

**MINUTES OF REGULAR MEETING  
OLDHAM COUNTY  
PLANNING AND ZONING COMMISSION  
Tuesday, December 17, 2019**

At 9:00a.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 by Vice Chairman Greg King in the Courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Other Commission members present were:

Laura Bohne	Thomas Elder	Katie Nasser	Mary Ann Smith
Iva Davis	John Falvey	James Neal	
William Douglas	Sam Finney	Berry Hampton	

Chairman Kevin Jeffries, Commissioners Ed Hafling, Wendy Hagan and Bob Klingenfus were absent.

Others present and sworn in were Planning and Development Services Director Jim Urban, Assistant Director Amy Alvey and Senior Planner Tom McIntyre. Attorney Travis Combs was present for the meeting and Administrative Assistant Shelly Nunn was the Secretary for the meeting.

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**Approval of Minutes** – Motion was made by Commissioner Douglas and seconded by Commissioner Smith to approve the minutes for November 26, 2019. Motion carried by unanimous voice vote.

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Motion made by Commissioner Douglas and seconded by Commissioner Smith to remove Docket PZ-19-023 and Docket PZ-19-024 from the table. Motion carried by unanimous voice vote.

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**Secretary Shelly Nunn called and read Docket PZ-19-023 and PZ-19-024.**

**DOCKET PZ-19-023-** Application has been filed by the Elite Built Homes, LLC for the approval of a Zoning Map Amendment on approximately 34 acres. The property is located at 5500 Block of Schuler Lane, Prospect. The change is from AG-1 Agricultural District to R-2 Residential District. (Tabled from November 26, 2019)

**Secretary Shelly Nunn called and read Docket PZ-19-024:**

**DOCKET PZ-19-024-** Application has been filed by the Elite Built Homes, LLC for approval of a Preliminary Subdivision Plan for 58 lots on approximately 34 acres to be known as Fischer Farm. The property is located at 5500 Block of Schuler Lane, Prospect. The proposed zoning is R-2 Residential District. (Tabled from November 26, 2019)

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

Assistant Director, Amy Alvey, presented the following:

- Summary of the application (see Exhibit A, Staff Report dated, December 17, 2019).
- Case History.
- Site history.
- Aerial Photos of the site.
- Photos of property.

Jim Silliman, Oldham County Engineer, 100 W. Jefferson Street, LaGrange, after being sworn, presented the following and responded to questions from the Commission:

- The traffic study was reviewed and the proposed plans shows widening of Schuler Lane from Highway 1694 to the subdivision entrance of 22 feet with 4 foot shoulders. Staff recommends the improvements of 22 feet with 4 feet shoulders from Highway 1694 to the proposed Phase II entrance. Then 20 feet from Phase II entrance to Phase I entrance.
- The 20 feet does comply with the Oldham County Road Standards which is the minimum width of a sub collector road with a set 25 mph speed limit.
- The applicant has also shows improvements to the curves on Schuler Lane with a 25 mph curve radius and will be compliant with ASHTO standards.
- If the speed limit was increased significant improvements would be required to the curves and do to right-of-way limitations those improvements would be limited.
- The applicant is providing an additional 15 feet of right-of-way along Schuler lane on Fisher Farm side of the road which will be in addition to the 30 foot prescriptive right-of-way.
- Regarding the traffic study, staff can only consider what is in Oldham County's jurisdiction which is the improvements to Schuler Lane. Understanding potential impact to other intersections located in Jefferson County by the development staff understands and agrees to coordinate with Jefferson County on potential improvements.
- Clarified the widening of Schuler Lane would include appropriate patching and overlay of asphalt on the roadway and not just an addition strip of pavement added to get to the appropriate width.

Director Jim Urban stated the following:

- Oldham County Planning and Development staff along with Engineering staff met with Louisville Metro staff to discuss the proposed subdivision and what Jefferson County would require regarding road improvements and to discuss coordination between the two jurisdictions.
- Also attended the Land Development & Transportation Committee meeting in Jefferson County which approved the portion of the subdivision located in their jurisdiction.

Michael Williams, Director of Pupil Personnel, Oldham County Board of Education, 6165 W. Hwy 146, Crestwood, after being sworn, presented the following:

- The proposed subdivision of 58 residences would create 27 students which would attend Goshen Elementary, North Oldham Middle and North Oldham High.
- The campus capacity is 89.74% which would allow 35 building permits per calendar year.

