding the spring house:

- Confirmed that they can add to the deed restrictions that the property owner will be responsible for maintenance of the spring house should it be in disrepair and cannot fill in the stream or tear down the spring house.

Mr. Griffin stated that there would be a detention area and it could not be disturbed.

(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-16-019
Preliminary Subdivision Plan
Saddleview Subdivision

Motion was made by Commissioner King and seconded by Commissioner McWilliams to approve Docket PZ-16-019, application for a Preliminary Subdivision Plan because:

- It complies with objectives of the comprehensive plan, the zoning ordinance and the subdivision regulations.

Conditions of Approval:

- 1) 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.
- 2) The sediment and erosion plan shall include a construction phasing plan to limit the amount of sediment exiting the site.
- 3) The development must comply with the Oldham County Fire Hydrant Ordinance.
- 4) No lot may be further subdivided resulting in a greater number of lots than approved by the Planning Commission.
- 5) All sinkholes shall be labeled on the record plat and marked in the field during construction.

- 6) All easements requested by any utility or other service agency shall be provided and labeled on the record plat.
- 7) Saddle View will mirror the deed restrictions, construction requirements and architectural controls of Hidden Falls.
- 8) Establish a do not disturb buffer to preserve mature treed fence line while maintaining privacy between neighbors.
- 9) Repair eroded spring and channel, using vegetation buffer zones and construction of stone spring house. Barrier fencing to be installed and permanent stream crossing required before lot construction begins. A maintenance requirement will be placed in the Deed for Lot 9.
- 10) Protect Harrods Creek watershed by staged construction, soil & erosion best practices and limited site disturbance.
- 11) Preserve natural topographic contours in site development and restrict site grading to a minimum necessary to effectively manage increases in storm water runoff.
- 12) Preservation Buffer established to protect mature tree canopy along rear fence line. Developer to limit disturbance of woodlot during site development process.
- 13) Low lighting required on homes to preserve "Dark Sky" effort.
- 14) Utilities will be located underground and trees planted with utilities in mind to avoid root damage in the future.
- 15) Preserve horse fencing along Hidden Fall Drive and construction of additional horse fencing along both sides of Saddle Ridge Court.
- 16) Planting of native trees along Hidden Falls drive and Saddle Ridge Court to establish future rural tree lined roadway.

Discussion:

Beth Stuber confirmed to the Commission that the radius of 40 feet is adequate for the school bus; the 39 feet for the cul-de-sac is acceptable as well.

The vote was as follows:

Commissioners King, Klingenfus, Mesker, McWilliams, Smith, Albertsen, Arvin, Crosby, Falvey, Finney, Douglas, Horton and Neal.

NO: NONE
ABSTAIN: NONE
ABSENT: Commissioner Bohne

Motion passed on a vote of 13-0.

Secretary Foxx called and read Docket PZ- 16-020

DOCKET PZ-16-020 – Application has been filed by Pinnacle Properties of Louisville for the approval of a Revised Preliminary Subdivision Plan for a development consisting of 264 Single Family lots on approximately 154 acres to be known as Currys Crossing (formally Quail Creek Subdivision which consisted of 116 Patio Homes and 147 Single Family Homes). The property is located on South Highway 393 in LaGrange. The zoning is CO-1 Conservation/Residential District, R-2 Residential District, R-2A Residential District and R-4 Residential District.

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

Senior Planner Amy Alvey presented the following:

- Summary of application.
- Notes and issues (Exhibit A: Staff Report dated June 28, 2016)
- Site history going back to 2005 regarding the proposed Quail Creek Subdivision.
- Aerials and photos of zoning, the property and surrounding area of Highway 393.
- Presented binding elements from 2006 and information concerning proposed changes to date.

The following were present and sworn prior to giving testimony and responding to questions by the Commission:

Michael Williams, Oldham County Board of Education:

- Presented the school capacity letter showing that the schools assigned to this subdivision will be Centerfield Elementary, Oldham County Middle School and Oldham County High School.
- The only one that is currently over capacity is Oldham County High School. Using the policy as written it has to be greater than 100% prior to asking for any conditions.
- Presently all three schools together are at 99.41% capacity.
- Has spoken with one of the representatives for the development and there are plans already in the binding elements that there will be phasing which will assist in that process.

