

**MINUTES OF REGULAR MEETING  
OLDHAM COUNTY  
PLANNING AND ZONING COMMISSION  
Tuesday, July 25, 2023**

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 Greg King.

Other Commission members present were:

Iva Davis  
Thomas Elder  
Joe Ender  
John Falvey

Sam Finney  
Ed Hafling  
Berry Hampton

Katie Nasser  
Suzy Walser  
Ben Winters

Commissioners William Douglas, Sue Ann Jones, Bob Klingenfus and Tom Marsh were absent.

Others present and sworn in were Planning and Development Services Director Jim Urban, Assistant Director Brian Fogle, Senior Planner Ryan Fischer, and Oldham County Engineer Jim Silliman. Attorney Berry Baxter was present for the meeting and Administrative Assistant Christy Edgar was the Secretary for the meeting.

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**Approval of Minutes**

Motion was made by Commissioner Hafling and seconded by Commissioner Hampton to approve May 23, 2023, minutes as submitted. Motion carried by unanimous voice vote.

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**Secretary Christy Edgar called and read Docket:**

**DOCKET PZ-23-013** – An application has been filed by BBWD for the approval of a Waiver for Required Sidewalks (Section 5.5 of the Oldham County Subdivision Regulations). The property is located at Quail Ridge Drive and John Clark Drive, LaGrange. The property is zoned R-2 Residential and CO-1 Conservation and known as Summit Parks Section 2.

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

Assistant Director, Brian Fogle, presented the following:

- Summary of the application.
- Case History (see Exhibit A, Staff Report dated, July 25, 2023).
- Site history.

- Aerial Photos of the site.
- Photos of property.

Jim Silliman, Oldham County Engineer, presented the following:

- Due to the topography, it would be difficult to provide a usable sidewalk.
- There will be sidewalks constructed on the opposite side of the street.

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

Michael Swansburg, Swansburg & Smith, PLLC, 117 Main Street, LaGrange, was present and representing the applicant.

- Asking for a waiver of Subdivision Regulation 5.5 that states sidewalks are required on both sides of all public streets.
- In 2006 the project was approved, and the binding elements required a landscaping berm to be constructed along Jericho Rd.
- This berm has created an issue with building homes because of topography.

Bob Vinsand, Vinsand Engineering and Land Survey, 1000 Cherrywood Place, LaGrange, was present and sworn in prior to presenting.

- The developer prior to BBWD stripped the land of the dirt to build the berm which is creating topography issues for the construction of homes.
- Scot Treece, Director of LaGrange Utilities Commission, has asked to not construct sidewalks because they would be placed over the water main which would create maintenance and serviceability issues. (see Exhibit A, Scot Treece letter, dated July 24, 2023)
- The sidewalk would create vehicles to scrape coming in or out of the driveway and would damage the vehicle and the driveway.
- Sidewalks will be constructed on the opposite side of the street.

Michael Costello, Fischer Homes, 2301 Terra Crossing Blvd., Louisville, was present and sworn in prior to presenting.

- Builder of the 13 homes being built in this development.
- The driveways, if required with sidewalks would be unusable and then the residence would park on the side of the street.

Walt Schumm, Managing partner of BBWD, 1000 Cherrywood Place, LaGrange, was present and sworn in prior to presenting.

- The sidewalk situation was unforeseen by BBWD.



**3. Questioning of the applicant or representative and others in support of the application by the Commission:**

Commissioner Finney asked, how would pedestrians access the sidewalks that are across the street?

Mr. Vinsand replied, the pedestrian could walk across the street to access the sidewalk on the other side.

**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:**

Mr. Swansburg, we have shown evidence that the waiver of the sidewalk not being constructed on this side of the street is justified. So, we are asking for this board to consider all the evidence and grant the waiver.

**END OF PUBLIC HEARING**

Director Urban summarized the motion for the application.

