

**MINUTES OF REGULAR MEETING
OLDHAM COUNTY
PLANNING AND ZONING COMMISSION
Tuesday, June 28, 2022**

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 in the Courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky, by Chairman Kevin Jeffries.

Other Commission members present were:

Iva Davis
William Douglas
Thomas Elder
Joe Ender

John Falvey
Sam Finney
Ed Hafling
Berry Hampton

Sue Ann Jones
Greg King
Katie Nasser

Commissioners Bob Klingenfus and Suzy Walser were absent.

Others present and sworn in were Planning and Development Services Director Jim Urban, Assistant Director Amy Alvey, Oldham County Engineer Jim Silliman and Keith Morris, Director, Henry County Water. Attorney John Carter was present for the meeting and Administrative Assistant Christy Edgar was the Secretary for the meeting.

Approval of Minutes –

Motion was made by Commissioner Ed Hafling and seconded by Commissioner Katie Nasser to approve the minutes as submitted May 24, 2022, with the following corrections:

Corrections:

- Page 1: Remove “second 5” in the 55621 South Highway 1694 (Schuler Lane)
- Page 2: Replace “A with second S” in ASSHTO geometric highway designs
- Page 5: Replace “weather with whether” whether a car will take a left or right
- Page 6: Replace “width instead of with” width, turning lanes and roadway safety
- Page 7: Replace “10:27 AM with 11:27 AM
- Page 9: Remove “the” the applicant shall place the sum of \$75,000 in an escrow
- Page 11: Remove “the” The applicant shall place the sum of \$75,000 in an escrow

Secretary Christy Edgar called and read Docket PZ-22-020:

DOCKET PZ-22-020 – Application has been filed by One Fourteen LLC for approval of a Development Plan and Conditional Use Permit (Indoor Climate Controlled Mini-Storage) with Waivers of Section 280-080(Off-Street Parking & Loading Requirements) and Section 260-400(Conditional Use Standards (3) Minimum Lot Size) on approximately 1.9 acres. The property is located at 1440 Crystal Drive East, LaGrange. The zoning is C-4 Highway Service 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 28, 2022).
- Site history.
- Aerial Photos of the site.
- Photos of property.

County Engineer, Jim Silliman, stated the following:

- Applicant shall obtain the appropriate permits including but not limited to the Oldham County Stormwater and Erosion Control permit and Kentucky Division of Water KYR10 permit.
- There is a detention basin for stormwater being proposed. The current plan shows a pipe discharging the stormwater that goes between the two hotel sites.
- The applicant's engineer provides the calculations for their detention release and should show the existing basin is not affected by the discharge from this new site.
- A Right of Way encroachment permit will be required from the LaGrange City Public Works.
- Applicant needs to provide the vehicle movement (larger vehicles) to determine if they can make the sharp turn into parking lot.
- There shall be no trees in within the 100-year water surface elevation of the detention basin.
- The detention basin shall be encompassed by a drainage easement.
- Pavement curb and sidewalks shall be provided in accordance with Oldham County subdivision regulations.
- After review of trip generation for the site, neither a Traffic Impact Study, nor a Traffic Assessment were required.

Amy Alvey responded to questions from the Commission:

- Clarified waiver requests.
- Explained VUA buffer requests.
- No plumbing allowed in the storage building, so that people do not run businesses out of individual storage spaces.
- The maximum building height for C-4 is 60ft.

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

Attorney Cliff Ashburner, Dinsmore & Shohl, LLP 101 South 5th St. Ste 2500, Louisville, KY 40202,

- Explained demand for storage building and the need for fewer parking spaces.
- Explained location and reason for lot size. Property is split by Wilson Court.
- Building materials will be masonry and glass on corner. Will look like an office building.
- Loading/unloading areas do not have docks but have roll-up doors.

Mike Hill, Land Design Development Inc., 503 Washburn Ave, Louisville, KY 40222, was present and sworn in prior to presenting the following:

- 1.9 Acres in size, 1 structure 62,000 sq ft building, 3 stories (approx. 36ft in height), approx. 400 varies size indoor climate control storage units, 2-elevators to access 2nd & 3rd floors and loading/unloading in the rear (side facing hotels).

