

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

Tuesday, September 27, 2016

At 9:04 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	Willi am Douglas	John Falvey
Jan Horton	Greg King	Bob Klingenfus
Joe McWilliams	James Neal	Mary Ann Smith

Commissioners Finney and Mesker were 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 and Secretary Ethel Foxx were also present.

Approval of Minutes

Motion was made by Commissioner Albertsen and seconded by Commissioner McWilliams to approve the minutes of August 23, 2016 as submitted.

Motion carried by unanimous voice vote.

Secretary Foxx called and read Docket PZ-16-026:

DOCKET PZ-16-026 – Application has been filed by 71 Land Group, LLC for the approval of a Revised Preliminary Subdivision Plan for Ballard Glen Section 3 consisting of 44 Single Family lots on approximately 40 acres. The property is located on East Highway 22 and Ballard Glen Parkway in Smithfield. The zoning is R-1 Residential and CO-1 Conservation/Residential District.

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

Senior Planner, Amy Alvey presented the following:

- Summary of application requesting approval for revision of preliminary subdivision plan for Ballard Glen, Sections 2 (approximately 72.10 acres) and Section 3 (approximately 40 acres).
- Site history, notes & issues (Exhibit A: Staff Report dated September 27, 2016).

- Presented aerials and overview of original plan showing Sections 1 and 2 (that have gone to record) and the original plan for Section 3.
- Applicant is requesting to amend Section 3 from 39 lots to 44 lots having 10.07 acres of open space.
- Presented original plat and proposed plat requesting revision of a portion of Section 2 (which has gone to record) from 50 to 53 lots; at this time does not have the open space calculations.
- If approved, revised plans will be submitted to State Health Department for approval of lateral fields and septic systems.
- No building permits will be issued until approval letters are received from the Oldham County Health Department; the proposal meets all the requirements of the Oldham County Zoning and Subdivision Regulations.
- The only change on the plan submitted will be that the 30 foot access easement will become a 60 access easement (presented site plan) located to the rear of the lots.

Ms. Alvey responded to questions by the Commission:

- The minimum calculation for open space (from the previous minutes) is normally 50 percent, however when this was approved they were required to have 129.36 acres of open space for the 314 acres.
- Confirmed that the total development will be required to have 129.365 acres of open space; the portion of Sections 1, 2 and 3 is only 150 acres with a total of 314; there are 164 acres remaining of open space and any future development would have to comply with the required open space.
- The bridge plans will be reviewed at the construction phase.

Administrator Urban responded to questions by the Commission as follows:

- Regarding storm water concerns, applicant will address the type, terms and structure as required by the Corps of Engineers.

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

Attorney Berry Baxter, Main Street, LaGrange was present to speak in behalf of 71 Land Group, LLC:

- This is a request for a minor revision to Sections 2 and 3 resulting in an addition of eight lots.
- Engineer, Bob Vinsand will present the plan and will be prepared to answer questions about the bridge.

Bob Vinsand, Vinsand Engineering and Land Surveying, 306 West Jefferson Street, LaGrange, was present and sworn prior to speaking in behalf of this application.

- The request is for a revision of the residual of Section 3 (about 40 acres) from 39 lots to 44 lots.
- There are approximately 3500 linear feet of roads in both proposed layouts.
- Understands that the developer purchased the residual remaining 164 acres and was approved in 2005 as future development.
- There is about 1000 feet of road on Ballard Glen Parkway that has been eliminated (that they feel is not necessary for this development) and redesigned.
- Reason was to take advantage of topography and terrain and propose to move Ballard Glen Parkway to the South which will reduce construction cost and will give more green space for development.
- The original 39 lots had an average size of 27,000 square feet and now proposing 25,200 square feet; will be 1800 square feet smaller and therefore will now have increase open space from 7.5 to 10.7 acres.
- Increased the number of lots by 5, and the roadway has been decreased to 50 from 60 road right-of-way because they can install curb and gutter.
- Included a portion of preliminary plan that was approved in 2005 and for reasons unknown, they had failed to include the additional acreage in Section 2 that would be needed for the lateral field and therefore three years ago, 71 Land Group acquired additional acreage for Section 2 and future Section 3.
- A minor plat was prepared and acquired a 6.5 six acre tract (Tract 3).
- When Section 2 was recorded they created a land locked tract that the Millers own, and addressed by creating an extension on Ballard Glen Parkway, a 60 foot easement in order for the Millers to have access to their property.
- When they met with Staff earlier, they were informed that the 30 foot access easement was inadequate and that area that would be difficult to construct. They proposed to stay with the 60 foot access easement as it had already been recorded allowing the Millers to access their property.
- The proposed bridge will have to go through the design process and will be designed by a qualified structural engineer and presented to the Division of Water for approval.
- In order to cross this type stream, approvals will be needed from the Kentucky Transportation Cabinet and possibly the Army Corps of Engineer.
- They are requesting approval to reconfigure Lot 22 into three additional lots. The lots will be out of the flood plain.
- Confirmed that they will need an amended approval from the Health Department for the additional lots in Section 2.