Jim Silliman responded to questions from the Commission:

- Clarified that Schuler Lane is to be the widened to 22 feet pavement (with 4 foot shoulders) from Highway 1694 to a proposed Phase II entrance and 20 feet (with 4 foot shoulders) from Phase II entrance to the proposed entrance of Phase I.
- Phase II traffic would raise the level of Schuler Lane to collector level at Phase II entrance and would require a minimum of 22 feet of pavement. Widening the road to only 20 feet, which is required today, and then adding the additional 2 feet in the future is not ideal because it would cause cracks in the pavement and be a poor structure. Doing the 22 feet to 20 feet is the best way to widen the road.
- The two curves are slightly below the standard for a 25 mph speed limit. The plan the applicant has shown improves those curves to be larger and meet the standards for 25 mph.
- The first curve would be improved onto their property, the second curve would be improved in the existing right-of-way or in the additional 15 feet they are dedicating.
- Road improvement requirements should be focused on Schuler Lane as that is the only portion located in our (Oldham County) jurisdiction.

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

Attorney, John Talbott, Bardenwerper, Talbott & Roberts, PLLC, 1000 N. Hurstbourne Parkway, Louisville was present to speak in behalf of this application.

- Proposing a zoning change from AG-1 to R-2 and preliminary subdivision plan of 58 lots on approximately 34 acres of the property.
- Presented the proposed subdivision layout, Oldham County Future Land Use Map which projected the future use to be single family subdivision, population projections showing the need for new housing, and review of the conformity to the goals and objective of the comprehensive plan and Brownsboro Master Plan.
- AG-1 allows one lot per acre and net approximately 32 lots. R-2 allows the density of 3.63 d/u per acre or 123 lots. The proposed plan for R-2 is 58 lots or 1.98 net dwelling unit per acre.
- Presented a letter of support from Attorney Glen Price who represents Old Pond Place. There have been ongoing discussions with Elite Homes, River Fields (holder of the conservation easement on Old Pond Place) and Metropolitan Sewer District to use the pond for detention and retention purposes.
- Listed the proposed agreements with Hidden Creek Subdivision and Old Pond Place which included buffering and landscaping requirements, lighting standards, construction hours, utility pole placement, road improvements including a left turn into the development on Schuler Lane and no rear yards facing Schuler Lane.
- Reviewed the buffer areas along neighboring Jefferson and Oldham County properties, as well as Schuler Lane and location of utility poles on the site which are not to be located along Schuler Lane.
- Elite Homes has agreed to put up two bonds for \$125,000 each, held for 10 years starting at record plat, to help fund a traffic light at the intersections of Stone School Road at Hwy 1694 and Worthington Lane at Hwy 1694 if required by KYTC.
- Complies with school, road and fire protection capacity standards.

Kevin Young, Principle of Land Design and Development, 503 Washburn, Louisville, was present and sworn to speak in behalf of this application:

- Presented overview of the proposed 58 lot subdivision.
- Coordinating with MSD and OCEA to have one sewer pump station that would serve the Fischer Farm development as well as Norton Commons.
- Oldham County section will have ten acres of open space and provide screening and buffering along Schuler Lane with landscaping as well as a four board horse fence.
- The pond on the Old Pond Place pond is leaking and are working with the trustee's to coordinate the use of the pond for detention which would allow for more opens space and buffering for the neighbors.
- The residents of Hidden Creek Subdivision requested that Elite not have the lots back up to Schuler Lane and still provide the 50 foot landscape buffer. Presented an alternate layout that will maintain the 58 lots of which not back yard faces Schuler Lane.
- There will be two new detention basin on-site with a third basin that is an existing pond that will need to be modified to utilize for storm water control.
- Elite Homes has agreed to construct a left turn lane on Schuler Lane at Hwy 1694 as requested by the Hidden Creek Subdivision residents.

Diane Zimmerman, President of Traffic Engineering, LLC, 12803 High Meadows Pike, Prospect, was present and sworn in to speak on behalf of this application:

- A Traffic Impact Study was prepared for both Oldham and Jefferson Counties of the requested intersections which included Schuler Lane at KY1694, Worthington Lane/YMCA at KY1694 and Stone School Road/Norton Commons Boulevard at KY1694.

