

**MINUTES OF REGULAR MEETING
OLDHAM COUNTY
PLANNING AND ZONING COMMISSION
Tuesday, April 26, 2022**

At 9:00 a.m., local time on the above date, this meeting of the Oldham County Planning and Zoning Commission, hereinafter called the Commission, was called to order in the courtroom of the Oldham County Fiscal Court at 100 W Jefferson St, La Grange, 40031 by Chairman Kevin Jeffries.

Other Commission members present were:

Laura Bohne	Sam Finney	Katie Nasser
William Douglas	Sue Ann Jones	Brandon Smith
Thomas Elder	Berry Hampton	Suzy Walser
John Falvey	Greg King	

Commissioners Iva Davis, Ed Hafling, and Bob Klingenfus 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 Finney and seconded by Commissioner Elder to approve the March 22, 2022 minutes as submitted. Motion carried by unanimous voice vote.

Corrections:

- Page 2: Docket Number error at page top “Dockets PZ-22-010, 011, 012, and 013”

Motion made by Commissioner Douglas and seconded by Commissioner Jones to remove Dockets PZ-22-014 and PZ-22-015 from the table. Motion passed by unanimous vote.

Attorney Berry Baxter, 100 W Main Street, La Grange, stated the following:

- Objection to proceeding without Diane Zimmerman being present. It is the request of Norton Commons that the case not be heard today.

Attorney, John Talbott, 1000 N Hurstbourne Pwky, Louisville, was present and stated the following on behalf of the applicant:

- There are multiple traffic studies available, and it is not uncommon for the Commission to hear a case without all parties being present.

Chairman Kevin Jeffries called a 5-minute recess at 9:07 AM.

Chairman Kevin Jeffries called the meeting back into session at 9:12 AM.

County Attorney, John Carter stated Diane Zimmerman is a material witness in this case and Attorney Baxter must be allowed the right to cross examine her, therefore the case cannot be heard until Mrs. Zimmerman is present.

Attorney Talbott stated the following:

- They are willing to go ahead and defer the case to the May 24th meeting. They were unaware that Mrs. Zimmerman would be absent until after the meeting was deferred at the April meeting.

A motion was made by Commissioner Douglas and seconded by Commissioner Hampton to continue Dockets PZ-22-014 and PZ-22-015 to the May 24th, 2022 Oldham County Planning Commission hearing. The motion passed by unanimous vote.

Secretary Bree Heightchew called and read Docket PZ-22-016:

DOCKET PZ-22-016 – Application has been filed by River Glades LLC for the approval of a Preliminary Subdivision Plan with Variances (Lot Width) for 7 lots on approximately 20.51 acres to be known as River Glades Section 2. The property is located in the terminus of Cherry Tree Lane and Creekview Road, Prospect. The existing 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.
- Case History (see Exhibit A, Staff Report dated, March 26, 2022).
- Site history.
- Aerial Photos of the site.
- Photos of property.

County Engineer, Jim Silliman, presented the following:

- Plans state that floodzone map AE is in the area, however it does not appear to be in that area.
- The rubric roadway cross section was updated to include roadside ditches instead of curb and gutter.
- Developers must make sure the ditches accommodate storm water from the adjoining River Bluff Farms Section 3 subdivision.
- Cul-de-sac should have a 39 foot pavement radius for Cherry Tree Lane while Creekview Road should be 46 feet.
- There should be a 25 to 50 foot buffer for the stream located near the detention basin.
- A red line plan will be provided to the applicant with all notes given during this hearing.

Michael Williams, Oldham County Board of Education, 6165 Hwy 146, Crestwood, was present and sworn in prior to presenting the following:

- Oldham County Schools would net 1 student from the development.
- Serving schools would be Goshen Elementary, North Oldham Middle School, and North Oldham High School.
- All serving schools have adequate capacity.