Attorney Baxter informed the Commission issues regarding the paving of Section 2 and presented a letter to Administrator Urban this morning as to suggested conditions of approval as follows:

- Require 71 Land Group to cause the final top coat to be put down in Section 2.
- Get bids as to the cost and his client will cause the paving to be done in the near future.
- Or - if Fiscal Court will approve, his client will be assessed over a period of three years for paving to be done by the County.
- Also understands that there is an assessment process as to what remains to be done regarding the final top coat in Section 1, whether individual lot owners will be responsible for making some type of contribution to defray that cost.
- If 71 Land Group owns a lot in Section 1 they would be assessed but otherwise they would not be responsible for getting Section 1 to be paved.
- In closing they are requesting approval for eight additional lots, three in Section 2 and five in Section 3.

Walt Schumm, 6100 Breeze Hill Court, Crestwood, was present and sworn prior to speaking in behalf of this application.

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

Charles Miller, 4412 Grand Circle, Crestwood, was present and sworn prior to speaking in opposition to this application:

- He and his wife own property directly behind the subject property that was approved by the Planning Commission in 2005.
- They have concerns and oppose this proposal.
- The 71 Land Group wanted to give them a 30 foot access easement so they could get to their property but have learned that is not possible.
- Suggests a connector road along Lots 7 or 8 and give them an easement that goes all the way to their property.
- They do not feel it would be feasible to build another bridge as proposed as it is located in the flood zone.
- He knows the property very well and concerned that it would not be good to build on the hillside.

Derek Rister, 4601 Miller Lane, LaGrange, was present and sworn prior to speaking in opposition to this application.

- Lives in Section 1, Lot 15.
- The property is in the flood plain and on four occasions has already had water up to the fence and past the flood plain line.

- Concerned that the new lots will cause even more water to come onto his property and is asking that the flood plain area be reevaluated.

Larry Myers, 3902 Ballard Woods Court, Crestwood, was present and sworn prior to speaking in opposition to this application.

- Concerned that traffic issues will be created if the two subdivisions are consolidated and another road connected, as there are already 100 homes in the area.

Administrator Urban informed Mr. Myers at this time that there is not another road connection proposed and therefore no reason for traffic concerns.

Patrick Parker, 4600 Miller Glen Place, Smithfield, was present and sworn prior to speaking in opposition to this application.

- Stated they are not necessarily opposed to the proposal but do have concerns:
 - The quality of the stream and how it will be impacted by the new construction.
 - Proposed impervious surface added on the hillside and how it will affect the lateral field.
 - How the quality of water will be affected and whether the Corps of Engineers has approved the plans.

Marguerite Miller, 4412 Grand Circle, Crestwood, was present and sworn prior to speaking in behalf of this application.

- The plan for access to their property is through the flood plain and not a good place for it.
- It would not be feasible to put in another bridge going across the flood plan and septic systems and have two bridges side by side to the subdivision.
- The best access would be where her husband suggested at Lots 7 and 8.
- That would not only give access to their property but access for utilities for future housing.

Questioning of the applicant and those opposing the application by the Commission:

Attorney Baxter responded as follows:

- His client has no intentions to buy the Miller property.
- When the 2005 plan was drawn, the developer at that time had an option to buy the property.
- His client has no such option as they could lose about a \$70,000.00 in costs and would be required to build a bridge for the benefit of the Millers.
- The Millers have 157 acres that could be developed and would be of no benefit to his client.

