

**MINUTES OF REGULAR MEETING
OLDHAM COUNTY
PLANNING AND ZONING COMMISSION
Thursday, January 25, 2022**

At 9:05 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 at 100 W Jefferson St, La Grange, 40031 by Chairman Kevin Jeffries.

Other Commission members present were:

Laura Bohne	John Falvey	Bob Klingenfus
Iva Davis	Sam Finney	Katie Nasser
William Douglas	Sue Ann Jones	Brandon Smith
Thomas Elder	Greg King	Suzy Walser

Commissioners Ed Hafling and Berry Hampton were absent.

Others present and sworn in were Planning and Development Services Director Jim Urban, Assistant Director Amy Alvey, County Engineer Jim Silliman, and Senior Planner Tom McIntyre. Attorney John Carter was present for the meeting and Administrative Assistant Bree Heightchew was the Secretary for the meeting.

Approval of Minutes –

Motion was made by Commissioner Elder and seconded by Commissioner Smith to approve the January 6, 2022 minutes as submitted. Motion carried by unanimous voice vote.

Corrections:

- Page 1 - Include Silliman as present - Swearing in of staff
- Page 2 - “exiting the site” not “sight”
- Page 4 - misspelling of “KYR10”
- Page 10 - “Flood hazard area A” not “AE”
- Page 11 - “Waterline is available if a new hydrant is required”
- Page 2 - No. 2 omit sentence fragment at “were also present” at beginning of sentence.
- Page 2 - Sentence fragment under those present
- Page 2 - Sentence fragment under those present

Secretary Bree Heightchew called and read Docket PZ-22-007:

DOCKET PZ-22-007- Application has been filed by Anthony & Susan Heller for the approval of an Access Easement Waiver (Section 5.7(E)) on approximately 8.497 acres. The property is located at 2321 West Highway 42, La Grange. The zoning is AG-1 Agricultural 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, January 25, 2022).
- Site history.
- Aerial Photos of the site.
- Photos of property.

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

Applicant, Susan Keller, 13307 Ridgemoor Dr, Prospect was present and sworn in prior to speaking on behalf of the application:

Susan Keller presented the following:

- When the parcel was divided originally, it was intended to be used only for the rear tract owned by Sparrow but would now like to divide the tract into 3 lots and have all use the existing access easement.
- The highway department has granted an access to Tract 3 and it will be very close to the existing access easement.
- Adding the access granted by the highway department for Tract 3 would deter from the aesthetic of Highway 42 and reason for asking for the waiver.
- Spoke to neighbors and they would prefer not having the extra driveway on Highway 42 and would rather proceed with the proposed plan as it minimizes the number of access points in the area.
- An access and maintenance agreement has been submitted by all parties that will be using the access with signatures showing they all are in agreement with the terms.

2. Questioning of the applicant and those in support of the application by the Commission:

Susan Keller responded to questions by the Commission:

- The original property was never divided after the division that created the Sparrows' property.

Amy Alvey responded to questions by the Commission:

- The application is to allow four tracts to use the single encroachment off of Highway 42 which currently serves the Sparrow tract and the parent tract.

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

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

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

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

7. Final statement of the Opposition: None

8. Final statement of the Applicant: None

END OF PUBLIC HEARING

Jim Urban summarized the application for Docket PZ-22-007.

FINDINGS AND DECISIONS PZ-22-007 Access Easement Waiver

2321 West Highway 42, La Grange

Motion was made by Commissioner Bohne and seconded by Commissioner Davis for the approval of an access easement waiver on a property located at 2321 West Highway 42, La Grange based on testimony and evidence presented, it is clear that strict compliance with the regulations would be an undue hardship due to the topography and character of the area, and to the fact that it would be safer to limit entrances onto Highway 42. Also, in order to allow the ability to use the land in an appropriate manner, the waiver is necessary.

Conditions of Approval:

1. The waiver shall only apply to the plan considered at the January 25, 2022 Oldham County Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Bohne, Davis, Douglas, Elder, Falvey, Finney, Jones, King, Klingenfus, Nasser, Smith, and Walser.

NO: None

ABSTAIN: None

ABSENT: Commissioners Hafling and Hampton

Motion passed on a vote of 12-0.

Chairman Jeffries called for a 10-minute recess at 9:28 AM.

Chairman Jeffries called the meeting back into session at 9:48 AM.

Secretary Bree Heightchew called and read Docket PZ-22-008 and PZ-22-009:

DOCKET PZ-22-008- Application has been filed by Steve Moss for the approval of a Zoning Map Amendment on approximately 9.6 acres. The property is located at 2505 Allen Lane, La Grange. The proposed change is from R-2A Residential District to R-4 Residential District.