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

Jim Marcus 1908 Unruh Court, New Albany, IN 47150, was present and sworn in prior to answering questions from the commission:

- Restrictions include no hazardous or corrosive materials.
- Storage Building will have full-time manager on-site and cameras inside and outside the building with no blind spots.
- Will have 400 units.
- Expect approx. 30 cars per week.
- Maximum truck size is 30ft. No Semis allowed.

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 Applicant:**

Attorney Cliff Ashburner stated the following in final statement:

- Other similar sites that the applicant has developed has not generated the parking demand; even less than shown on the plan.
- The applicant is aware that the approval is subject to the City of LaGrange Board of Adjustments granting a conditional use permit.

END OF PUBLIC HEARING

FINDINGS AND DECISIONS PZ-22-020

**Section 260-400 - Conditional Use Standards Minimum Lot Size on approximately 1.9 acres
Request Waiver is for: 1.1 Acres**

Motion was made by Commissioner King and seconded by Commissioner Davis to approve the minimum lot size waiver because the vertical design does not demand as much ground and providing this type of construction reduces impervious surface area.

Conditions of Approval:

1. The approval applies only to the plan presented at the June 28, 2022, Oldham County Planning Commission public hearing.
2. The exterior building materials shall be those presented by the applicant at the public hearing.

The vote was as follows:

YES: Commissioners Davis, Douglas, Elder, Ender, Falvey, Finney, Hafling, Jones, King and Nasser.

NO: Commissioner Hampton.

ABSTAIN: None

ABSENT: Commissioners Klingenfus and Walser.

Motion passed on a vote of 10-1.

FINDINGS AND DECISIONS PZ-22-020
Section 280-080: Off-Street Parking & Loading Requirements
Requested Waiver is for: 24 Parking Spaces

Motion was made by Commissioner King and seconded by Commissioner Davis to approve the parking waiver because of the testimony and evidence presented, specifically that the regulations require more parking spaces than what is needed which would provide excessive parking but less is better in this case.

Conditions of Approval:

1. The approval applies only to the plan presented at the June 28, 2022 Oldham County Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Davis, Douglas, Elder, Ender, Finney, Hafling, Hampton, Jones, King and Nasser.

NO: Commissioner Falvey.

ABSTAIN: None

ABSENT: Commissioners Klingenfus, and Walser.

Motion passed on a vote of 10-1.

FINDINGS AND DECISIONS PZ-22-020
Development Plan
1440 Crystal Drive East

Motion was made by Commissioner King and seconded by Commissioner Elder to approve the Development Plan because there is no conflict with Comprehensive Plan or Zoning Ordinance.

Conditions of Approval:

1. The approval applies only to the plan presented at the June 28, 2022 Oldham County Planning Commission public hearing.
2. The exterior building materials are those presented by the applicant at this public hearing.
3. Must receive conditional use permit from the LaGrange Board of Adjustments including conditions they place on the property.
4. There shall be no tractor trailers accessing the site.

The vote was as follows:

YES: Commissioners Davis, Douglas, Elder, Ender, Falvey, Finney, Hafling, Jones, King and Nasser.

NO: Commissioner Hampton.

ABSTAIN: None

ABSENT: Commissioners Klingenfus, and Walser.

Motion passed on a vote of 10-1.

Chairman Jeffries called a 10-minute recess at 9:52 AM.

Chairman Jeffries called the meeting back into session at 10:02 AM.

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Secretary Christy Edgar called and read Docket PZ-22-021:

DOCKET PZ-22-021 – Application has been filed by Sunanza, Inc. for the approval of a Preliminary Subdivision Plan with Waiver (Section 270-060, Part 6, Capacity Standards Fire Protection Standards-Fire Flow) for 49 lots on approximately 183 acres to be known as Old Sligo Farm Estates. The property is located at the 5400 Block of Old Sligo Road, LaGrange. The zoning is AG-1 Agricultural District and CO-1 Conservation 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 (Staff Exhibit A, Staff Report dated, June 28, 2022).
- Site history.
- Aerial Photos of the site.
- Photos of property.