**FINDINGS AND DECISIONS**

**Docket PZ-23-013**

**Waiver—Sidewalks**

**Summit Parks Section 2**

**Quail Ridge Drive & John Clark Drive, Lagrange**

Motion was made by Commissioner Falvey and seconded by Commissioner Ender to approve the sidewalk waiver at Summit Parks Subdivision Section 2 because it will not create a detriment to the public good and will not impair the purposes, basic objectives, and intent of the Oldham County Subdivision Regulations 9.1.A. Additionally, find that an exceptional hardship exists on this particular land due to topographic and/or man-made physical conditions. The Conditions of Approval were included in the motion.

**Conditions of Approval**

1. There shall be no significant changes to the requested sidewalk Waiver as presented at the July 25, 2023, Oldham County Planning Commission public hearing without review & approval of the Commission.
2. A sidewalk shall be constructed on the opposite side of Quail Chase Drive & John Clark Drive to maintain the pedestrian network in Summit Park Subdivision.

3. The plan must comply with all established federal, state, & local ordinances and requirements.

**The vote was as follows:**

**YES:** Commissioners Davis, Elder, Ender, Falvey, Finney, Hafling, Hampton, Nasser, Walser and Winters.

**NO:** None.

**ABSTAIN:** None

**ABSENT:** Commissioners Douglas, Jones, Klingenfus and Marsh.

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

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**Secretary Christy Edgar called and read Docket:**

**DOCKET PZ-23-014** – An application has been filed by Crestwood Ventures LLC for the approval of a Zoning Map Amendment & Associated Development Plan and a Conditional Use Permit on approximately 20.54 acres. The property is located at 7505 Kavanaugh Road, Crestwood and the requests are to allow the redevelopment of the property into Short Term Rental Lodging and a Private Club & Event Venue. The proposed change is from CO-1 Conservation / Residential District and R-2 Residential District to C-2 Commercial Community Business District.

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

Assistant Director, Brian Fogle, presented the following:

- Summary of the application.
- Case History (see Exhibit A, Staff Report dated, July 25, 2023).
- Site history.
- Aerial Photos of the site.
- Photos of property.

Jim Silliman, Oldham County Engineer, presented the following:

- Since the parking area exists it will not be disturbed, so it will not require the KYR10 Permit or the SWQMEC Permit.
- The required number of parking spaces has been provided on the plans and off-street parking is prohibited.
- The additional parking area will be gravel as well.
- Peak hour trip generation was coordinated with the applicant. In the plan, supplemental shouldering will be addressed with a construction plan review.

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

Cliff Ashburner, Dinsmore & Shohl LLP, 101 S. 5<sup>th</sup> Street, Louisville, was present and representing the applicant.

- This property was a church retreat center and has been vacant for a while.



- The property has been damaged by storms and vandalism.
- The repurpose of the property would be an event center and short-term rentals using the buildings that already exist on the property.
- The lodge would be reduced from 27 rooms to 12 rooms with a kitchenette.
- One cabin will be demolished, it is beyond repair.
- There will be a lot of remodeling work done on all the existing buildings.
- Applicant agrees to expand Kavanaugh Road with shoulder improvements on their side of the road.

### **3. Questioning of the applicant or representative and others in support of the application by the Commission:**

Commissioner Davis asked, will the main entrance be off Floydsburg Road or Kavanaugh Road?

Attorney Ashburner replied, the main entrance will be off Kavanaugh Road.

Commissioner Hampton asked, is there through traffic from this property to the church?

Attorney Ashburner replied, there is a gravel path that connects this property with the church property but there will be a gate. And there is not to be any through traffic.

Commissioner Hafling asked, can the lodge be rented outside of events?

Attorney Ashburner replied, they can be rented outside of an event, but we believe most will be rented during events.

Director Urban asked, will you explain the noise level regulations for the event venue.

Attorney Ashburner explained, the applicant knows that disturbing the neighbors is not a good way to stay in business and the noise will stop at 11 pm.