DOCKET PZ-22-009- Application has been filed by Steve Moss for the approval of a Development Plan (Flats on Allen) on approximately 9.6 acres. The property is located at 2505 Allen Lane, La Grange. The proposed zoning is R-4 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, January 25, 2022).
- Site history.
- Aerial Photos of the site.
- Photos of property.

Director, Jim Urban presented the following:

- A project to widen Allen Lane is already in the works.
- The project will feature an uninterrupted railway pass.
- Funding is in place for the project and is set to start within the year.
- CSX is in agreement with the project though they have not signed off on it as of now.
- Expected opening date is projected for 2025.

County Engineer, Jim Silliman presented the following:

- A KYR10 Permit and Stormwater Management and Erosion Control Permit will be required.
- Stormwater detention will be designed so that post-development runoff does not exceed pre-development runoff.
- To assist in the stormwater runoff evaluation, the designer should provide the roof downspout locations and orientations in order to verify the direction in which the flow goes.
- Trees shall not be within the 100-year water surface elevation of the detention basin and an easement shall be provided encompassing that basin for future maintenance.
- During TRC review, a potential wetland was identified in the location of the future detention basin. KYTC NEPA study found an upland riparian area only with no wetland characteristics.
- Sidewalks along Allen Lane will not be required as they will be a part of the Allen Lane project.
- Would like for the applicant to clarify that the roads within the development will be privately maintained and are not under County or City maintenance.
- The traffic assessment provided by the applicant is in concurrence with the estimates previously discussed during TRC review. Staff estimated approximately 62 peak hour trips and the traffic assessment conducted by the applicant showed approximately 69 trips.
- Allen Lane has been determined to be a city maintained roadway.

Michael Williams, Director of Pupil Personnel, Oldham County Board of Education, 6165 W Highway 146, Crestwood presented the following:

- Students from the development will go to Centerfield Elementary School, Oldham County Middle School, and Oldham County High School.
- Nineteen units per year will be granted.

Amy Alvey responded to questions by the Commission:

- There is an industrially zoned parcel to the west of the subject property with R-2 and R-2A zoning to the south.
- The original Artisan Fields was mixed use with R-2A zoning for single-family homes, the school site being zoned R-2, condominiums in R-4 and C-1 near Commerce Parkway. The subject site is in the R-2A portion of that original plan.

Jim Urban stated the following:

- Though the original Artisan Fields plan has expired, the zoning remains the same.
- All right-of-way has been purchased for the widening project for Allen Lane.
- There is no proposed binding element for the number of permits issued as there is no current multiplier for apartments.
- Once the road project is complete is Allen Lane will become a state maintained roadway as well as Ernie Harris Parkway.

Jim Silliman responded to questions by the Commission:

- The basin on site would be required to have a recorded easement for maintenance purposes.
- Allen Lane is currently a city-maintained road, but it is projected to be state maintained in the future. Oldham County Engineering will coordinate with the City with regard to permitting requirements for the stormwater culvert crossing Allen Lane.
- The designer shall verify that stormwater runoff crossing Allen Lane through the existing culvert is not increased. Typically, the 2, 10, and 100 year storm return events are analyzed. The designer has added that the 25-year return event will also be analyzed, likely because this is a requirement of KYTC.

Michael Williams responded to questions by the Commission:

- Permits are issued for apartment buildings rather than individual units, whereas single-family homes are one permit for one home.
- As of right now, there is no clear way to determine how to issue permits for apartments and multi-family units, based on school capacity.

Jim Silliman provided additional comment responding to previous questions by the Commission:

- Right-of-way for the future widening of Allen is shown on the proposed plan as KDOT right-of-way likely because that information was received from the state for the widening project. However, the existing right-of-way is City of Lagrange.

Chairman Jeffries called for a 5-minute recess at 10:20 AM.

Chairman Jeffries called the meeting back into session at 10:43 AM.

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

Attorney Berry Baxter, 117 W Main St, La Grange was present and spoke on behalf of the application. Also present and sworn in were Engineer, Mike Hill of Land Design and Development, 503 Washburn Avenue, Diane Zimmerman, Traffic Analyst, 12803 High Meadows Pike, Prospect, and applicant, Steve Moss, 310 L'Esprit Farm Road, La Grange.