- The Millers are asking for the right to put their utilities on his client's property with no offer to contribute with improving the roadways or the bridge and will benefit from the improvements made by his client.
- There is a 60 foot easement which is not specifically described on any of the documents when the 6.7 acre tract was deeded to his client and shown by a dotted line.

Amy Alvey responded as follows:

- Presented calculations of the total lots having a balance of 161 acres that was highlighted in blue and is the remaining farm.
- The 30 foot access easement is not enough for a roadway for future development, therefore a 60 foot access easement is required.

Administrator Urban explained the following to the Commission:

- Stub streets are typical access points for adjoining property owners.
- The commission received the new proposal for the 60 foot access easement just this morning.
- Concerned that the applicant is proposing to two access points in the 100 year flood plain.

Bob Vinsand presented the following:

- The new drawing and explained how they determined to create the 60 foot access easement and how it will access their property.
- Referred to the 2005 minor plat in relation to today's proposal.
- Showed the location of the Miller property in relation to the 60 foot easement.
- The 60 foot access easement approved in 2005 was dedicated for the creation of the record plat for Section 2.

Opposition Response to Question by the Commission:

- Mrs. Miller confirmed that she was present at the 2005 hearing and she understood that the right of way shown on the original went all the way up to the top and across and into her section and that it would be connected when the next section was developed.
- Explained that it would be best to bring the connector road straight across to their property which would give them and others access and eliminates another bridge.
- In 2005 the developer, Jordan River was going to build the bridge.

Ms. Alvey responded:

- There is only one existing lot in Section 2.
- They wish to create additional lots, A, B & C by revising Section 2.
- The location of the Miller property which was once called the Knauer property (Marguerite Miller's father).

Attorney Baxter responded as follows:

- Jordan River Development had the option to purchase the Miller property when the plan came to the Commission.
- His client had nothing to do with how the plan was presented in 2005 and had nothing to do with how the Millers accessed their property.
- His client has no intention of building a bridge to the Miller property.

Motion for Additional Time (10:18):

Motion was made to add five minutes to the questioning phase.

Motion was stated, vote taken and carried by unanimous voice vote.

Attorney Baxter informed those present that building a bridge and making roadway improvements could cost them close to a million dollars in infrastructure.

Administrator addressed the following to the Applicant:

- Applicant is asking for a revision but is not giving any consolation and have emphatically said they will not stub at Lots 7 and 8.
- It is required by regulations to stub to adjoining properties regardless of the investment in infrastructure.
- As the Flood Plain Coordinator, believes that it is absurd to build a second bridge and have two bridges side by side in a creek located in a flood plain.

County Attorney Carter informed the Commission that the roads in Section 2 are not built to County road standards. If this proposal is approved the roads will be built to county standards. Because the original developer went bankrupt, Section 1 has not been built to standard so owners of some of those lots will have to participate in getting those roads to County standards.

Commissioner Douglas stated concerns that the Commission is looking at a significant change from the original proposal and whether an applicant can change their plan on the day of the hearing.

County Attorney Carter responded that the Commission can approve if they so desire, a revised plan.

Administrator Urban responded that the Commission can review a requested revision where an adjoining property owner requests that the stub be put at Lots 7 or 8. That would be a new revision and can be made at this meeting.

Attorney Baxter responded that the revision is due to the fact that on Tract 3 there was not noted a 60 foot easement and not having a description, that was committed on Tract 3 and staff pointed out that was what was promised before and that is what has to be in place.

Administrator Urban informed the Commission that the original 30 foot access easement is still in the flood plain and if made into a 60 foot access easement would still be in the flood plain.

Attorney Carter clarified to the Commission that Planning and Zoning had approved the plan that would have allowed development of the Miller property. If it has changed, that access would not be enough to develop the property. The plan is when one develops a subdivision and adjoins other property that there be a stub road that allows future development on the adjoining property.

Motion for Recess

Motion to recess was stated, vote taken and motion carried by unanimous voice vote.