Assistant Director, Amy Alvey, presented the following report from the Oldham County Schools:

- Student growth impact from this development would be 8 students.
- The serving schools would be Buckner Elementary, Oldham County Middle and Oldham County High School with a total available capacity of 104.17%.
- Capacity mitigation is 17 units per year starting at the first record plat.

Jim Silliman, Oldham County Engineer, 100 West Jefferson St, LaGrange KY 40031 presented the following:

- A copy of the Oldham County Engineer Department review letter was submitted to the file (see Staff Exhibit B).

Chief Jim Sitzler, LaGrange Fire & Rescue Department, 309 N First St. LaGrange, KY 40031, was present and sworn in prior to presenting the following:

- Need 500 gallons per minute (gpm) flow at the hydrants to fight a 1-2 room fire.
- The cisterns would be used for any fire that would require more water (barn or big house).
- The other surrounding fire departments (Westport, Ballardsville, and N Oldham) will assist in fires.
- Stated he was OK with cisterns as designed at each entrance.

Keith Morris, Chief Operating Officer, Henry County Water, 8955 Main St. Campbellsburg, KY.

- Henry County Water District will have enough flow to all lots for potable water.
- Henry County Water District does not provide water flow for fire.
- First time hearing about needing the cisterns or the new flow and pressure information from the applicant.
- Henry County Water did conduct new test and 380 gpm flow is what they can provide.

Questions of staff by the Commission:

Jim Silliman responded to questions from the Commission:

- Oldham County Stormwater fees will be addressed as normal.
- Basins are in private lots in proposed plan but need to be in open space.

Jim Urban responded to questions from the Commission:

- Oldham County Planning and Development Services does not have any authority regarding stormwater fees. It will be left to the Oldham County Fiscal Court and Henry County Fiscal Court.

Chief Jim Sitzler responded to questions from the commission:

- Each cistern will be 40,000 gallons. Pumps will produce 1000 gpm.
- Fire Department tests hydrants once a year; will also test the two cisterns which will circulate the water in the tank.
- The cistern will automatically fill just like a water tower.

Amy Alvey responded to questions from the commission:

- Open space is not required in single-family development. Open space is required in multi-family R-3 or R-4 zoning.

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

Attorney Cliff Ashburner, Dinsmore & Shohl, LLP 101 South 5th St. Ste 2500, Louisville, KY 40202 was present and spoke on behalf of the applicant.

- Applicant power point presentation. (Applicant Exhibit A)
- Introduced applicant and those speaking regarding the application.
- Stated this development meets or exceeds all the standards in the Comprehensive Plan and Subdivision Regs.
- Property is two tracks within L'Esprit development that is bounded by Berry Creek, US Hwy 42 and Old Sligo Road.
- Over twenty-seven years ago, this property and another property was in front of Oldham County Commission and a development was approved on a 11-0 vote for a golf course plan with 91 homes.
- Applicant will provide buffers around any of the streams and are included on the plan.
- Henry County roads in this development will meet Oldham County road standards.
- The fees and maintenance of the detention basin will meet Oldham County Engineer requirements.
- Henry County lots will be assessed a stormwater fee collected by HOA; the HOA will pay Oldham County.

Phil Gambrell, Principal Engineer, Prism Engineering & Design Group LLC., 2309 Watterson Trail Louisville, KY 40299, was present and sworn in prior to presentation:

- Applicant recently completed 16 lots (approx. 6-6 ½ acre tracts) single-family home development on 96 acres in Henry County (L'Esprit).
- Explained existing site conditions, streams and wetlands (Berry Creek is the only blue-line stream), soil types, floodplain and zoning.
- Explained his design process which included street layout, zoning requirements, L'Esprit deed restrictions, setbacks, lot sizes and lot widths, stormwater basins, spring (on lot 10 in proposed electric easement) and sink hole (on lot 11 in setback).
- Stormwater basins will be on open spaces per Oldham County Engineer's request.