Commissioner Falvey asked, will there be a full-time restaurant on the property?

Attorney Ashburner answered, no. The dining hall will be a warming area for the caterers.

Commissioner Falvey asked, how many rooms are there for guests to stay.

Attorney Ashburner replied, there are 12 rooms with kitchenettes in the lodge and four other short-term rental cottages.

Commissioner Falvey asked, is this property served by sewer and city water?

Attorney Ashburner answered, yes to both.

Commissioner Falvey asked, will someone live on the property full-time for monitoring?

Cory Adkinison, 6311 Cherry Lane, PeWee Valley, was present and sworn in prior to reply, there will not be a live on-site property manager, however, there is a property manager that will manage this property.

Commissioner Falvey asked, so what is the protocol if something happens in the middle of the night?

Mr. Adkinison replied, we have a maintenance team that is on call throughout the nights.

Commissioner Nasser asked, will Kavanaugh Lane ever cut through?

Mr. Adkinison answered, we do not have plans for Kavanaugh Lane to cut through. Commissioner Davis asked, wouldn't it be better to have an exit onto Floydsburg Road to help with traffic leaving an event?

Mr. Adkinison explained, there has never been an entrance/exit to Floydsburg Road. Commissioner Ender asked, will guests be allowed to use the pond?

Attorney Ashburner answered, fish yes, and swim no.

Commissioner Winters asked, what is the max capacity for the events?

Mr. Adkinison answered, 275 people.

Chairman King asked, how long have you owned 314 Exchange?

Mr. Adkinison answered, about 15 months.

Commissioner Falvey asked, what is the parking requirements to handle 275 people at an event?

Director Urban replied, the amount of parking spaces are adequate for guests.

Commissioner Falvey asked, how many parking spaces?

Mr. Adkinison answered, 120 parking spaces, no on-street parking.

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

Brian Heitzman, 6012 Cherry Lane, Crestwood, was present and sworn in prior to presenting.

- Concerned with the noise level of the events.

Tom Caudill, 7335 Kavanaugh Road, Crestwood, was present and sworn in prior to presenting.

- Concerned with the amount of traffic that the event venue will bring onto Kavanaugh Road.
- Concerned with the noise level from the events.
- Will events be scheduled during the weekdays?

#### **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 Ashburner's final statement:

- This property has been vacant for some time and with little modifications to the property this would be a good solid plan for how to reuse this property.

Chairman King called for a 10-minute recess at 10:30 am to allow Attorney Ashburner time to add Conditions of Approval.



Chairman King called the board members back in session at 10:40 am.

Attorney Ashburner agreed to two more Conditions of Approval for the Conditional Use Permit.

- The maximum capacity size is 275.
- Amplified music will cease at 10 pm if not contained inside and 11 pm if contained inside and the property is to be vacated by 12 am.

Attorney Baxter explained that since Attorney Ashburner presented new evidence then the opposition should be allowed to ask questions.

Mr. Caudill asked, what are the operation days and hours of the event venue?

Mr. Adkinison answered, seven days a week. However, 95% of weddings are on Friday and Saturday nights.

Commissioner Falvey asked, can this event venue be used for other events than weddings?

Mr. Adkinison answered, yes.

## **END OF PUBLIC HEARING**

Director Urban summarized the motion and binding elements for the application.

### **FINDINGS AND DECISIONS**

#### **Docket PZ-23-014**

#### **Recommendation Zoning Map Amendment**

#### **7505 Kavanaugh Road, Crestwood**

Motion was made by Commissioner Nasser and seconded by Commissioner Finney to approve the recommendation to the City of Crestwood for a Zoning Map Amendment from CO-1 & R-2 to C-2 for 7505 Kavanaugh Road, Crestwood, because the requested zoning of C-2 will fit with the past, present and future use of this property. The stated Binding Elements are included in this motion.

