

**MINUTES OF REGULAR MEETING
OLDHAM COUNTY
PLANNING AND ZONING COMMISSION
Tuesday, June 23, 2020**

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 online, by Chairman Kevin Jeffries.

Other Commission members present were:

Laura Bohne	John Falvey	Katie Nasser
Iva Davis	Sam Finney	Greg King
Will Douglas	Ed Hafling	James Neal
Thomas Elder	Berry Hampton	

Commissioners Wendy Hagan, Bob Klingenfus and Mary Ann Smith were absent.

Others present were Planning and Development Services Director Jim Urban, Assistant Director Amy Alvey and Senior Planner Tom McIntyre. Attorney John Carter was present for the meeting. Amy Alvey was the Secretary for the meeting.

Approval of Minutes – Motion was made by Commissioner Hafling and seconded by Commissioner Falvey to approve the minutes for May 26, 2020 as corrected. Motion carried by unanimous voice vote.

Assistant Director Amy Alvey called and read Docket PZ-20-008:

DOCKET PZ-20-008- Application has been filed by Application has been filed by Spring Hill Farm, Inc. for the approval of a Minor Subdivision Plat with Waiver (Joint Access Section 5.7(E)) and Road Frontage Variances on approximately 201.99 acres. The properties are located at the 6000 Block, 6004 and 6006 South Highway 53, Smithfield. The zoning is AG-1 Agricultural/Residential District and CO-1 Conservation/Residential District.

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

Assistant Director Amy Alvey presented the following:

- Summary of the application.
- Case History (see Exhibit A, Staff Report dated, June 23, 2020).
- Site history.
- Aerial Photos of the site.
- Photos of property.

Ms. Alvey responded to questions from the Commission:

- Read a statement from the County Engineer's office into the record that they have no objection to the application.
- The road/access easement is private and not maintained by Oldham County.
- An access and maintenance agreement are required to be filed with the minor plat request and recorded in the Oldham County Clerk's office.

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

Attorney, Berry Baxter, 117 West Main St., LaGrange was present to speak in behalf of this application and stated the following:

- Introduced the following Zoom meeting participants on behalf of the applicant:
 - Vernon Hodge, Applicant
 - Bob Vinsand, Engineer
 - Albert Harrison, Surveyor
- Important to note that the request does not include a zoning change, not proposing any new structures or roadways/driveways; everything being requested is existing.
- Confirmed Spring Hill Farm Road, as listed on the map, is not a county maintained road.
- There is an existing access and maintenance agreement for the tract located at 6002 S. Hwy 53 to use the driveway for ingress and egress.
- Reviewed the layout of the two proposed tracts as well as the tracts that will utilize the 60-foot access easement.
- The request before the Commission will not have any impact or change to the neighborhood by allowing the division because the homes are already existing and using the access easement.

3. Testimony and questions by those opposing the application:

- Ms. Alvey stated that she did receive two speaker request forms from adjoining property owners. They were sent the Zoom meeting invitation as well as a link to the staff report and presentation. Neither person has joined the meeting at this time to comment on the application.

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

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

6. Rebuttal evidence and Cross Examination by the Opposition: None

7. Final statement of the Opposition: None

8. Final statement of the Applicant:

Attorney Baxter stated the following:

- Requested the Commission to review the summary of the justification statement as outlined in the application and staff report.
- The request will not have any adverse effect on the neighborhood.

END OF PUBLIC HEARING

**FINDINGS AND DECISIONS PZ-20-008
Road Frontage Variances
6004 & 6006 South Highway 53, Smithfield**

Road Frontage Variance:	
Required Road Frontage:	150 feet
Requested Side Yard:	0 feet
Variance Requested:	150 feet

Motion was made by Commissioner King and seconded by Commissioner Hampton to approve the Road Frontage Variance based off the evidence and testimony presented request because:

- There will be no adverse effect on the public health, safety or welfare.
- It will not alter the essential character of the general vicinity.
- It will not cause a hazard or nuisance to the public.
- It will not allow an unreasonable circumvention of the requirements of the zoning regulation because:
 - The request is not for new buildable lots as the homes are already existing.
 - Reasons outlined in the applicant's justification statement which has been incorporated into the record.

Conditions of Approval:

1. The variance shall only apply to the application considered at the June 23, 2020 Oldham County Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Bohne, Davis, Elder, Falvey, Hafling, Hagan, Hampton, Finney, King, Klingenfus, Nasser and Neal.

NO: None

ABSTAIN: None

ABSENT: Commissioners Hagan, Klingenfus & Smith

Motion passed on a vote of 11-0.

**FINDINGS AND DECISIONS PZ-20-008
Access Easement Waiver
6000 Block, 6004 & 6006 South Highway 53, Smithfield**

Motion was made by Commissioner Bohne and seconded by Commissioner Hafling to approve the Access Easement Waiver based off the evidence and testimony presented request because:

- Strict compliance with the regulation would create an undue hardship because the homes have existed and used the same access drive for many years and;
- The property is a large tract of land with a long access road and by creating the new tracts it will not cause detriment to the public good

Conditions of Approval:

1. The waiver shall only apply to the plan considered at the June 23, 2020 Oldham County Planning Commission public hearing.
2. The applicant shall submit an access and maintenance agreement with the minor plat application for review and approval by staff.

The vote was as follows:

YES: Commissioners Bohne, Davis, Elder, Falvey, Hafling, Hagan, Hampton, Finney, King, Klingenfus, Nasser and Neal.

NO: None

ABSTAIN: None

ABSENT: Commissioners Hagan, Klingenfus & Smith

Motion passed on a vote of 11-0.

**FINDINGS AND DECISIONS PZ-20-008
Minor Plat
6000 Block, 6004 & 6006 South Highway 53, Smithfield**

Motion was made by Commissioner King and seconded by Commissioner Hampton to approve the Minor Plat based off the evidence and testimony presented as well as the applicant's justification statement because:

- No opposition testimony to the applicant's request.
- The use of the property before and after will be unchanged.

Conditions of Approval:

1. A minor plat shall be submitted to staff for review and approval.
2. There shall be no further division of the remaining acreage without Planning Commission approval.

3. The waiver shall only apply to the application considered at the June 23, 2020 Oldham County Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Bohne, Davis, Elder, Falvey, Hafling, Hagan, Hampton, Finney, King, Klingenfus, Nasser and Neal.

NO: None

ABSTAIN: None

ABSENT: Commissioners Hagan, Klingenfus & Smith

Motion passed on a vote of 11-0.

OTHER BUSINESS:

There being no further business, the Planning Commission meeting adjourned at 9:42 a.m. The next regular meeting will be Tuesday, July 28, 2020, at 9:00 a.m.

Approved:

Respectfully Submitted:

Kevin Jeffries, Chairman

Amy Alvey, Assistant Director