- Explained testing of the water flow and pressure by Henry County Water District. The Henry County Water District's meter could not read greater than the initial result. Duplicated flow and pressure test using Landmark Sprinkler Inc. Presented a chart (Applicant Exhibit A)
- Just received the test results from Landmark Sprinkler Inc. on Monday, June 27, 2022 which is why applicant is requesting to drop the waiver for the fire department mitigation.

Diane Zimmerman, Traffic Engineering, LLC., 12803 High Meadows Pike Prospect, KY 40059, was present and sworn in prior to presentation:

- Explained the traffic assessment report that was presented.
- Based on the volume of traffic generated in the assessment report, no potential problems were identified and no mitigation for roadway capacity is needed.

Steve Moss, 310 L'Esprit Farm Road LaGrange, KY 40031, was present and sworn in prior to statement:

- Lives on a farm close to proposed development and Berry Creek runs right through his farm.
- Is in full support of this development being approved.

David Poff, 3321 Old Sligo Road LaGrange, KY 40031, was present and sworn in prior to statement:

- Has lived in L'Esprit for seven years.
- Was on the architectural control committee during 2021 and they approved 80 lots.
- Fully supports this development being approved and does not feel like it will have much of an impact on Old Sligo Road.

Jerry Hines, 4910 Highgrove Road Bedford, KY 40006, was present and sworn in prior to statement:

- Member of the church that is currently renting the L'Esprit Pavilion owned by the applicant since December.
- The applicant has done everything that he said he would do for the church.
- The church has tripled in membership and some members have inquired about wanting to move closer to the church.
- Fully supports the development being approved.

Chairman Jeffries called for lunch break at 11:30 AM.

Chairman Jeffries called the meeting back in session at 12:49 PM.

3. Testimony and questions by those opposing the application:

Jon Baker, Wyatt, Tarrant & Combs, 400 W Market St., Louisville, KY 40202, was present and spoke on behalf of Rollo & Peabody Fox:

- Opposition power point. (Opposition Exhibit A)
- Rollo & Peabody Fox own a farm and residence on Old Sligo Road.
- Read the Intent of AG-1/CO-1 zoning and the Purpose and Intent of the Subdivision Regulations including the objectives and design principles.

- Feels like there are more than one sink hole on property and Section 4.3(m) of sub regs include mapping environmental features.
- Showed pictures of wet weather runoff and spring.
- Fire flow testing resulted in loss of pressure and brown water in existing homes in the area.
- Objects to fire department mitigation waiver being withdrawn by applicant until opposing side has time to review the reports.
- Environmental sensitive areas need to be protected.
- How will fire department tap into the water line for the 500 gpm and keep pressure above 20 psi?

Max Bridges, Environmental Attorney, Wyatt, Tarrant & Combs, 400 W Market St., Louisville, KY 40202, was present and spoke on behalf of Rollo & Peabody Fox:

- Submitted letter to the record which is included in Opposition Part 2 given to the Commission.
- Discussed soils and suitability for on-site septic.
- Presented map with karst/sinkhole prone areas.
- Showed tree canopy on aerial.
- Soil survey gives different soils on property.
- 95% of soil are not suitable for septic tanks.
- Sink holes needs to be properly marked.
- Presented aerial and photos of sever soil erosion issue at the Henry County project, same applicant for this development.

Mary Lowry, 326 Maple Ave, Pewee Valley, KY 40056, was present and sworn in prior to presenting:

- Was involved in the OC Comprehensive Plan and was on committee that did a study of best practices.
- Cost of community services statistic shows that it cost the county \$1.20 for every \$1 of taxes the homeowner pays.
- L'Esprit was created for the equine industries.

Mark Gardner, 4727 Tobacco Road, LaGrange, KY 40031, was present and sworn in prior to presenting:

- The development is incompatible with the surrounding areas; has median tract size of 3.01 acres compared to the surrounding areas median tract size of 10.75 acres.
- Addressed the Comprehensive Plan LU1-1, E1-1, E2-5.
- Subject development will negatively impact Berry Creek with the land being steeply sloped and does not set aside sufficient green space to preserve wildlife habitat.
- Henry County Water District is not sufficient to provide fire suppression to the development.
- Traffic on Old Sligo Road is already heavy for rural road and the development will add more traffic.
- Response time for emergency services and police will be slow.