- The trip distribution from the proposed subdivision shows 80 percent of the traffic heading south on KY 1694 into Jefferson County.
- Presented the peak hour and level of service for intersections studied.
- The two intersections located in Jefferson County (Stone School Road and Worthington) have a level of service at “E” or “F”. The “build” conditions do not increase the LOS standard on either intersection and proposed mitigation would greatly improve the LOS.

Joe Pusateri, Elite Built Homes, LLC, 18401 Ridgemoor Lane, Louisville, was present and sworn in to speak on behalf of this application:

- Stated the company has been in business for 45 years and have built over 250 homes in Oldham County.
- Currently finishing up two subdivision in Oldham County (Rivers Landing and The Reserve at L’Esprit).
- Wanting to build the same type of homes that are in The Reserve at L’Esprit subdivision that would be 2100 to 3200 square feet, all brick with some stone on the exterior, full basements with side entry garages with a price range of \$400,000 to \$600,000.
- Have agreed to fix the pond at Old Pond Place.

Attorney, Steve Porter, 2406 Tucker Station Road, Louisville was present to speak in behalf of Hidden Creek Subdivision Association, Prospect.

- The discussions with Attorney Talbott and Joe Pusateri with Elite Homes have resulted in a positive way and support the proposed subdivision plan and the rezoning with certain considerations.
- Presented a summarized list of 11 binding elements to be added to the record for the proposed subdivision that included turning lanes, shared mixed use path, signage for Hidden Creek and home placements. (See Exhibit B, Applicant).
- Residents would like to keep the speed limit at 25MPH and if by reducing portions of the road width from 22 feet to 20 feet keeps the lower speed limit and increases safety Hidden Creek is in support of it.

### **3. Testimony and questions by those opposing the application:**

Attorney, Berry Baxter, 117 West Main Street, LaGrange was present to speak in behalf of Norton Commons (Oldham County section).

- Norton Commons is ambivalent regarding the development but does have concerns regarding increased traffic.
- Concerned about the roadway improvements that were constructed by and paid for by Norton and want to make sure they (Norton Commons) reach a full build-out in their development without being required to make additional highway improvements due to other future developments.
- Requested applicant to revise their current traffic study to include full build-out of Norton Commons. Elite Homes did revise the report and requested that it be added to the record. (See Exhibit A, Opposition).

Ben Miles with River Fields, 1201 Story Avenue, Louisville, was present and sworn prior to speaking in opposition to this application:

- River Fields is not in opposition of the subdivision plans, but holds a conservation easement on Old Pond Place and have been working with Elite Homes and MSD on the potential use of pond on Old Pond Place as a retention basin. An agreement has not been reached at this time due

to other issues regarding access with MSD but very appreciative of Elite working with and allowing additional buffering.

The following were present and sworn to speaking in opposition to this application:

- Gene Gottbrath, 5501 Schuler Lane, Prospect
- Richard Rubenstein, 11700 Hidden Creek Road, Prospect (See Exhibit B, Opposition).
- William Hoferkamp, 5003 Creek Circle, Prospect
- Joel Turner, President of Hidden Creek Subdivision Association, 11713 Hidden Creek Road, Prospect (See Exhibit C, Opposition).

Concerns in opposition were:

- Area wide/long range traffic study should be completed and include vacant land on Schuler Lane including additional 100 acres owned by Fischer and the approved development known as The Hamlet.
- Increased traffic and safety concerns on Schuler Lane and Highway 1694.
- Safety and clearing sight obstructions at the curves and also at the intersection of Schuler Lane at Highway 1694.
- Safety of bicycle traffic and citizens walking in the area.

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Vice Chairman King called for a 15 minutes recess at 10:44 a.m.  
The Commission came back into session at 10:59 a.m.  
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**4. Questioning of the applicant and those opposing the application by the Commission:**

Director Urban responded to questions from the Commission:

- Attended the LD&T Committee meeting for the Jefferson County portion of the subdivision and was approved as a ministerial act and reviewed some of Jefferson County’s binding elements.
- LD&T committee recommended approval of the subdivision plan to the Commissioners of Jefferson County and found no traffic issues.
- Staff has not seen construction plans to see where the location of the construction entrance may be in relation to the curves and if they are adequate to handle large construction equipment and no impede resident traffic flow.