Paula Wahl, Oldham County Traffic Consultant:

- Performed an analysis for trip generation for garden homes because garden homes are not listed in the ITE manual.
- Studied other garden home developments in the surrounding area to collect the traffic data.

- The analysis showed that the ADTs for garden homes was 5.55 trips per day verses 9.52 trips per day for single family homes.
- Gave statistics as to her conclusion that the proposal is acceptable with 1998 ADTs.

Response to Questions by the Commission:

Ms. Wahl responded to questions from the Commission:

- A traffic signal evaluation would be conducted before the recording of the last section of the development. However, if it is warranted, a traffic signal could be installed during any phase of the development.

Mr. Urban responded to questions from the Commission:

- It would be the Transportation Cabinet who ultimately oversees the traffic signal warrant analysis on a State road. There is a binding element proposed that at any time that a traffic signal at KY 393 and the subdivision entrance is warranted, developer shall pay for the cost of signal purchase and installation. If not warranted and installed prior to recording of the last subdivision section the developer shall request a new signal warrant analysis, and if then still not warranted, developer shall offer a cash payment to KTC or other appropriate government authority equal to the cost of the traffic signal but instead for installation of appropriate KY 393 lane improvements.

Mr. Williams responded to questions from the Commission:

- The numbers show the schools are at 99.41 capacity at this moment.

At 10:19 a.m. motion was made by Commissioner Douglas and seconded by Commissioner Horton to add five minutes to testimony and response by Staff. Motion carried by unanimous voice vote.

Ms. Wahl continued her response to the Commission:

- The 72 units of Villas of Rock Springs are occupied.
- The garden home rates were only applied to the garden homes and not to the single family homes.
- The original subdivision traffic count was 2087 average daily trips (ADTs), and current count is 1998 ADTs.
- Statistics show that retirees would be more interested in this type housing rather than younger families.

Administrator Urban informed the Commission as follows:

- The trip generation study for garden homes was done by taking the total traffic count collected over the 2 week time period and dividing it by the number of garden homes to get an average daily trip count per garden home of 5.55 trips per day.
- That number was then applied to the plan before you today for only the garden home lots. The standard number for single family was used for the single family lots then totaled to get an overall traffic count for the entire development.
- KSR WWTP does have plenty of capacity being the reason they converted the Buckner Plant to a pump station. Responded concerning the trip generation, the number of units and as to the final phasing.

Senior Planner Alvey confirmed as follows:

- LaGrange Fire District will serve this subdivision and although the TRC notes state comments were by South Oldham Fire, the area will be served by LaGrange.
- There is a letter from the Oldham County Environmental Authority regarding sewer capacity and fees. There is a binding element that the subdivision shall meet all the requirements requested by the Sewer District.
- Sewage will go to the Buckner pump station and then pumped to the Kentucky State Reformatory regional wastewater treatment plant.

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

Attorney Bill Bardenwerper, 1000 North Hurstbourne Parkway, Louisville, was present to speak on behalf of this application.

- Gave history how there has been 70 percent loss of housing due to the market but the new phenomenon now is garden homes where buildings are close together but do not touch each other.
- There are plans to convert the subject condominium area into single family lots.
- There is also a request for a side yard variance throughout the development.
- The requested setback is what the Commission recently recommended to Fiscal Court.
- Presented the proposed subdivision layout and stated that the zoning will remain CO-1, R-2, R-2A and R-4.
- There have been 12 acres of open space added to the revised plan.
- Provided pictures of home styles and side yards.