Meeting Resumed at 10:50 a.m.

Applicant, Walt Schumm, 6100 Breeze Hill Road, Crestwood, having been sworn, presented the following proposal to the Commission:

- In 2005 Jordan River owned the property and his company had nothing to do with the original plan.
- Had several meetings with the Judge Executive, the Deputy Judge Executive and county officials who are very happy for someone to come in and spend private money on this issue which had become a burden to the county.
- There were homes and roads in the subdivision that were not complete, infrastructure and building were not complete and in good faith have acted to complete the original plan and took on that obligation.

Presented the following compromise to Commission:

- Not proposing two bridges.
- Only proposing access to the property that they own.
- Not denying access to the Millers as they have today the same as in 2005.
- Propose a change of their access only and not the Millers.
- No idea what will happen with the adjoining 157 acres and have nothing to do with it.
- They started a proposal in 2013 to have the roads paved.
- During the recess Mr. Schumm spoke with the Attorney and the Planning Administrator as to how to accomplish that in a timely matter.

- Looking for a proposal that can be finalized, finish the subdivision, Section 3 which is key in getting the roads finished and paved in Section 2 and alleviating any burdens in Oldham County and any potential problems for land owners and future land owners.
- Reiterated that they are only asking to change their access from a public dedicated road to their private property where they abut.

Bob Vinsand continued testimony and presented the following:

- Pointed out where they are proposing to allow the Millers to have access along the revised alignment to Ballard Glen Parkway. It will continue to the West and give the Millers access through the proposed realigned area of Ballard Glen Parkway. They will come in at a 90 degree angle, head to the North to their property line and will give them a full 60 foot access through what is shown as Lot 1; there is adequate room to maintain their lots during development.
- Confirmed that the 60 foot access easement is to the west (about 100 feet) of the flood plain.

Attorney Baxter requested County Attorney Carter explain potential options as related to conditions of approval in paving roads in Section 2.

County Attorney stated as follows:

Section 2 is not built to County road standards.

The proposal is as follows:

- Mr. Schumm and his group are to pave the road on their own and bring it up to County road standards and then the County can take it over.
 - As an alternative (to be approved by Fiscal Court) 71 Land Group, can pay \$25,000.00 to the County to be held in escrow and help pave Section 2.
 - Because he has additional lots (25) each time there is an application to sell the lot or build on the lot there will be an additional \$1,000.00 to be put in escrow for paving of the roads.
1. When Section 3 is developed (44 lots) each time there is an application he sells a lot or builds on a lot there will be an additional \$1,000.00 in escrow for paving of the lots of Section 2.
 2. Administrator got an estimate as to paving the roads, however, Mr. Schumm will need to post a letter of credit for the roads.

Attorney Carter stated he is comfortable with whatever option that can help pave Section 2. Section 3 will be paved as a letter of credit and will be posted to get those paved.

Administrator Urban addressed the concerns of the Commission:

- Mr. Vinsand had stated there would be a 60 foot right-of-way “approximately” 100 feet west of the flood plain (near proposed Lot 1) to the Miller property. That would be a potential condition of approval.
- Referred to the 2005 record plat and the proposed 2016 plat which shows the inclusion of the 60 foot right-of-way instead of the 30 foot. The revised plan includes of revision of lots, increased open space and a better road layout.

(4) Rebuttal evidence and Cross Examination by the Applicant: None

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

Mrs. Miller has concerns that due to the terrain it may not be possible to move the 60 foot right of way.

(6) Final statement of the Opposition: None

(8) Final statement of the Applicant:

Attorney Baxter stated the Applicant is requesting approval of the revision to Section 2 and 3, resulting in gaining a total of 8 lots, five in Section 3 and three in section 2. They understand one of the conditions of approval is regarding the dedicated right-of-way to the west of the flood plain.

There will be a requirement that his client will somehow cause the roadways in Section 2 to be paved whether by paying up front or other two mechanisms recommended by Attorney Carter.

END OF PUBLIC HEARING

Administrator Urban reminded the Commission of proposed conditions of approval in the staff Report. Reviewed the previous binding elements from 2005 which are typical (for Section 3). Stated that the phasing plan was already put into the Oldham County Board of Education’s System and did not hear any comments to suggest that would be different than from the original approval.