Brian Davis, Louisville Metro Planning & Design Services, 444 South 5th Street, Louisville, after being sworn, responded to questions from the Commission:

- This project is a development transfer subdivision that didn’t require a rezoning so the LD&T committee does have the authority to approve the subdivision and did so at the meeting last Thursday.

Jim Silliman responded to questions from the Commission:

- The stormwater plans would have to adhere to Oldham County standards and will be reviewed at construction plan submission.
- Schuler Lane is not a through road and has curves that are no constructed to the 25 mph speed limit standards. By limiting the road width to 20 feet is a traffic calming measure.
- By widening the road to 22 feet does make it acceptable to have a bike lane

Michael Williams responded to questions from the Commission:

- If the homes are located in Oldham County they will be allowed to attend Oldham County schools.
- Confirmed the schools for this area would be Goshen Elementary, North Oldham Middle and North Oldham but could be subject to change due to growth or construction of new schools. .
- Jefferson County would most likely drive a school bus onto Schuler Lane in order to access the back part of the subdivision to pick up Jefferson County students.

Diane Zimmerman responded to questions from the Commission:

- There were no traffic counts made north of KY1694 and Schuler Lane going towards Highway 329 but traffic counts were made at KY 1694 and Schuler Lane, which would capture the traffic from 329.
- KY 1694 is a state-maintained road with a posted speed limit of 55 mph and would categorize it as substandard and curvy but has been resurfaced in the past 15-20 years which is normal for a state road.

Attorney Talbott responded to questions from the Commission:

- Agreed to uphold the binding elements as listed by Mr. Porter, including the width of the road, a left turn lane at the subdivision entrance and lots shall have back yards facing Schuler Lane.

Director Urban stated that he will work on compiling all the binding elements during lunch and have them ready to review and discuss after the break.

## **5. Rebuttal evidence and Cross Examination by the Applicant:**

Joe Pusateri stated the following:

- The traffic study for Phase II of the subdivision with 100 plus units would require a turn lane on Highway 1694 at Schuler Lane.
- Saint Bernadette dedicated land for future right-of-way in so there is room for a right-hand turn lane from Schuler Lane onto Highway 1694.
- Proposed to expand the Schuler Lane to 22 feet but will build to the recommendations of the County Engineer.
- Discussed traffic lights with KYTC and are willing to put up the funds to help with the project.

Attorney Talbott stated the following:

- Stated the applicant has met all traffic study requirements and road capacity standards for Oldham County.
- Summarized the zoning change for the development which is requesting approval of 58 lots which is only an increase of 26 lots from what would be allowed under the current zoning.
- The County Engineer has required the widening of Schuler Lane to 22 feet.

## **6. Rebuttal evidence and Cross Examination by the Opposition:**

William Hoferkamp stated the following:

- Stated that Schuler Lane is becoming a collector road.
- In Phase II there will be 258 homes additional homes (The Hamlet) that have access to Schuler Lane.

- Concerned about the safety on Schuler Lane and Highway 1694 and would like to see Schuler Lane widened to 22 feet.

Joel Turner stated the following:

- Mr. Pusateri said that Saint Bernadette has reserved space for the turn lane at Highway 1694, what he didn't say is that they had an agreement with Saint Bernadette to allow them to widen the roadway.
- Mr. Pusateri did not mention that the Jefferson County portion (318 additional lots) that will come up Schuler Lane to have access to Highway 1694 and that there are 258 homes proposed on Phase II.

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

**8. Final statement of the Applicant:**

Attorney Talbott stated the following:

- Stated that Jefferson County portion is 116 lots (not 318) of the proposed subdivision.

**END OF PUBLIC HEARING**

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Vice Chairman King called for a 30 to 40 minute lunch break at 11:50 a.m.  
The Commission came back into session at 12:30 p.m.

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**FINDINGS AND DECISIONS PZ-19-023  
Zoning Map Amendment  
5500 Block of Schuler Lane, Prospect**

Motion was made by Commissioner Falvey and seconded by Commissioner Neal to recommend approval of the Zoning Map Amendment to Oldham County Fiscal Court based off the evidence and testimony heard today because:

- It complies with objectives of the comprehensive plan and Future Land Use Map.