Jon Ames, 5510 Old Sligo Road., LaGrange, KY 40031, was present and sworn in prior to presenting:

- This development is located directly across from his farm.

- After the water flow testing the neighboring properties had low pressure and brown water for two days.
- Asking for consideration of the traffic flow when the interstate is shut down as US42 and Old Sligo Road are alternate routes.

Laura Bowman, 5350 Old Sligo Road, LaGrange, KY 40031, was present and sworn in prior to presenting:

- Subject development is located directly across from her property.
- Agrees with all stated concerns.
- US Hwy 42 can handle the traffic, but Old Sligo Road. cannot handle the increase traffic amount from the subject development.

Barrett Shirrell, 5801 Old Sligo Road, LaGrange, KY 40031, was present and sworn in prior to presenting:

- Submitted photos of home and location map, motor vehicle accident, drainage areas, wet weather pictures, soil conditions on his property and water filter conditions. (Opposition Exhibit B)
- Oldham County and surrounding area residences already use Old Sligo Road for a cut through to LaGrange.
- Development would be five times the number of homes currently in the area.
- There are already several wet weather creeks and sink holes bordering his property and the proposed development.
- The topography is far more complicated than indicated on the plat and has significant rock in the area.
- Would like to require the lot size to be a minimum of 5 acres to help reduce the impacts that the development would bring to existing neighbors.
- Proposed a buffer around adjoining properties.

John Palmer, 2908 L'Esprit Pkwy., LaGrange, KY 40031, was present and sworn in prior to presenting:

- On Henry County Water system and already has water pressure issues.
- Berry Creek culvert cannot hold any more water during heavy rain events.
- Traffic will travel Old Sligo Road to Highway 53 to take the kids to school or to LaGrange. Old Sligo Road cannot handle the increase in traffic from this development.

Liz Englert, 5400 Old Sligo Road, LaGrange, KY 40031, was present and sworn in prior to presenting:

- No shoulders on Old Sligo Road.
- Water pressure is already low.

Trish Henrion, 1309 Park Shore Road, LaGrange, KY 40031, was present and sworn in prior to presenting:

- Why approve something that has two reports that differ in fire flow.
- There are no provisions for natural features, no green spaces and no open spaces.
- Need to preserve our environment.

Motion was made by Chairman Jeffries and seconded by Commissioner Elder to approve an additional 10 minutes for the testimony & questions for those opposing the application. Motion passed by unanimous voice vote.

Tonya McKinney, 4314 Glenarm Road, Crestwood, KY 40014, was present and sworn in prior to presenting:

- Plans to build a working horse farm on L'Esprit Circle.
- If the development goes through, she will not build her farm and will sell the property.

Judy Ponder, 1409 Bluegrass Pkwy., LaGrange, KY 40031, was present and sworn in prior to presenting:

- Agrees with all other comments in opposition.
- Emphasized that the shared driveways on plan are in violation of Zoning Ordinance Section 320-100 (B) which prohibits direct access.

Tom Henrion, Board of Directors of L'Esprit, 1309 Park Shore Road, LaGrange, KY 40031, was present and sworn in prior to presenting:

- There have been fifty-nine (59) letters written against this project.
- This project has not been approved by the L'Esprit Board of Directors and one reason is the dispute over the covenants and restrictions.
- Stormwater is a bigger issue than most realize.
- New flow test was just completed without review.

Sandra Palmer, 4721 Tobacco Road, LaGrange, KY 40031, was present and sworn in prior to presenting:

- Against seeing the development of this size in the L'Esprit community.

Bob Vessels, 1323 Bluegrass Pkwy., LaGrange, KY 40031, was present and sworn in prior to presenting:

- Requests that planning and zoning stop approving any new development.

Rhet Shirrell, 5801 Old Sligo Road., LaGrange, KY 40031, was present and sworn in prior to presenting:

- Many animals are in the lush thick forest that has endanger species because it has not been developed for many years.