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

- Presented the layout of the lots within the 154 acres of wooded land located at I-71 and Highway 393.
- Highway 393 is the only point of public access to the property.
- Showed location of the tributary of Currys Fork and location of two utility easements which consist of gas, electric and water lines.
- Outlined the current zoning, how it backs up to open space and the location of a cul-de-sac which is now dedicated to open space.
- Presented a colored rendering of Currys Crossing Subdivision and showed the existing boulevard entrance.
- Presented the area of R-2A/R-4 which was the patio home area and will now be the single family lots.
- Storm water will be managed through a series of proposed detention basins and existing ponds.
- There are 63 acres of open space with the majority of the lots backing up to open space which provides a buffer between Currys Crossing and the adjacent properties.
- The proposed plan will preserve the woodlands and protect the water quality of Currys Fork.

Dianne Zimmerman, CDM Smith, Traffic Engineer, 9420 Bunsen Parkway, Louisville, was present and sworn prior to speaking on behalf of this application.

- Prepared the traffic impact study which is actually the third version for this development.
- What is unique is that this is for the garden homes and pointed out that the local data is better than the ITE Manual which is for the entire United States
- Results are that there appears to be a delay issue at Briar Ridge Road and there are existing concerns because of the number of left turns in the morning and the afternoon.

Billy Doelker, 4751 Fox Run Road, Buckner, was present and sworn prior to speaking on behalf of this application.

- Is in support of this development.
- The garden home is a free-standing home product, is very popular and the county needs to provide this type of housing.
- He is the developer of Cedar Pointe Village condo conversion project and it has been a success.
- They are seeing this type home in demand in all demographics.
- This type of development is something the commission should strongly consider and because of Kroger coming in and other infrastructure, good housing options are needed.

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

Dewey Wotring, 3520 Rock Rose Lane, LaGrange, was present and sworn prior to speaking in opposition to this application:

- Will be affected by this development because he lives in Greenbriar Farms Subdivision located across Highway 393.
- Concerned with having only one entrance, the increased traffic, and how the schools will be affected especially since they are at capacity.
- The traffic will be equal to the number of vehicles coming out of Echo Valley Subdivision and Greenbriar Farms combined.
- Moved to Oldham County because of the larger setbacks and does not understand why the five foot setbacks are being considered.

John Miranda, Pinnacle Properties of Louisville, 802 Lily Creek Road, Louisville, was present and sworn prior to responding to Mr. Wotring's questions:

- They have agreed to contribute the equivalent cost of a traffic signal if a through lane is warranted in the future.
- Approval of the five foot setback will give them the ability to build the garden homes.
- Feel like the five and five setbacks is a reasonable setback.
- Presently the Commission has recommended a plan for five foot setbacks (ten foot total) which is going before Fiscal Court for approval.

James Key, 3803 Briar Ridge Road, LaGrange, was present and sworn prior to speaking in opposition to this application:

- The proposed subdivision does not fit in this area.
- Oldham County does not need the small lots and people do not want small lots.
- As to a traffic lights, the very needed traffic light on Highway 146 near Thorntons in Buckner has been denied several times and is concerned that a light may not ever be approved on Highway 393 for this development.
- Lives across the street and it is already very hard to get across Highway 393.
- Additional homes will make the traffic even worse and cannot even see the headlights at night.
- Concerned that the houses proposed will not fit on the lots of the proposed subdivision.

John Miranda of Pinnacle Properties responded to Mr. Key's questions as follows:

- The smallest garden home is 1650 square feet.

- Presently the garden homes in Glen Mary are selling for \$250,000 to \$305,000.
- Regarding the two homes shown in the photos, one is in Glen Lakes and the other in Summit Ridge.
- In those subdivisions, the homes sit on lots that are 80 and 95 feet wide, very similar to what is being proposed today.
- Some lots in the proposed subdivision are 105 feet wide.

Ann Richard responded to Mr. Key as follows:

- The proposed lots that are zoned R-2 have a minimum width of 80 feet, some being 100 feet wide.
- The square footage of the lots are a minimum of 12,000 square feet up to 20,000 square feet.