**The Vote was as follows:**

**YES:** Commissioners Bohne, Davis, Douglas, Elder, Falvey, Nasser and Neal.

**NO:** Commissioners Finney and Hampton

**ABSTAIN:** None.

**ABSENT:** Commissioners Hafling, Hagan, Klingenfus and Chairman Jeffries.

\*\*Commissioner Smith was absent during a portion of the hearing and was therefore removed from voting.

**Motion passed on a vote of 7-2.**

**FINDINGS AND DECISIONS PZ-19-024  
Preliminary Subdivision Plan-Fisher Farm  
5500 Block of Schuler Lane, Prospect**

Motion was made by Commissioner Douglas and seconded by Commissioner Falvey to approve the Preliminary Subdivision Plan based off the evidence and testimony heard today because:

- It complies with objectives of the comprehensive plan; LU-1-2, LU-1-3 LU-2-3 and LU-1-4.
- The plan does comply with the Subdivision Regulations.

**The following Binding Elements were included in the motion:**

1. The approval applies only to the plan presented at the December 17, 2019 Oldham County Planning Commission public hearings with the following exceptions:
  - a. The applicant shall revise the Preliminary Subdivision Plan to the “Alternative Layout” presented so that no lots have back yards facing Schuler Ln.
  - b. The applicant shall work with the County staff on the best solution for Schuler Ln improvements regarding road width, curve geometry, safety improvements, turning lanes and pedestrian and bicycle safety and or shared use path, before the Fiscal Court public hearing.
  - c. The applicant is to revise the plan as presented regarding drainage and detention/silt basins.
2. The applicant shall secure two ten year sureties at the record plat in the amount of \$125,000 not to exceed \$150,000 as directed by KYTC for future traffic control devices at Hwy 1694 and Stone School Road and Hwy 1694 at Worthington Lane.
3. The applicant shall submit a landscape plan, including the “enhanced landscape buffer plan” as presented, for approval by planning commission staff prior to recording of the record plat.
  - a. A four-board, black, horse fence shall be built and maintained along Schuler Lane and adjacent to subdivision property.
  - b. All freestanding signage shall not exceed six feet in height, measured from the ground level, and, if lighted from above.
  - c. Any signature entrance shall be submitted to the planning commission staff for review and approval prior to recording the record plat.
4. A Tree Preservation Plan shall be submitted to staff at the time of construction plan review and approval.
  - a. A 30-foot no disturb buffer along Hidden Creek Subdivision shall be included in the tree preservation plan.
5. Before any permit is request the developer shall work with Louisville Metro Emergency Services and Oldham County Emergency Management to prevent any issues regarding emergency services dispatch and response (including CAD).
6. A construction entrance that avoids large vehicles using curves along Schuler Lane must be considered.
7. There shall be no exterior construction activity on the project or deliveries to the site between the hours of 8PM and 7AM on weekdays and 4PM to 9AM on weekends.
8. There shall be no trash or construction debris removal between the hours of 6PM and 8AM.
9. Lighting:
  - a. All exterior lighting, whether freestanding or attached to any structure, including street lights and lighting for any signage, shall be dark-sky friendly, which means shall be fully shielded, shall utilized flat or hidden lenses, and shall be pointed directly to the ground. The following are exceptions to this requirement:
    - i. Partly shielded or unshielded decorative wall sconce(s) and/or coach lights shall be allowed at any entry, exterior door or garage door to a residence if the total output in lumen does not exceed 2000 lumens per fixture,
    - ii. Open flame gas lamps,
    - iii. Lighting installed with vacancy sensor, where the sensor extinguishes the lights no more than 15 minutes after the area is vacated, and

- iv. Low voltage landscape lighting aimed away from adjacent properties and not exceeding 2000 lumens in output per fixture.
  - b. No LED or metal halide lighting shall have a correlated color temperature (CCT) exceeding 3000 degrees Kelvin.
  - c. These lighting restrictions shall also be included in the subdivision Covenants, Conditions and Restrictions (CCR's) which are recorded and shall be provided to every purchaser of property in the subdivision.
10. There shall be no subdivision of any lot into a greater number of lots without review by the Oldham County Planning Commission.
  11. The cumulative phasing plan shall limit the number of building permits issued to thirty-five (35) per year beginning with the first record plat.
  12. The preliminary plan must comply with all established federal, state and county ordinances and requirements at the time of approval.
  13. No utility or street light poles shall be along Schuler Lane, except for the length of Schuler Lane from Hwy 1694 to just past St. Mary's School.