Paul Greiling, 5400 Old Sligo Road., LaGrange, KY 40031, was present and sworn in prior to presenting:

- Consider the stormwater and the pressure of water.
- Look at traffic.

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

Are the Cisterns still being installed?

- Ashburner - The two, 40,000-gallon cisterns will be installed in the median and will be a binding element.

Will the applicant keep the large trees?

- Ashburner - Will keep trees that are part of proposed stream buffer.

Will homeowners be able to cut trees on their own lot?

- Gambrell - L 'Esprit's architectural committee will control the cutting of trees.

How was site evaluated for septic?

- Gambrell - Explained the site evaluation by the Health Department.

Did you study site lines in curve for access points?

- Zimmerman – She did not as it is KYTC responsibility. The curve at US Hwy 42 and Old Sligo Road will be the responsibility of the Kentucky Transportation Department.
- Gambrell – KYTC did site distance study for Old Sligo Road and US 42 access.

What type of septic systems are acceptable at this level of study?

Charlie Ward, Environment Health Director, Oldham County Health Department, 1786 Commerce Pkwy., LaGrange, KY 40031, was present and sworn before responding:

- Broad study at preliminary level to see what can be expected and there are many options for on-site systems.
- Once a lot has been purchased and before building permit can be issued, septic system permit must be issued from the Oldham Co. Health Department.

Someone mentioned Sect 320-100, does that apply?

- Alvey - We do not have jurisdiction over State roads.

How does adding dirt for septic systems affect stormwater?

- Ward - Seed and straw must be installed to help erosion of the dirt once the septic tank is in the ground.

How will stormwater basins in Henry County be handled?

- Gambrell - Three lots in Henry Co will become open space lots that will be used for storm water run-off/detention.

How do you protect existing home water pressure and flow?

- Gambrell – Will still have cisterns for fire protection. Will need to adjust the pressure reducer values to get more pressure to area homeowners. Usually reduce pressure at the individual meter not on the main.
- Morris - If a residential service is over 150psi then it is at the water districts' cost to put a pressure reducer on the meter. Has not be able to go over the data from Landmark because the data was not made available before the meeting.

How do you manage pressure valves during a fire?

- Sitzler - explained pump and tanker trucks and water pressure.
- Morris – Explained pressure regulating valves.

Are you satisfied with information you have so far?

- Sitzler – Only with subject matter he has control of.

Who determined that there would be shared driveways?

- Gambrell - There is a letter in the packet from the Kentucky Transportation Department which approved all the driveways onto Old Sligo Road and approved the entrance on US Hwy 42 and Old Sligo Road. Applicant would prefer not to have shared driveways on US Hwy 42. KYTC will make the decision if individual driveways or shared driveways.

Has the HOA approved the plan?

- Henrion – No. Was supposed to have been approved before submitting to the Commission but didn't.

Are cisterns automatically filled?

- Gambrell – Explained meter, line, tank, backflow preventer and auto fill valve.

Is there a mechanical monitor to assure tank is full?

- Gambrell – A solenoid can be added to the system for that purpose.

5. Rebuttal evidence and Cross Examination by the Applicant:

Cliff Ashburner, Attorney for applicant stated the following:

- Has no cross examination.
- This development meets all the requirements and agency reviews in Oldham County. The plan complies with the rules, and we should not create new rules for this development.
- Have shown all the evidence. Reports from road, fire department, water district, health department, soils, and county engineer. With all the evidence you will find that approval of this development meets the requirements.
- The opposition has raised questions but did not provide evidence i.e. crash photo did not expose a condition or reason to question the road.
- Cost of community, homes cost the county money, if that's the case then a perfect county would be a county with no people, and everyone would live outside of the county and drive in. But that is not a community. A community uses farmland, industry to allow people to live within an area.

6. Rebuttal evidence and Cross Examination by the Opposition:

Jon Baker, Attorney for Fox stated the following:

- Technical info of new water flow has not been reviewed. No one has reviewed the information.
- Environmental features have not been fully addressed.
- Requested a continuance.