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

Administrator Urban responded to questions by the Commission:

- The Kentucky Transportation Cabinet in analyzing an intersection for the necessity of installing a traffic signal uses an eight hour traffic count.
- That is where a warrant analysis starts. If there are delays in that intersection that would warrant relief for the turning movement. They do consider safety issues in that warrant analysis.

Ms. Wahl responded as follows:

- It is all stipulated through a document called the Manual of Uniform Traffic Control Devices, a Federal document that all the states have adopted and it stipulates all the signage and placement. The State normally focuses on the traffic volume warrant and the accident warrant.
- Typically they do a 12 hour count and have to meet eight hour counts within that 12 hour window.

Attorney Bardenwerper responded as follows:

- Presented from the previous subdivision power point and addressed the obligations regarding open space for this plan.
- There were more acres of open space added in an effort to make as many of the smaller lots open to some kind of green area.

Administrator Urban responded at this time as follows:

- We do have open space subdivision regulations that require 50 percent preservation of open space.
- They did not propose this development to be an open space subdivision plan and there is no requirement to preserve open space.

Attorney Bardenwerper continued response:

- In this case they are not reducing the lot size and it meets the standards for the three zoning classifications.
- There was a neighborhood meeting held at the John Black Center and there was a good turnout.

Mr. Miranda responded as follows:

- They have two easements and they could have maximized the back yards but did not do so.
- Showed that in the R-2 section they left a portion for access to the open space and it could be for more active type recreational purposes.
- Calculated that they could have 377 units.
- The square footage for single family homes in the R-2 will be 2400 to 3000 square foot range.
- Sidewalks are proposed for the subdivision.
- They ended up with 130 garden home lots where they originally had 116 patio homes.
- The garden homes are interior to the development and the impact will be minimized for the neighbors.
- Explained the reasoning for requesting a variance for the whole subdivision: leaving the setbacks at 25 feet would have an impact on the size of the homes; allowing five feet on one side would allow 12 feet on the other side for a driveway.

Administrator Urban responded as follows:

- There have been a couple of condo conversions where they are building similar units to the garden homes; Rivers Landing and Cedar Pointe Village went from attached units to stand alone units because of the trend in the banking industry. Both of those are under construction.
- A round-about would not work at that part of Highway 393 due to the speed limit of 55 mph; it is up to the Transportation Cabinet as to the speed limit remaining at 55 mph.
- This has been approved for only one entrance as there is no other access point; also there is less traffic from the previous plan due to the traffic counts.
- The minimum lot width is 80 feet, therefore, if a 60 foot wide house is proposed, there would not be room for a total of a 25 foot side setback requirement and is the logic behind reducing the side yard setbacks because of the style of house.

- Responded about recommendations by KTC regarding the width of the entrance road, there should be no more than 36 feet in width (is required for the pavement and the not right-of-way).

Ann Richard responded as follows:

- This is a standard KTC comment whether for residential or commercial.
- On this site they meet the lane width requirements by KTC.

At 11:38 a.m., motion was made for an additional five minutes of testimony. Motion carried by unanimous voice vote.

Ms. Richard continued her response as follows:

- There will be additional usable open space in the utilities area that will be beneficial for recreation where children can play, but not usable for construction of a home.
- The center easement is an overhead electric transmission line and an underground transmission line and the far eastern easement is a 24 inch water line and gas line.
- The lots do not go all the way to the property line. They wanted to leave space to walk and also leave space for emergency vehicles. Confirmed the least narrow point behind Lots 192, 193 and 194 is 20 feet

Attorney Bardenwerper explained the reasoning for the requested variance in R-2.

- It is reasonable for the 80 foot wide lots allowing a larger home to be constructed on those lots.
- There has been discussion in this community regarding side yards and change is due to the market place being a reason they wish to go from the condos to the garden homes.
- People would like to have as much house as possible but not have so much grass to cut.

Mr. Miranda stated at this time he is willing to compromise regarding the side yard variance having a 5-foot side yard and a total of 17 feet. Just because there is a side yard variance does not mean that every single house will be crammed on those lots.