**The Vote was as follows:**

**YES:** Commissioners Bohne, Davis, Douglas, Elder, Falvey, Nasser, Neal and Smith.

**NO:** Commissioners Finney and Hampton

**ABSTAIN:** None.

**ABSENT:** Commissioners Hafling, Hagan, Klingenfus and Chairman Jeffries.

\*\*Commissioner Smith was absent during a portion of the hearing and was therefore removed from voting.

**Motion passed on a vote of 7-2.**

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**Secretary Shelly Nunn called and read Docket PZ-19-025**

**DOCKET PZ-19-025-** Application has been filed by Travis Lee & Courtney Broyles for the approval of a Waiver of Section 5.7 (Joint Access) of the Subdivision Regulations for an existing tract of 10.031 acres. The property is located at 8725 Hawley Gibson Road, Crestwood. The zoning is R-2 Residential District.

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

Senior Planner, Tom McIntyre, presented the following:

- Summary of the application (see Exhibit A, Staff Report dated, December 17, 2019).
- Case History.
- Site history.
- Aerial Photos of the site.
- Photos of property.

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

Applicant, Travis Broyles, 2820 Richland Avenue, Louisville, was present and sworn to speak on behalf of this application.

- Owns Lot #1 and is requesting access to the existing 60' access easement for the purpose of ingress and egress.
- Feels a driveway cannot be extended north of the property due to a pond and drainage easement. Constructing a new driveway 500+ into Lot 1 would cause an undue hardship.

- Further south on Hawley Gibson is the “S” turn, a blind turn, which is why utilizing the existing 60’ access easement would alleviate any safety concern and financial burden of building an additional driveway.

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

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

Applicant Broyles responded to questions from the Commission:

- The access easement is along the tree line of the property.
- The other three lots are landlocked and require access to the 60’ access easement.

**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-19-025**

**Waiver**

**8700 Block of Hawley Gibson Road, Crestwood**

Motion was made by Commissioner Bohne and seconded by Commissioner Davis for the approval of a Waiver of Section 5.7 (Lot Arrangement, Size, and Shape) Item E (Joint Access) of the Subdivision Regulations for an existing tract of 10.031 acres based off the evidence and testimony heard today because:

- Strict compliance with the regulations would create an undue hardship because of the exceptional unique topographic or natural or man-made physical conditions of the property.
- It has no detriment to the public good.
- It has not impaired the purposes, basic objective and intent of the subdivision regulations and it just makes sense.

**The following Binding Elements were included in the motion:**

1. There shall be no further division of the remaining 10.031 acres without Board approval.
2. The waiver shall only apply to the application considered at the December 17, 2019 Oldham County Planning Commission public hearing.

**The Vote was as follows:**

**YES:** Commissioners Bohne, Davis, Douglas, Elder, Finney, Falvey, Hampton, Nasser, Neal and Smith.

**NO:** None

**ABSTAIN:** None

**ABSENT:** Commissioner Hafling, Hagan, Klingenfus and Chairman Jeffries.

**Motion passed on a vote of 10-0.**

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**Secretary Shelly Nunn called and read Docket PZ-19-026 and PZ-19-027**

**DOCKET PZ-19-026-** Application has been filed by Forrest Wayne & Deborah Abbott for the approval of a Zoning Map Amendment on approximately .63 acres. The property is located at 5900 West Highway 146, Crestwood. The change is from I-1 Light Industrial to C-3 Commercial-General Business District.

**DOCKET PZ-19-027-** Application has been filed by Forrest Wayne & Deborah Abbott for the approval of a Development Plan (Auto Sales) on approximately .63 acres to be known as Abbott Auto Sales. The property is located at 5900 West Highway 146, Crestwood. The proposed zoning is C-3 Commercial-General Business District.

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

Senior Planner, Tom McIntyre, presented the following:

- Summary of the application (see Exhibit A, Staff Report dated, December 17, 2019).
- Case History.
- Site history.
- Aerial Photos of the site.
- Photos of property.