County Attorney Carter explained to the Commission the conditions of approval required by 71 Land Group to ensure paving of the roads for Section 2 and Section 3. Most likely monies held in escrow will have to be approved by Fiscal Court.

Administrator Urban informed the Commission at this time that the County will work towards paving Section 1 of Ballard Glen based upon the capture of the bond and potential assessment with the property owners.

FINDINGS AND DECISIONS
PZ-16-026
Revised Preliminary Subdivision Plan
39 Lots to 44 Lots
Ballard Glen, Section 3

Motion was made by Commissioner McWilliams and seconded by Commissioner Arvin to approve Docket PZ-16-026, Revised Preliminary Subdivision Plan for Ballard Glen, Section 3, from 39 lots to 44 lots because:

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

Conditions of Approval

Previously Approved Binding Elements from March 22, 2005

1. A soil and erosion control bond will be posted (for Section 3) before any site disturbing activity occurs pursuant to the soil and erosion control requirements in the subdivision regulations.
2. The development must comply with the Oldham County Fire Hydrant Ordinance.
3. No lot may be further subdivided resulting in a greater number of lots than approved by the Planning Commission.
4. The cumulative phasing plan shall limit the number of building permits issued per year as follows:
 - a. 2005 – 40
 - b. 2006 – 40
 - c. 2007 – 40
 - d. 2008 – 40
 - e. 2009 – 24
5. In order to satisfy any water flow and pressure requirements of the Ballardville Fire Department, the applicant must provide any necessary upgrades to the water line system for this site.
6. The applicant must provide Planning Staff with proof that the proper State approvals of the community lateral system have been received before any record plat is approved.
7. The record plat shall designate a minimum of 129.365 acres of open space, which is 50% of the entire area proposed for residential lots.
8. Planned Unit Development requirements to apply to environmentally sensitive areas to be reviewed and determined by staff.

Additional Conditions of Approval

9. A 60 foot right-of-way approximately 100 feet west of the flood plain (near proposed Lot 1) be provided to the Miller property.

10. It is required that 71 Land Group do the following:
- a. Pave the roads in Section 2 as soon as possible (there is no sunset clause) ,
 - b. Or contribute \$25,000.00 to a fund immediately.
 - c. And contribute \$1,000.00 a lot in the remaining lots in Section 2 (25 lots).
 - d. And an additional \$1000.00 a lot in Section 3 (44 lots) as each lot is sold or developed,
 - All to be contributed to the paving of Section 2 with a sunset of three years to complete.
 - Or post a letter of credit sufficient to assure the paving of the roads of Section 2. (They are going to provide a letter of credit to assure the paving of Section 3.)

Discussion:

Response by Council for applicant regarding conditions of approval:

Attorney Baxter responded at this time that his client accepts the proposed conditions of approval as outlined by staff and County Attorney Carter.

Administrator Urban stated they anticipate the final coat of asphalt will be put on Section 2 much sooner than three years from now, however, the payment plan will be completed in three years.

The vote was as follows:

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

Motion passed on a vote of 12-0.

FINDINGS AND DECISIONS
PZ-16-026
50 Lots to 53 Lots
Revised Preliminary Subdivision Plan
Ballard Glen, Section 2

Motion was made by Commissioner Horton and seconded by Commissioner McWilliams to approve Docket PZ-16-026, Revised Preliminary Subdivision Plan for Ballard Glen, Section 2, revision from 50 lots to 53 lots because:

- Complies with LU-1-1 concerning future land uses and compatibility.
- Complies with LU-1-2 regarding environmental concerns as open space has changed to benefit the public good in reducing impervious surfaces and having taken topography into consideration.
- Complies with objectives of the comprehensive plan, the zoning ordinance and the subdivision regulations.