Mike Hill presented the following:

- There are a variety of zoning classifications along Allen Lane, including industrial, commercial, and residential.
- As indicated by the Future Land Use Map, the property is projected to be Single-Family Residential.
- There will be 112 units within eight buildings in the development with 11.34 units per acre.
- As shown on the Future Land Use Map, there are quite a few areas that are anticipated to be Multi-Family use that are within the area surrounding the subject property.
- There is a single home and driveway currently on the property.
- The entrance for the development will be in the same location as the existing driveway.
- All proposed driving lanes and parking sites within the development will be privately owned and maintained by the property owner.
- There will be a sidewalk included in the Allen Lane project that will be on the subject property.
- The buildings along the southern portion of the site are two-story buildings.
- Units are approximately 1000 sq feet each.
- There are three small garage areas with 15 parking spaces, as well as a small office and maintenance building.
- There is a 15-foot landscape buffer area along the perimeter of the site and will be able to determine what trees will be preserved or removed once in construction plan review.
- Stormwater will be captured through a series of catch basins and drains throughout the property and flow to the existing pond.
- Drainage from adjoining properties will be addressed to ensure that post-development runoff is not higher than pre-development runoff.
- The plan features 221 parking spaces, which is below the maximum allowable.
- There is approximately 2.3 acres of open/green space.
- The developer will work with applicable agencies to address the entrance location on Allen Lane.
- A traffic assessment was required by staff and completed by Diane Zimmerman; based on the volume of traffic generated by Flats on Allen and the amount of traffic forecasted for 2024, there will be minimal impact to the existing highway network. No mitigation for roadway capacity is necessary as a result of this development.

Steve Moss presented the following:

- He is a previous and frequent developer in Oldham County.
- The site will have no county road maintenance within the development.
- Workforce housing is scarce in Oldham County, especially with the rising cost of housing.
- This will not be affordable housing but workforce housing.
- Income ratio of 4 to 1 for rental approval and 3 to 1 if those applying have low credit.
- This housing will be affordable to moderate income workers.
- Is aware of the concern that those that will occupy the apartments will be a nuisance to current area residents but assures that the strict application approval policies will prevent this.
- Despite what has been stated by the opposing parties, this will not be a high-density development. (See Applicant, EXHIBIT A)
- There will not be any blasting required and if rock removal is necessary, it will be done by excavation.

Attorney Baxter presented the following:

- Based on the location, it is believed that this will be an infill project.

3. Testimony and questions by those opposing the application:

Matt Hudson, 911 Artisan Parkway, was present and sworn in prior to speaking in opposition:

- Purchased his home in Artisan Park around two years ago.
- Street lights and the removal of trees will diminish the view of single family homes adjacent to the subject property.
- Schools in the area are already over capacity.
- There is an appropriate mix of residential zoning near Artisan Park and the change for this property is not necessary.
- The zoning change does not promote a mix of zoning in the area.
- There are tracts that are currently deemed appropriate for workforce housing that would not require a zoning change.
- Those who own their properties take better care of their property rather than those who rent.

Dan Gilbert, 838 Artisan Parkway, La Grange was present and sworn in prior to speaking in opposition:

- Those that own apartment complexes, often build them and own them for a short period of time before eventually selling them and that is a concern.
- Due to economic fall, he has been a landlord before and has seen how renters often treat the properties they are living on poorly.
- Does not believe that this development would preserve the character of the area and is worried about the aesthetic of the development.

Steve Moss responded to questions by the Opposition:

- Currently owns Brownsboro Woods and Camden Woods properties.
- Does not plan on selling the property once developed.
- Ends of the buildings will be single story so all two-story will be in the middle of the development.
- Research was done on other properties in the area, and this was the best fit for the development.

Amy Alvey responded to questions by the Opposition:

- The requirements in PeWee Valley for lot size are a minimum of one acre regardless if on septic or sewer.

Tom Knabel, 810 Artisan Parkway, La Grange, was present and sworn in prior to speaking in opposition:

- Most of the trees on the property are already gone.
- There has been a 300% increase in homes for sale in the nearby neighborhoods since the clearing of the trees on the subject property.
- Concerned that the land is cheap and that is why the applicant would like to develop here.
- Many residents of Artisan Park and Anita Springs did not prepare for such a development in the area.
- The schools in the area are far above capacity and this is a major concern.
- Does not believe that nearby residents would object to single family homes being built but says they are not in favor of multi-family units.

Scott Price, 508 Wilmar Court, LaGrange was present and sworn in prior to speaking in opposition:

- The traffic assessment did not seem to account for a freeway exit being added during the Allen Lane project.
- There are multiple single family homes that are within approximately 500 feet of the property.
- There is concern about the lack of sidewalks. Though they are being added during the Allen Lane project, that could be many years away.
- He is not against the development itself but the Zoning Map Amendment alone.