Jim Silliman, Oldham County Engineer, 100 W. Jefferson Street, LaGrange, after being sworn, presented the following and responded to questions from the Commission:

- TRC provided a letter stating “no comment” for this review because one acre would require a storm water quality permit and also given the improvement from the crushed stone surface to a chip and seal driveway would significantly increase the pervious area.

Director Urban and Tom McIntyre responded to questions from the Commission:

- Any vehicle can be on the land as long as it takes to sell the vehicle.
- Typically Code Enforcement does not do anything with related body shops unless they have too many vehicles on the property.
- Cannot have more than five junk vehicles.

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

Attorney, Beach A. Craigmyle, 105 South 1<sup>st</sup> Avenue, LaGrange was present to speak in behalf of this application.

- The Abbott’s bought this property in 1989 with it being an odd shape (35ft. x 45ft) strip of land sandwiched between LaGrange Road and the Railroad tracks.
- The applicant is requesting a zoning change from I-1 Light Industrial to C-3 Commercial-General Business District to allow for both vehicle repair & vehicle sales and display on the property.
- It has grown from a two bay garage to a six bay garage, while wrecked vehicles will go inside.
- There are nine spaces already for customers and wanted to add thirteen more parking spaces.
- There would be no structures added, no additional lighting or electricity, no screening required around the property and no additional variances required.
- Compatible with LU-1, LU-3, LU-3-2, T-1 and BI-1 of the Oldham County Comprehensive Plan Goals and Objectives.

Dave Garber, Garber-Chilton Engineers & Land Surveyors, Inc., 2249 Commerce Parkway, LaGrange was present and sworn to speak in behalf of this application:

- Adding some storage area for the displays of vehicles.
- Accessing the property from the two existing entrances.
- Highway 146 will not be impacted, no encroachment permits and drainage will not be an issue.

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

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

Attorney Craigmyle responded to questions by the Commission:

- Not subdividing the property, it will remain .63 acres.
- Applicant will maintain the existing entrances.

**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-19-026**  
**Zoning Map Amendment**  
**5900 West Highway 146, Crestwood**

Motion was made by Commissioner Bohne and seconded by Commissioner Smith for the approval of a Zoning Map Amendment based off the evidence and testimony heard today because:

- It complies with objectives of the comprehensive plan.
- The existing zoning classification given to the property is inappropriate and the proposed zoning is appropriate,
- There have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area.

**The Vote was as follows:**

**YES:** Commissioners Bohne, Davis, Douglas, Elder, Finney, Falvey, Hampton, Nasser, Neal and Smith.

**NO:** None

**ABSTAIN:** None

**ABSENT:** Commissioner Hafling, Hagan, Klingenfus and Chairman Jeffries.

**Motion passed on a vote of 10-0.**

**FINDINGS AND DECISIONS PZ-19-027**  
**Development Plan (Auto Sales)**  
**5900 West Highway 146, Crestwood**

Motion was made by Commissioner Falvey and seconded by Commissioner Smith for the approval of a Zoning Map Amendment based off the evidence and testimony heard today because:

- It complies with objectives of the comprehensive plan.
- The existing zoning classification given to the property is inappropriate and the proposed zoning is appropriate,
- There have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted Comprehensive Plan and which have substantially altered the basic character of such area.

**The following Binding Elements were included in the motion:**

1. There shall be no changes to the development plan without review by the Oldham County Planning Commission and Engineer’s Office.
2. The development plan must comply with all established federal, state and county ordinances and requirements at the time of approval.

**The Vote was as follows:**

**YES:** Commissioners Bohne, Davis, Douglas, Elder, Finney, Falvey, Hampton, Nasser, Neal and Smith.

**NO:** None

**ABSTAIN:** None

**ABSENT:** Commissioner Hafling, Hagan, Klingenfus and Chairman Jeffries.

**Motion passed on a vote of 10-0.**

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**OTHER BUSINESS:**

Assistant Director Amy Alvey stated the following:

- The filing deadline is December 26, 2019, as of now, staff has not received any applications.

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There being no further business, the Planning Commission meeting adjourned at 1:37 p.m.

The next regular meeting will be Tuesday, January 28, 2020, at 9:00 a.m. in the courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Approved:

Respectfully Submitted:

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Greg King, Vice Chairman

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Shelly Nunn, Secretary