Dianne Zimmerman responded that a traffic signal was just completed in another location and the cost was \$100,000.00 and the design was \$15,000.00, the total cost being \$115,000.00.

Beth Stuber, County Engineer, responded that the County helped provide funding for widening a short stretch on Highway 146 and that cost was about \$100,000.00; the cost to the State was about \$300,000.00.

Planner Alvey presented on the overhead an idea of the setbacks required in the R-2 zoning for the Commission's information. Confirmed that it was Chief Sitzler that made the comment at the TRC meeting that the subject subdivision is in the LaGrange fire district area.

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

Attorney Bardenwerper stated that if the recession had not occurred this subdivision would have been built by now. Pinnacle Properties has been a stable business in the community for years and can go forward now that the recession is over. As to the garden homes and the traffic numbers, the engineers have confirmed that they do meet the required regulations. Reviewed the entrance showing that it is divided and adds a safety value. If there ever was an accident at the entrance traffic would have the ability to enter and exit.

(6) Rebuttal evidence and Cross Examination by the Opposition: None

(7) Final statement of the Opposition:

Dewey Wotring stated changing the setbacks will change the appearance of the homes. Mr. Miranda is willing to contribute to the placement of a traffic signal, however, they will not be contributing to the cost of additional lanes which means that the burden will be upon the tax payers. The proposed subdivision will cause the overcrowding of schools and the traffic will be much worse.

(8) Final statement of the Applicant:

Attorney Bardenwerper stated that they appreciate the Commissions patience and time.

END OF PUBLIC HEARING

Administrator Urban reminded the Commission that there are two decisions, one being three variances and the other, the revised preliminary plan. The Commission should first consider whether to approve or deny the requested variances.

The requested approvals for side yard variances are as follows:

- R-2: Five feet minimum each side from the required 7 feet/25 feet total
- R-2A: Five feet minimum each side from the required 7 feet/16 feet total
- R-4: Five feet minimum each side from the required 7.5 feet/15 feet total

Per Administrator Urban and Attorney Carter, it was suggested that the Commission vote separately on each variance request.

FINDINGS AND DECISIONS

PZ-16-020

R-4 Side Yard Variances

Five feet minimum each side from the required 7.5 feet (15 feet total).

Currys Crossing Subdivision

Motion was made by Commissioner King and seconded by Commissioner Falvey to approve the requested R-4 side yard variances for Docket PZ-16-020 because:

- Will not adversely affect the public health, safety or welfare.
- Will not alter the essential character of the general vicinity.
- Will not allow an unreasonable circumvention of the requirements of the zoning regulations because of the design objectives in providing ample open space.
- There is additional open space and buffering provided to the neighboring communities allowing greater density in number of lots.
- There is a commitment to the preservation of the open space and the water quality of the Currys Fork watershed.

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

NO: NONE

ABSTAIN: NONE

ABSENT: Commissioner Bohne

Motion passed on a vote of 13-0.

FINDINGS AND DECISIONS

PZ-16-020

R-2A: Side Yard Variance

Five feet minimum each side from the required 7 feet/16 feet total

Currys Crossing Subdivision

Motion was made by Commissioner King and seconded by Commissioner Falvey to approve the requested R-2A side yard variances for Docket PZ-16-020 because:

- Will not adversely affect the public health, safety or welfare.

- Will not alter the essential character of the general vicinity.
- Will not allow an unreasonable circumvention of the requirements of the zoning regulations because of the design objectives in providing ample open space.
- There is additional open space and buffering provided to the neighboring communities allowing greater density in number of lots.
- There is a commitment to the preservation of the open space and the water quality of the Currys Fork watershed.

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

NO: NONE

ABSTAIN: NONE

ABSENT: Commissioner Bohne,

Motion passed on a vote of 13-0.