#### **Binding Elements**

1. There shall be no changes to the requested Zoning Map Amendment & Development Plan as presented at the July 25, 2023, Oldham County Planning Commission public hearing without review & approval of the Commission.
2. The C-2 Community Business District on the 20.54-acre property shall be limited to the following Permitted & Conditional Uses:

Permitted Uses	Conditional Use
<ul style="list-style-type: none"> <li>▪ Agricultural Uses</li> <li>▪ Farmers Market</li> <li>▪ Riding Academies &amp; Stables</li> <li>▪ Retail &amp; Personal Establishments with gross floor area less than 50,000 square feet</li> <li>▪ Adult Day Centers</li> <li>▪ Colleges &amp; Schools, not for profit</li> <li>▪ Nursery Schools, Day Nurseries, &amp; Child Care Centers</li> <li>▪ Park, Playgrounds, Community Centers, &amp; Similar Uses</li> <li>▪ Business &amp; Professional Office including Clinics &amp; Immediate Care Centers</li> <li>▪ Public Parks &amp; Forest Preserves</li> <li>▪ Public Picnic Grounds, Bridle, &amp; Bicycle Paths</li> <li>▪ Churches &amp; other Religious Institutions</li> <li>▪ Lakes (man-made) noncommercial</li> <li>▪ Hotel/Motel</li> </ul>	<ul style="list-style-type: none"> <li>▪ Veterinary Hospitals &amp; Kennels</li> <li>▪ Marinas or Boat Rentals</li> <li>▪ Hospitals &amp; Institutions</li> <li>▪ Private Clubs, Country Clubs, Golf Courses except Miniature Courses or Commercial Driving Ranges</li> <li>▪ Cemeteries, Mausoleums, &amp; Crematories</li> <li>▪ Commercial Lakes</li> </ul>

**The vote was as follows:**

**YES:** Commissioners Elder, Ender, Finney, Hampton, Nasser, Walser and Winters.

**NO:** Commissioners Davis, Falvey and Hafling.

**ABSTAIN:** None

**ABSENT:** Commissioners Douglas, Jones, Klingenfus and Marsh.

**Motion passed on a vote of 7-3.**

Motion was made by Commissioner Nasser and seconded by Commissioner Hampton to approve the Conditional Use Permit for 7505 Kavanaugh Road, Crestwood, because it complies with the past use of the property, it will keep with the integrity and character of the zone and the proposed use is compatible with the surrounding land uses. The stated Conditions of Approval are included in this motion.

**Conditions of Approval:**

1. The Conditional Use shall only apply to the application considered at the July 25, 2023, Oldham County Planning Commission public hearing.
2. No amplified music allowed after 10 pm if not enclosed in a building and no amplified music allowed after 11 pm inside a building and events end by 11:59 pm.
3. The maximum capacity will be 275 for events.



**The vote was as follows:**

**YES:** Commissioners Elder, Ender, Finney, Hampton, Nasser, and Winters.  
**NO:** Commissioners Davis, Falvey, Hafling, and Walser.  
**ABSTAIN:** None  
**ABSENT:** Commissioners Douglas, Jones, Klingenfus and Marsh.  
**Motion passed on a vote of 6-4.**

Motion was made by Commissioner Finney and seconded by Commissioner Ender to approve the parking lot waiver at 7505 Kavanaugh Road, Crestwood. The stated Conditions of Approval are included in this motion.

**Conditions of Approval:**

1. The Parking Lot Waiver shall only apply to the application considered at the July 25, 2023, Oldham County Commission public hearing.

**The vote was as follows:**

**YES:** Commissioners Elder, Ender, Finney, Hampton, Nasser, and Winters.  
**NO:** Commissioners Davis, Falvey, Hafling, and Walser.  
**ABSTAIN:** None  
**ABSENT:** Commissioners Douglas, Jones, Klingenfus and Marsh.  
**Motion passed on a vote of 6-4.**

Motion was made by Commissioner Ender and seconded by Commissioner Elder to approve the Development Plan for The Kavanaugh at 7505 Kavanaugh Road, Crestwood, because it complies with the requirements of the Zoning Ordinance. The stated Conditions of Approval are included in this motion.