Conditions of Approval:

Previously Approved Binding Elements from March 22, 2005

1. A soil and erosion control bond will be posted (for Section 3) before any site disturbing activity occurs pursuant to the soil and erosion control requirements in the subdivision regulations.
2. The development must comply with the Oldham County Fire Hydrant Ordinance.
3. No lot may be further subdivided resulting in a greater number of lots than approved by the Planning Commission.
4. The cumulative phasing plan shall limit the number of building permits issued per year as follows:
 - a. 2005 – 40
 - b. 2006 – 40
 - c. 2007 – 40
 - d. 2008 – 40
 - e. 2009 – 24
5. In order to satisfy any water flow and pressure requirements of the Ballardville Fire Department, the applicant must provide any necessary upgrades to the water line system for this site.
6. The applicant must provide Planning Staff with proof that the proper State approvals of the community lateral system have been received before any record plat is approved.
7. The record plat shall designate a minimum of 129.365 acres of open space, which is 50% of the entire area proposed for residential lots.
8. Planned Unit Development requirements to apply to environmentally sensitive areas to be reviewed and determined by staff.

Additional Conditions of Approval

Administrator Urban informed the Commission at this time that the County will work towards paving Section 1 of Ballard Glen based upon the capture of the bond and potential assessment with the property owners.

9. A 60 foot right-of-way approximately 100 feet west of the flood plain (near proposed Lot 1) be provided to the Miller property.
10. It is required that 71 Land Group do the following:
 - a. Pave the roads in Section 2 as soon as possible (there is no sunset clause),
 - b. Or contribute \$25,000.00 to a fund immediately.
 - c. And contribute \$1,000.00 a lot in the remaining lots in Section 2 (25 lots).
 - d. And an additional \$1000.00 a lot in Section 3 (44 lots) as each lot is sold or developed,
 - All to be contributed to the paving of Section 2 with a sunset of three years to complete.
 - Or post a letter of credit sufficient to assure the paving of the roads of Section (They are going to provide a letter of credit to assure the paving of Section 3)

Discussion:

Response by Council for applicant regarding conditions of approval:

Attorney Baxter responded at this time that his client accepts the proposed conditions of approval as outlined by staff and County Attorney Carter.

The vote was as follows:

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

Motion passed on a vote of 12-0.

Secretary Foxx called and read Docket PZ- 16-027:

DOCKET PZ-16-027 – Application has been filed by LKAC, LLC for approval to remove and amend binding elements attached to the original approval of Holiday Inn Express Development Plan (Docket Number PZ-16-022) regarding the turning lanes. The development is located at the 1100 Block of Commerce Parkway, LaGrange. The property is zoned C-3 Commercial.

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

Community Planner Brooke Viehmann presented Docket PZ-16-027 stating that is a request for an amendment to conditions of approval (not binding elements) associated with the development plan.

Ms. Viehmann continued:

- Planning Commission has recommended this application for final zoning map amendment to the LaGrange City Council that will be heard in October.
- Summary of application (Exhibit A: Staff Report dated September 27, 2016)
- Explained the two proposed conditions of approval for Conditions #8 and #9 and explained the intentions of combining those two conditions to allow the construction of both the eastbound right turn lane and the westbound left turn lane to be built with the development of Lot 2 and 3 and not with the Holiday Express lot which will be developed first.
- LaGrange Public Works has agreed to allow the Applicant to allow the applicant to wait to make improvements to Commerce Parkway until Lots 2 or 3 are developed.

Ms. Viehmann responded to questions by the Commission:

- Confirmed that if the first of lot 2 or 3 are developed while the other stays idle the improvements are to be made at the time that work commences.
- There have always been two entrances off Parker Drive and nothing else changes on the development plan.

Administrator Urban explained as follows:

- Since the development plan review and zoning map amendment hearing, have been working with the engineer for the applicant, Cory Rusnak, Director of Lagrange Public Works, Paula Wahl, Traffic Consultant, Beth Stuber, County Engineer, staff and the Mayor of LaGrange and have come up with the best solution for Commerce Parkway:
 - It is not a series of left turn lanes but a center third lane complete.
 - The applicant has been very receptive in working with the engineering proposals and coming up with the best engineering solutions.
 - This is a long term solution and not necessarily with just the construction of the hotel.
- Referred to the plot plan and Confirmed that there are two lanes on Commerce Parkway and not the in and out driveways of the hotel.
- In the future would work better to have one center turn lane rather than left and right turn lanes.
- The Commission has approved other developments on Commerce Parkway without any turn lanes and this is a much better solution; if a left turn lane were put in that would be considered a piece meal.