FINDINGS AND DECISIONS

PZ-16-020

R-2: Side Yard Variance

**Five feet minimum from the required 7 feet/25 feet total
Currys Crossing Subdivision**

Motion was made by Commissioner King and seconded by Commissioner Falvey to approve the requested R-2 side yard variances for Docket PZ-16-020 because:

- Will not adversely affect the public health, safety or welfare.
- Will not alter the essential character of the general vicinity.
- Will not allow an unreasonable circumvention of the requirements of the zoning regulations because of the design objectives in providing ample open space.
- There is additional open space and buffering provided to the neighboring communities allowing greater density in number of lots.
- There is a commitment to the preservation of the open space and the water quality of the Currys Fork watershed.

Motion failed by unanimous voice vote 13-0.

FINDINGS AND DECISIONS

PZ-16-020

R-2: Side Yard Variance

**Five feet minimum/17 feet total from the required 7 feet/25 feet total
For Currys Crossing Subdivision**

Motion was made by Commissioner King and seconded by Commissioner Falvey to approve the requested R-2 side yard variances for Docket PZ-16-020, because:

- Will not adversely affect the public health, safety or welfare.
- Will not alter the essential character of the general vicinity.
- Will not allow an unreasonable circumvention of the requirements of the zoning regulations because of the design objectives in providing ample open space.
- There is additional open space and buffering provided to the neighboring communities allowing greater density in number of lots.
- There is a commitment to the preservation of the open space and the water quality of the Currys Fork watershed.

YES: Commissioners Arvin, Crosby, Falvey, Horton, King, Klingenfus, Mesker, McWilliams, Smith and Neal.

NO: Commissioners Albertsen, Finney and Douglas

ABSTAIN: NONE

ABSENT: Commissioner Bohne,

Motion passed on a vote of 10-3.

FINDINGS AND DECISIONS

PZ-16-020

**Revised Preliminary Subdivision Plan
Currys Crossing Subdivision**

Motion was made by Commissioner McWilliams and seconded by Commissioner Finney to approve Docket PZ-16-020, Revised Preliminary Subdivision Plan, because:

- It complies with the objectives of the Comprehensive Plan, the Zoning Ordinance and the Subdivision Regulations.
- The following Binding Elements shall be made part of the record:

Binding Elements:

1. A comprehensive sediment and erosion control plan shall be developed and a soil and erosion control bond will be posted before any site disturbing activity occurs pursuant to the soil and erosion control requirements in the subdivision regulations.
2. The sediment and erosion control plan shall include a phasing plan that limits the amount of sediment exiting from the site.
3. The development must comply with the Oldham County Fire Hydrant Ordinance.
4. No lot may be further subdivided resulting in a greater number of lots than approved by the Planning Commission.
5. The cumulative phasing plan shall limit the number of building permits issued per year as follows:
 - a. 2016 - 20
 - b. 2017 – 40
 - c. 2018 – 40
 - d. 2019 – 40
 - e. 2020 – 40
 - f. 2021 – 40
 - g. 2022 – 40
 - h. 2023 – 4
6. The developer shall meet all requirements requested by the Oldham County Sewer District in the letter dated 8/25/2005 on file with the Planning and Zoning Commission.
7. In order to satisfy any water flow and pressure requirements of the LaGrange Fire and Rescue, the applicant must provide any necessary upgrades to the water line system for this site prior to record plat.
8. All easements requested by any utility or other service agency shall be provided and labeled on the record plat.
9. At any time that a traffic signal at KY 393 and subdivision Street A is warranted, developer shall pay for the cost of signal purchase and installation. If not warranted and installed prior to recording of the last subdivision section, developer shall request a new signal warrant analysis, and if then still not warranted, developer shall offer a cash payment to KTC or other appropriate government authority equal to the cost of the traffic signal but instead for installation of appropriate KY 393 lane improvements.
10. There shall be no motorized vehicles in the open space except maintenance vehicles.
11. There shall be 110% runoff retention on the site.

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

NO: NONE

ABSTAIN: NONE
ABSENT: Commissioner Bohne,

Motion passed on a vote of 13-0.

OTHER BUSINESS:

None

There being no further business, the Planning Commission meeting adjourned at 12:22 p.m.

The next regular meeting is scheduled for Tuesday, July 26, 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