**Conditions of Approval:**

1. Direction of storm water flow on plan is for schematic purposes only.
2. The handicap accessible spaces shall be paved. All parking spaces shall have wheel stops.
3. A three-foot gravel shoulder shall be added to the roadway on the side of the subject property between the existing site entrance and the intersection of Kavanaugh Road and Kavanaugh Extension.
4. A minimum stopping site distance of 155 feet shall be provided at the proposed entrance in conformance with standards for 25 MPH roadways. Existing vegetation (trees, shrubs, etc.) shall be removed or cut back by the developer a minimum of ten feet from the edge of pavement to ensure clear line of sight is provided in compliance

with the minimum 155 foot requirement. This clear line of site shall be maintained in perpetuity while the entrance is being utilized.

5. A "hidden entrance" or "hidden drive" warning sign shall be installed 250 feet south of the proposed entrance. Signage shall be reviewed and approved by the county engineer prior to installation.

**The vote was as follows:**

**YES:** Commissioners Elder, Ender, Finney, Hampton, Nasser, and Winters.

**NO:** Commissioners Davis, Falvey, Hafling, and Walser.

**ABSTAIN:** None

**ABSENT:** Commissioners Douglas, Jones, Klingenfus and Marsh.

**Motion passed on a vote of 6-4.**

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**Secretary Christy Edgar called and read Docket:**

**DOCKET PZ-23-015** – Application has been filed by Park Vue Townhomes, LLC for the approval of a Zoning Map Amendment from R-4 to Planned Unit Development (PUD) and a Development Plan with Waivers for Minimum Size (Section 230-020 No. 2) and Perimeter Landscape Buffer (Section 230-020 No. 4). The property is located on approximately 7.2 acres at the 6800 block of West Highway 22, Crestwood. The current zoning is R-4 Residential.

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

Senior Planner Ryan Fischer, presented the following:

- Summary of the application.
- Case History (see Exhibit A, Staff Report dated, July 25, 2023).
- Site history.
- Aerial Photos of the site.
- Photos of property.

Jim Silliman, Oldham County Engineer, presented the following:

- The construction plans have been reviewed and approved.
- Binding elements from the previous approval carry forth onto this one which was 30% additional stormwater detention that was to be provided for the subdivision.
- All interior roadways will remain private.

Director Urban asked, in reference to conditions of approval we need to add previously approved construction plans which shall take precedence over the development plan in terms of detail.

Mr. Silliman replied, yes.



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

Mike Swansburg, Swansburg & Smith, PLLC, 117 W. Main Street, LaGrange, was present and representing the applicant.

- In 2021 this commission approved this development.
- Construction has started.
- 74 Townhomes, 7.2 Acres, Zoned R-4.
- Requesting to amend the zoning map from R-4 to Planned Unit Development (PUD).
- Requesting a waiver from the required 50-foot buffer on the PUD to 15-foot buffer.
- To accommodate the 50-foot buffer, this development would lose about 30 units.
- Requesting a waiver from the required 10 contiguous acres for a PUD to 7.2 acres.

Amy Ballard, Mortgage Loan Officer, Wilson & Muir Bank, 130 St. Matthews Ave, Louisville, was present and sworn in prior to presenting.

- Explained difference between condo and a PUD.
- 70% of all mortgages are bought by Fannie Mae.
- 50% of the condos must be sold before a lender will give a mortgage.
- If it's a PUD then you own the land under it and can get a regular mortgage.

Carolyn Camenisch, Mortgage Loan Officer, 6402 Westwind Way, Crestwood, was present and sworn in prior to presenting.