Planner Viehmann continued response as follows:

- At the time that tract 2 and 3 are developed, staff will have to review the site plan to make sure that it conforms to all the standards.
- They are asking for one entrance off of Commerce Parkway for the hotel.

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

Josh Clubb, Brammel/Clubb Attorneys, 206 North Second, LaGrange, was present to speak in behalf of this application.

- They were here a few months ago and the night before that meeting, his Client and nine partners reviewed the recommendation of Paula Wahl, Traffic Engineer regarding the left and right hand turn lanes and that the left turn lane be put in immediately (despite the fact that her report stated that it is not strictly required under her analysis).
- They did agree that day to put it in not knowing that putting in the entire stretch as proposed will cost \$180,000.00.
- If they start out with just the left turn lane it would be less but if they do it piece meal and then come back they would be required to tear out those improvements and throwing away \$20,000.00 of improvements.
- They have met with the planning staff, the Mayor, and Cory Rusnak, Director, LaGrange Public Works and feel like they have come up with a good solution.
- Planning staff agreed that it would make sense to have the entrance off Commerce and Parker to allow natural flow of traffic.
- They are asking approval of this revision, saving them money, and once the first lot is sold and construction begins they may be able to make plans for the second entrance.
- Once they have final zoning approval they will have the opportunity to market the property.

Cory Rusnak, Director, LaGrange Public Works, was present and sworn prior to speaking in behalf of this application.

- It may be some time before they can sell the other lots and because it is not required by the Traffic Study, he is in favor of this request.

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

(3) Questioning of the applicant by the Commission:

Attorney Clubb responded as follows:

- Not sure if the lots will be sold or leased but a third party will be operating the restaurants.
- The revenue from those lots will help fund the installation of the improvements.

- Not sure whether the Applicant and other parties will share the cost of the improvements.

(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 is requests the approval of this application.

END OF PUBLIC HEARING

FINDINGS AND DECISIONS

PZ-16-00-027

Reconsideration of Conditions of Approval (Number 8 & Number 9)

Motion was made by Commissioner Horton and seconded by Commissioner Falvey to approve Docket PZ-16-027, request for reconsideration of Number 8 and Number 9, Conditions of Approval because:

- The request is reasonable taking into considering the construction cost.
- There has been a thorough review of this change by staff, the engineers and the Mayor of the City of LaGrange.
- Complies with the objectives of the comprehensive plan, the zoning ordinance and subdivision regulations.

Revised Conditions of Approval:

1. There shall be no changes to the development plan without approval by the Oldham County Planning Commission.
2. There shall be no increase in drainage run off to state roadways.
3. Site lighting shall be designed to not shine in the eyes of drivers.
4. 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.
5. The sediment and erosion plan shall include a phasing plan that limits the amount of the sediment exiting from the site.
6. The development must comply with the Oldham County Fire Hydrant Ordinance.
7. A landscape plan must be submitted to staff for review and approval.
8. The westbound left turn lane and eastbound right turn lane shall be built simultaneous with the development of Lot 2 or 3.
9. A long term maintenance plan for the storm water collection system shall be filed with the County Engineer or if they choose, the Applicant shall comply with the proposed

post construction ordinance currently being proposed by the County Engineer's office for approval.

10. A construction entrance is to be approved by the LaGrange Public Works for access to the site.

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

Motion passed on a vote of 11-0.

OTHER BUSINESS:

Chairman Jeffries informed the Commission of the passing of Sam Crass on Sunday, October 2, 2016. Mr. Crass was a fine gentleman who served many years with the Planning Commission.

Approval of Training Session Hours

Motion was made by Commissioner Falvey and seconded by Commissioner King to approve 2.5 hours of training on August 23, 2016 for the following Commissioners. Arvin, Crosby, Douglas Falvey, Finney, Horton, Jeffries, King, Klingenfus, McWilliams, Mesker, Neal and Smith.

Motion carried by unanimous voice vote.

There being no further business, the Planning Commission meeting adjourned at 12:10 p.m. The next regular meeting is scheduled for Tuesday, October 25, 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