Robert Gilbert, 814 Artisan Parkway, La Grange was present and sworn in prior to speaking in opposition:

- He is concerned about the validity of the traffic survey.
- Many people in Artisan Park are working from home currently which throws the traffic count numbers.
- Both ends of Allen Lane feature R-4 zoning and, while not against the development, he is against the zoning change.

Jim Urban responded to questions by the Opposing:

- The apartments on Hwy 146 in Buckner did not have the same landscape requirements that are being requested for this development because they are against roadways and industrial properties while this one is surrounded by single-family residential, hence the requirement for the landscape plan.

Pedro Dejesus, 520 Anita Springs Court, La Grange was present and sworn in prior to speaking in opposition:

- There is no compelling reason to change the zoning from R-2A to R-4.
- While affordable housing is needed, it should not be in an area already designated for single-family residential use.
- By changing the zoning to R-4, the dynamic of the area will negatively change.

Eric Anderson, 810 Artisan Parkway, La Grange was present and sworn in prior to speaking in opposition:

- There is a petition that was filed by Artisan Park and Anita Springs residents.
- Moved to the area solely for the uniqueness of it. He was not prepared for such a development to be built near his home.
- Does not believe anyone would agree with this type of rezoning so close to their property and many residents in the area are upset about the proposed development.

Chairman Kevin Jeffries stated the following:

- Approximately 54 of the signatures from the petition were not residents of Oldham County, though the 195 signatures have been accepted into the record.

Willem Den Ouden, 518 Anita Springs Court, LaGrange, was present and sworn in prior to speaking in opposition:

- Is in agreement with many other residents that the zoning change should not occur.
- Believes it is appropriate to ask the applicant for the development to begin after the widening of Allen Lane as it will be difficult for residents in the area to work with two projects occurring at once.

Joyce Lupein, 905 Artisan Parkway, LaGrange was present and sworn in prior to speaking in opposition:

- It is important to the residents of Artisan Park that this be denied.
- Many residents walk their dogs from their homes to Commerce Parkway and this is dangerous as there is no sidewalk and drivers are not safe through this area.
- The area is not safe now and increasing the number of those who live here will make it worse.
- It would be more beneficial for the developer to build closer to Commerce.

4. Questioning of the applicant and those opposed to the application by the Commission:

Diane Zimmerman responded to questions by the Commission:

- The person that the Opposition had mentioned seeing counting traffic was her son and he was present on December 14th from 7 AM to 8:45 AM for morning traffic counts and from 4 PM to 5:45 PM for afternoon traffic counts.
- The purpose of the assessment was to determine the improvements that may need to be made by the developer.
- Because the roadway is already set to be widened, there is no needed improvement on Allen Lane as a result from the proposed development.
- The interstate ramps being added to Ernie Harris Parkway were not taken into consideration as the project on the subject property was set to be completed before they were added.
- Minor changes in traffic will not affect the design of the roadway.
- Based on traffic currently existing at Artisan Parkway, 70% were exiting to the south and 30% towards the north with 58 AM peak hour trips and 69 PM peak hour trips.

Steve Moss responded to questions by the Commission:

- Robert Douglas owns the property currently. Mr. Moss has completed the contract process to begin purchasing the property pending the approval of the zoning map amendment.
- The current owner cleared the trees on the property to sell the timber.
- Water infrastructure will have to be looped to tie into Artisan Park through an easement that already exists to prevent any further drop in pressure.
- R-2A is typically a "For Sale" model, which is something that he is not interested in.
- The proposed building abutting the Anita Springs property is two-story to maximize the density but could be made one-story like the others.
- Is not opposed to making the building to the southeast one story instead of two, losing four units.
- The timeline of building depends on the seller and if they would be willing to wait but he would be open to waiting to start development after the completion of the Allen Lane project.
- Cluster mailboxes will be installed in breezeways of the buildings to shield users from the elements, and this has been accepted by the USPS.

Attorney Baxter responded to questions by the Commission:

- R-4 zoning is present to the north of the property, and industrial across the street.

- The R-2A portion of the Artisan Fields plan is the portion in question for this application.
- 30% percent of the traffic will go over the railroad tracks near the development.
- Requested that there be a written statement about development occurring after the completion of Allen Lane.

Amy Alvey responded to questions by the Commission:

- If four units were removed, the maximum number of allowable parking spaces would be 216 with 8 spaces for the office, for a total of 224 spaces. The plan outlines 221 so the plan would still be in compliance.

Jim Urban responded to questions by the Commission:

- Should the applicant choose to accept setting back the building timeline, it can be included as a binding element.

Chairman Jeffries called for a recess at 12:06 PM for lunch.

Chairman Jeffries called the meeting back into session at 12:45 PM.