- Condo requires a larger down payment, a 3.25% interest rate that must be paid upfront, and HOA requirements are higher.
- Fannie Mae looks at condos as a risky investment because with a condo you do not own the land under the condo.

Bob Vinsand, Vinsand Engineering and Land Survey, 1000 Cherrywood, LaGrange, was present and sworn in prior to presenting.

- Section one is approximately 85% completed.
- Building one and building seven are under construction.
- Setbacks are 10 feet in the front and 5 feet in the back.
- Will maintain a 25-foot setback from the perimeter of the property for all the buildings.
- Requested density is 10.5 buildings per acre.
- Still committing to the 15-foot perimeter landscape buffer and privacy fences along the areas where roadways will be constructed.

Walt Schumm, 1000 Cherrywood Place, LaGrange, was present and sworn in prior to presenting.

- Started this development in 2019 with the vision of having affordable housing in Oldham County.
- These townhomes are high \$200 to \$300 thousand.
- No signed contracts primarily because of the financing requirements with the bank being a condo.

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

Martin Moseley, 6416 Hwy 329, Crestwood, was present and sworn in prior to presenting.

- This development does not fit for a PUD.
- No plan for sidewalks from this development to Crestwood.
- Removed the trees that were to be used as a buffer in section one.
- This land is too small for PUD.

Terri Clark Wise, 6829 W. Hwy 22, Crestwood, was present and sworn in prior to presenting.

- Own a one-acre lot that is directly in front of this development.
- This development surrounds my property from the east, north, and portion of the west.
- Would like to see this board uphold the 50-foot buffer.
- A 5-foot tall by 12-foot-wide culvert adjoins my property with no landscape buffer.
- Access agreement will be required for the property 6829 West Hwy 22, to use the private road from the development road to access their property, as of today there still is no agreement. I have to cross this development road to enter into my property and I have to cross this development road to check my mail every day.

Glenetha Roberts, 6823 W. Hwy 22, Crestwood, was present and sworn in prior to presenting.

- This property does not suit a PUD.
- The difference between 7.2 acres and the 10 acres that is required for a PUD would make up the difference for the 50-foot buffer.
- What is the difference between the construction plan and the development plan?
- No attempt to save the huge trees.

Director Urban explained the development plan is what was already approved. From the development plan that was approved, they have construction plans that are much more detailed with regard to grading, drainage, and locations.

### **4. Questioning of the applicant or representative and others in support of the application by the Commission:**

Commissioner Falvey asked, how tall is the fence between this development and Mrs. Roberts property at 6823 W. Hwy 22?



Mr. Vinsand replied, 7-8 feet privacy fence with a tree buffer approved with the landscaping plans.

Mr. Fischer explained, in the approved landscape plans there is a 7-8 feet privacy fence with four trees to be planted for a buffer, and before the bond is released, I do have to go out and count the trees and check the fence installation.

Commissioner Hampton asked, if this PUD is denied, will the development continue as an R-4?

Mr. Schumm replied, yes, the development has been approved and can go forward.

However, if this PUD is denied and we cannot sell these townhomes then we will turn them into rentals, which we do not want to do.

Commissioner Hampton asked, is the commission's job to worry about financing and interest rates?

Attorney Swansburg replied, it is not the job of the commission to work financing.

Commissioner Hafling asked, if you continue the construction with the R-4, what will the buffer zone be?

Mr. Vinsand replied, it will be a 15 feet buffer zone and the building setbacks will be 25 feet which is what R-4 requires.

Commissioner Hafling asked, so if we approve or not then everything will be the same?

Mr. Vinsand replied, yes.

Commissioner Nasser asked, any contracts on any of the units that have started to be built?

Mr. Schumm answered, none.

Commissioner Nasser asked, do you have any covenants and regulations regarding rentals on any of these units?

Mr. Schumm answered, we are not going to allow short-term rentals for these units but will contemplate long-term rentals.