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

Attorney Berry Baxter, 401 W Main St, La Grange was present and spoke on behalf of the applicant. Derek Triplett, Land Design and Development, 503 Washburn Avenue, Louisville was also present and sworn in prior to presenting:

Mr. Triplett presented the following:

- Turnaround at cul-de-sac will be provided for easy access for emergency vehicles, school buses, etc.
- There will be seven lots on the site with an open space lot of about 1.7 acres
- There is a 20-foot strip of open space from the cul-de-sac at Cherry Tree Lane that would serve as an access point and to service the drainage swale.
- No plan for curb and gutter but rather roadside swells.
- There was an opportunity to eliminate variances, however, they did not want to push the roads too far into the site and down the hill to increase frontage.
- The variances will allow adherence to the topography of the land and keep the impact on the existing property to a minimum.
- There will be no curb and gutter in order to keep it consistent with what is present in the River Bluff subdivision.
- It is up to the future property owners to determine whether or not trees on each lot are preserved.
- Terminus points are only provided at Cherry Tree Lane and Creekview Road.
- Without the annexation into the city of River Bluff, drainage maintenance is the responsibility of the HOA.
- During TRC review, there was a request from the Fire Department to include a fire hydrant within the Creekview cul-de-sac. An additional fire hydrant was requested at Cherry Tree Lane during the Neighborhood Meeting.
- They would be agreeable to adding the second fire hydrant as an additional binding element.

Attorney Baxter stated the following:

- Council for the City of River Bluff is present and intends on granting consent of annexation from the City.
- There will be no access to any other properties in the area as there is nothing else to connect to.
- There are no current Deed Restrictions for River Bluff.
- The plan is only for 7 lots, therefore, this will not be a large development and will have minimal impact on the city of River Bluff.
- Cul-de-sacs will allow adequate turn-around for buses and emergency vehicles.

Attorney Chelsey Brammel, 401 W Jefferson St, La Grange, attorney for the City of River Bluff, stated the following:

- Provided detail on the annexation ordinance proceeding.
- There is a concern about a road maintenance fee as this will be a city maintained road.

Jim Silliman stated the following:

- Damage repair for city streets will be addressed as a part of the bonding process for construction plan review.

(3) Questioning of the applicant and those in support of the application by the Commission:

Attorney Baxter responded to questions by the Commission:

- Maintenance of the basin was discussed at the neighborhood meeting with the City.
- The applicant is willing to include within the deed that Lot 7 cannot be further subdivided.
- Charlie Ward of OCHD determined that there are appropriate locations for lateral fields for the septic systems of these lots.

Mr. Triplet responded to questions by the Commission:

- The shape of the site is unique, and the topography is very steep.
- By having a shorter stretch of roadway, cul-de-sacs are kept higher on the site and use of fill, retaining walls and other counteractive measures for the topography are reduced.
- The road from the cul-de-sac to the basin will be a maintained grass lawn and be maintained either by the City of River Bluff or by the HOA should the annexation not occur.
- Tree canopy will be kept away from the basin.
- Outlet for the detention basin would be adjacent to the stream.
- Both cul-de-sacs will have access to a fire hydrant with the additional one being included.
- The lot shape is due to trying to accommodate for the topography of the property.

Jim Silliman stated the following:

- Division of Water mandates a 25 to 50-foot buffer that would be observed and enforced by the County Engineer's office during construction plan review.

Catherine Terrance, Cherry Tree Lane:

- Inquired on the limitations of removing the tree canopy and the maintenance of it.
 - Attorney Baxter responded that the lots will be owned by private individuals, and it will be difficult to enforce limitations on tree removal, though it is believed that there would be no reason to remove the trees on the site.

Jim Urban stated the following:

- Tree canopy preservation line can be included on the record plat at a reasonable location that does not limit the property owners but protects the canopy, however this can be difficult to enforce.