Commissioner John Falvey did not return to the meeting after the lunch break.

5. Rebuttal evidence and Cross Examination by the Applicant:

Steve Moss stated the following in rebuttal:

- There will be no streetlights around the perimeter of the property.
- Parking lights will be only featured in the parking lot and will be angled to reduce light pollution outside the parking lot and the development.

6. Rebuttal evidence and Cross Examination by the Opposition:

Robert Gilbert stated the following in rebuttal:

- The 1999 real estate property valuation is irrelevant as that was over twenty years ago and the housing market has changed.
- Traffic has completely changed since the beginning of the pandemic as many residents work from home.
- There is other R-4 property available, even on Allen Lane, that does not require rezoning.

Samantha Kilfoil, 812 Artisan Parkway, La Grange was present and sworn in prior to speaking in rebuttal:

- Concerned about the validity of the traffic assessment.
- Stated that she and her family are residents of Artisan Park, all five of her children are students at Oldham County Schools and plan on selling their home should this plan be approved, though they do not want to.

Joyce Lupein stated the following in rebuttal:

- Many residents of Artisan Park have poor water pressure and there is concern about that worsening further should more housing be moved into the area.
- The decision to make the zoning change will affect the lives of those in neighboring developments.

Matt Hudson states the following in rebuttal:

- Since notice of the proposed plan has been received, many residents have considered or pursued selling or have already sold their properties because of the plan.
- Property values will continue to decline should the development be approved.

7. Final statement of the Opposition:

Dan Gilbert stated the following:

- His children are active cross-country runners and running in the area has become increasingly dangerous due to traffic.
- During peak travel hours, if a train is coming through, it is difficult to exit onto Allen Lane from Artisan Park.
- Driving over the train tracks with increased traffic will be dangerous.
- Should building occur after the widening of Allen Lane, the language has to be specific to prevent issues.

Matt Hudson stated the following:

- Knows Steve Moss personally and does not doubt that he wants to fill a real need in the community.
- As a longtime resident of the county, it is known that finding workers has always been difficult.
- There are many young people entering the workforce that need housing like this but believes that Mr. Moss has the right idea, but it is the wrong time and location.
- There is no guarantee that construction of the Allen Lane project will start within the year.
- The approval of the development plan does not fit within the Comprehensive Plan.
- The applicant stated that there are no other properties available, this is not of the concern of the Commission.

Tom Kinable stated the following:

- The HOA Board of Artisan Park has voted against the development.

8. Final statement of the Applicant:

Attorney Berry Baxter stated the following:

- There is no evidence presented by the Opposition that goes against the proposed plan or that those presenting the plan have not correctly done their job.
- The current traffic conditions in the area are drastically different than when Allen Lane was constructed and the changes circumstances call for zoning modifications.
- The plan not fitting the Future Land Use Map is not a reason to deny, as that would mean there would never be a zoning change.
- The applicant is willing to hold off building until the construction of Allen Lane is complete.

Steve Moss stated the following:

- Clarified that he never served on the Planning Commission, only the Code Enforcement Board, which is unrelated.

END OF PUBLIC HEARING

Jim Urban summarized the application for Docket PZ-22-008 and PZ-22-009.

FINDINGS AND DECISIONS PZ-22-008
Zoning Map Amendment
2505 Allen Lane, La Grange

Motion was made by Commissioner Bohne and seconded by Commissioner Finney to recommend denial of the Zoning Map Amendment request to La Grange City Council based on testimony and evidence; the existing zoning of the property is appropriate; existing roadway conditions; concerns regarding school capacity and other infrastructure; and the overall character of the area.

The vote was as follows:

YES: Commissioners Bohne, Davis, Finney, Jones, Klingenfus, Nasser, Smith, and Walser

NO: Commissioners King, Elder, and Douglas

ABSTAIN: None

ABSENT: Commissioners Falvey, Hafling, and Hampton

Motion passed on a vote of 8-3.

OTHER BUSINESS

Election of Officers-

Motion made by Commissioner Klingenfus and seconded by Commissioner Davis to elect Kevin Jeffries as Chairman. Motion passed by unanimous vote.

Motion made by Commissioner Bohne and seconded by Commissioner Douglas to elect Greg King as Vice Chairman. Motion passed by unanimous vote.

There being no further business, the Planning Commission meeting adjourned at 1:25 p.m.

The next regular meeting will be Tuesday, February 22, 2022, at 9:00 a.m. and will be held in the courtroom of the Oldham County Fiscal Court at 100 W Jefferson Street, La Grange, 40031.

Approved:

Respectfully Submitted:

Kevin Jeffries, Chairman

Bree Heightchew, Secretary