Mark Gardner stated the following:

- There is no objective measure of rural character. Median tract size within the L'Esprit community is 10.75 acres and the median tract size for this development is 3.01 acres.

Max Bridges, Environmental Attorney for Fox stated the following:

- There is no interlocal agreement with Henry County regarding stormwater.
- Requested time for all parties to look at the Landmark report regarding the water flow that was just placed into evidence during this meeting.
- Statement about the 1995 development approval is irrelevant for this development. Subdivision requirements have changed in the years since then.

Meg Palmer—2908 L'Esprit Pkwy, LaGrange, KY 40031, was present and sworn in prior to stating the following:

- Don't need to hire a traffic expert to see what the traffic situation is.
- Don't need to hire an expert for the water pressure because residents use the water every day and know how much or lack of water pressure there is.

Tom Henrion, Board of Directors of L'Esprit stated the following:

- The 1-acre development from 1995 approval is totally different then this development and was to be built along a golf course.
- This development does not meet the Comprehensive Plan.
- Over 50 people at the neighborhood meeting were all against this development.

Scott Roberts, 2013 L'Esprit Pkwy., LaGrange, KY 40031 was present and sworn in prior to stating the following:

- Depending upon the planning and zoning commissioners to protect the rural character of Oldham County.

Rollo Fox-4701 Tobacco Road & 4960 Old Sligo Road., LaGrange, KY 40031, was present and sworn in prior to stating the following:

- Moved to the county for the horse community over 40 years ago.
- This development is not in the spirit of Oldham County and not in the spirit of L'Esprit.
- There are multiple lawsuits going on over this development even between neighbors.
- This development could have been designed to fit much better into the L'Esprit community.
- Should be bigger lots, which would help with the perk test.
- Would ask to continue this decision for another month to review the newly presented report from Landmark regarding the water pressure.

Elizabeth Kapapell—119 L'Esprit Farm Cir., LaGrange, KY 40031, was present and sworn in prior to stating the following:

- There is a lot of talk about the unnecessary burden of the water & septic situation which will make everybody's HOA fees go higher.

Liz Englert, stated the following:

- Mr. Suna has not kept up any of the covenants that are currently in place on this piece of property regarding fencing and mowing.

7. Final statement of the Opposition: None

8. Final statement of the Applicant:

Cliff Ashburner, Attorney for the applicant.

The applicant is not asking for the commissioners to change the subdivision rules, the applicant is asking for the commissioners to follow the subdivision rules that are in place.

- The construction plans will not be approved by planning and zoning unless the roads that are shown on the preliminary plans match the construction plans.
- Building permits will not be issued unless the Oldham County Health Department does its soil samples, and the property perks.
- Look at the rules as written, look at the evidence that has been provided to the commissioners and notice the absence of the contradicting evidence.

END OF PUBLIC HEARING

FINDINGS AND DECISIONS PZ-22-21

5400 Block of Old Sligo Road

Preliminary Subdivision Plan with Waiver (Section 270-060, Part 6, Fire Protection Standards-Fire Flow) for 49 lots on approximately 183 acres to be known as Old Sligo Farm Estates.

Motion was made by Commissioner King and seconded by Commissioner Hafling to continue the docket until July 26, 2022, because new evidence was presented and opposition has requested a continuance to review such contents related specially and limited to the issue of water, gallons per minute, pressure and the pressure release values in question.

The vote was as follows:

YES: Commissioners Davis, Douglas, Elder, Ender, Falvey, Finney, Hafling, Jones, King and Nasser.

NO: Commissioner Hampton.

ABSTAIN: None

ABSENT: Commissioners Klingenfus, and Walser.

Motion passed on a vote of 10-1.

There being no further business, the Planning Commission meeting adjourned at 3:45 PM.

The next regular meeting will be Tuesday, July 26, 2022, at 9:00 a.m. in the courtroom of the Oldham County Fiscal Court Building, LaGrange, Kentucky.

Approved:

Respectfully Submitted:

Kevin Jeffries, Chairman

Christy Edgar, Secretary