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

(5) Questioning of the applicant and those opposed to the application by the Commission: None

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

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

(8) Final statement of the Opposition: None

(9) Final statement of the Applicant:

Attorney Berry Baxter stated the following in final statement:

- Applicant would like to limit the impact of the site as much as possible with topographical features in mind.

END OF PUBLIC HEARING

Jim Urban summarized the application for Docket PZ-22-016.

FINDINGS AND DECISIONS PZ-22-016
Lot Width Variance (Lot 7)
Terminus of Cherry Tree Lane and Creekview Road, Prospect

Motion was made by Commissioner King and seconded by Commissioner Nasser to approve a Variance on Lot 7. Based on testimony and evidence presented, the site can accommodate sufficient roadway to mitigate and offset any necessity for a variance, however, under the circumstances and on the site it makes sense to minimize the impact and disturbance and the plan is not a circumvention of the regulations.

Lot 7:
Required Lot Width: 300 feet
Requested Lot Width: 126 feet
Requested Variance: 174 feet

The vote was as follows:

YES: Commissioners Bohne, Douglas, Elder, Falvey, Finney, Hampton, Jones, King, Nasser, Smith, and Walser.
NO: None
ABSTAIN: None
ABSENT: Commissioners Davis, Hafling, and Klingenfus.
Motion passed on a vote of 11-0.

FINDINGS AND DECISIONS PZ-22-016
Variance (Lot 2)
Terminus of Cherry Tree Lane and Creekview Road, Prospect

Motion was made by Commissioner King and seconded by Commissioner Elder to approve a Variance on Lot 2. Based on testimony and evidence presented, the site can accommodate sufficient roadway to mitigate and offset any necessity for a variance, however, under the circumstances and on the site, it makes sense to minimize the impact and disturbance and the plan is not a circumvention of the regulations.

Lot 2:
Required Lot Width: 150 feet
Requested Lot Width: 110 feet
Requested Variance: 40 feet

The vote was as follows:

YES: Commissioners Bohne, Douglas, Elder, Falvey, Finney, Hampton, Jones, King, Nasser, Smith, and Walser.
NO: None
ABSTAIN: None
ABSENT: Commissioners Davis, Hafling, and Klingenfus.
Motion passed on a vote of 11-0.

FINDINGS AND DECISIONS PZ-22-016
Variance (Lot 3)
Terminus of Cherry Tree Lane and Creekview Road, Prospect

Motion was made by Commissioner King and seconded by Commissioner Finney to approve a Variance on Lot 3. Based on testimony and evidence presented, the site can accommodate sufficient roadway to mitigate and offset any necessity for a variance, however, under the circumstances and on the site it makes sense to minimize the impact and disturbance and the plan is not a circumvention of the regulations.

Lot 3:
Required Lot Width: 150 feet
Requested Lot Width: 80 feet
Requested Variance: 70 feet

The vote was as follows:

YES: Commissioners Bohne, Douglas, Elder, Falvey, Finney, Hampton, Jones, King, Nasser, Smith, and Walser.
NO: None
ABSTAIN: None
ABSENT: Commissioners Davis, Hafling, and Klingenfus.
Motion passed on a vote of 11-0.

FINDINGS AND DECISIONS PZ-22-016
Preliminary Subdivision Plan
Terminus of Cherry Tree Lane and Creekview Road, Prospect

Motion was made by Commissioner Bohne and seconded by Commissioner Falvey to approve a Preliminary Subdivision Plan for a property located at the terminus of Cherry Tree Lane and Creekview Road in Prospect. Based on testimony and evidence presented, the plan complies with multiple objectives of the Comprehensive Plan, the Zoning Ordinance, and the Subdivision Regulations. The subdivision plan respects the current land use in the area as well as in the county and is appropriate for the area.

Binding Elements:

1. The approval applies only to the plan presented at the April 26th, 2022 Oldham County Planning Commission public hearing.
2. There shall be no subdivision of lots into any greater number of lots without review by the Oldham County Planning Commission.
3. The preliminary plan must comply with all established federal, state, and county ordinances and requirements at the time of construction plan approval and no record plat will be approved until all standards are satisfied.
4. The cumulative phasing plan shall limit the number of building permits issued to thirty-five (35) per year beginning with the first record plat.
5. A road maintenance bond for existing streets shall be posted before construction begins.

The vote was as follows:

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

NO: None

ABSTAIN: None

ABSENT: Commissioners Davis, Hafling, and Klingenfus.

Motion passed on a vote of 11-0.

Chairman Jeffries called a 10-minute recess at 10:19 AM.

Chairman Jeffries called the meeting back into session at 10:25 AM.

Secretary Bree Heightchew called and read Docket PZ-22-017:

DOCKET PZ-22-017 – Public hearing regarding the adoption of the updated Oldham County Comprehensive Zoning Ordinance (Solar Energy Systems, School Capacity & Agritourism Structures, Private Clubs, Etc.)

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

Assistant Director, Amy Alvey presented the following:

- Summary of the application.
- Review of updates to the Comprehensive Zoning Ordinance.

END OF PUBLIC HEARING

FINDINGS AND DECISIONS PZ-22-017

Updates of Oldham County Comprehensive Zoning Ordinances (Solar Energy Systems)

Motion was made by Commissioner Finney and seconded by Commissioner Douglas to recommend approval to the legislative bodies for an update to the Oldham County Comprehensive Zoning Ordinances regarding Solar Energy Systems.

The vote was as follows:

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

NO: None

ABSTAIN: None

ABSENT: Commissioners Davis, Hafling, and Klingenfus.

Motion passed on a vote of 11-0.

FINDINGS AND DECISIONS PZ-22-017

Updates of Oldham County Comprehensive Zoning Ordinances (School Capacity Standards)

Motion was made by Commissioner King and seconded by Commissioner Falvey to recommend approval to the legislative bodies for an update to the Oldham County Comprehensive Zoning Ordinances regarding School Capacity Standards.

The vote was as follows:

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

NO: None

ABSTAIN: None

ABSENT: Commissioners Davis, Hafling, and Klingenfus.

Motion passed on a vote of 11-0.

FINDINGS AND DECISIONS PZ-22-017

Updates of Oldham County Comprehensive Zoning Ordinances (Agritourism Buildings)

Motion was made by Commissioner Bohne and seconded by Commissioner Falvey to recommend approval to the legislative bodies for an update to the Oldham County Comprehensive Zoning Ordinances regarding Agritourism Buildings.

The vote was as follows:

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

NO: None

ABSTAIN: None

ABSENT: Commissioners Davis, Hafling, and Klingenfus.

Motion passed on a vote of 11-0.

FINDINGS AND DECISIONS PZ-22-017

Updates of Oldham County Comprehensive Zoning Ordinances (Private Clubs)

Motion was made by Commissioner King and seconded by Commissioner Elder to recommend approval to the legislative bodies for an update to the Oldham County Comprehensive Zoning Ordinances regarding Private Clubs.

The vote was as follows:

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

NO: None

ABSTAIN: None

ABSENT: Commissioners Davis, Hafling, and Klingenfus.

Motion passed on a vote of 11-0.

FINDINGS AND DECISIONS PZ-22-017

Updates of Oldham County Comprehensive Zoning Ordinances (Golf Course, Driving Ranges, Miniature Golf)

Motion was made by Commissioner Finney and seconded by Commissioner Douglas to recommend approval to the legislative bodies for an update to the Oldham County Comprehensive Zoning Ordinances regarding Golf Courses, Driving Ranges and Miniature Golf.

The vote was as follows:

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

NO: None

ABSTAIN: None

ABSENT: Commissioners Davis, Hafling, and Klingenfus.

Motion passed on a vote of 11-0.

There being no further business, the Planning Commission meeting adjourned at 11:26 a.m.

The next regular meeting will be Tuesday, May 24, 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