Commissioner Nasser asked, can you elaborate more on the finances?

Mrs. Ballard replied, this development has eight condo units under construction, out of those eight, four condo units would need to be sold before the bank can give a loan for the fifth unit. If it is zoned as a PUD then the bank can give a loan for the first unit because the land would be sold with the townhome.

Commissioner Nasser asked, when this development was approved did the developer consider a PUD zoning change?

Mr. Schumm, no, at that time there were not any issues with financing.

Commissioner Finney asked, explain why we should approve this as a PUD when it does not follow the PUD regulations.

Attorney Swansburg explained, the proposed plan except for the two waivers does in fact meet the requirements for a PUD. This development does have mixed uses, it will have homes and open space for recreation.

Director Urban explained, this is a previously approved development plan under R-4. The reason why this applicant is here today is because of a financing change and financing is not this board's issue. In the R-4 classification, the minimum lot size could not be accomplished, since the development was already approved, and some buildings were already under construction the applicant couldn't divide the land in a way where the minimum lot size would be met in R-4 zoning. The only zoning classification to salvage this development that was proposed and offer it for sale and not for rental was the PUD.

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

**6. Rebuttal evidence and Cross Examination by the Applicant:**

Attorney Swansburg:

- PUDS do not require sidewalks outside of the development.
- This development was a heavily wooded area, and some trees will come down, but the plan is to leave as many trees as possible.
- The 15-foot buffer perimeter around the development has already been approved, the waiver that we are asking for is the 50-foot buffer that is required for the PUD. The plan is to keep the approved 15-foot buffer.

**7. Rebuttal evidence and Cross Examination by the Opposition:**

Terri Clark Wise:

- Since circumstances have changed with this development asking for a zoning amendment change to PUD, then our circumstances have changed as well and we are asking for the full 50-foot landscape buffer that the PUD regulations require.
- By granting the developer the 15-foot waiver the developer will keep the 33 units that was in the original approved plan, however, the developer will lose 33 units out of the 76 units if you uphold the 50-foot regulations.

Martin Moseley:

- This zoning amendment change to PUD will tarnish the concept or set the precedent for future developers to misuse or abuse this zoning.

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

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

Attorney Swansburg's final statement:

- This project was already approved in 2021 and because of the housing market and the rise of interest rates and the financing issues is absolutely the fundamental reason why we are asking for a zoning amendment as opposed to just allowing us to go forward with the project.



- Land Use Objective LU-2 of the Comprehensive Plan encourages county leaders to “encourage the preservation and development of a range of housing opportunities”. This development comports with this objective by creating options for individuals who are looking for high-quality homes at a cost between \$200,000 and \$300,000.

## **END OF PUBLIC HEARING**

Director Urban summarized the motion for the application.

## **FINDINGS AND DECISIONS**

**Docket PZ-23-015**

**Park Vue Townhomes**

**6800 Block of West Hwy 22**

**Zoning Map Amendment**

Motion was made by Commissioner Hampton and seconded by Commissioner Winters to deny the recommendation of the Zoning Map Amendment for Park Vue Townhomes at 6800 Block of West Hwy 22 because it's the R-4 which has already been approved and this change doesn't meet the PUD objectives.

### **The vote was as follows:**

**YES:** Commissioners Elder, Hampton, and Winters.

**NO:** Commissioners Davis, Falvey, Hafling, Nasser and Walser.

**ABSTAIN:** Commissioner Finney.

**ABSENT:** Commissioners Douglas, Jones, Klingenfus, and Marsh. Ender were not in attendance for this portion of the hearing.

### **Motion denied on a vote of 3-5-1**

Motion was made by Commissioner Falvey and seconded by Commissioner Hafling to approve the recommendation of the Zoning Map Amendment for Park Vue Townhomes at 6800 Block of West Hwy 22 because LU-2 of the Comprehensive Plan recommends a variety of housing types and due to market conditions that have changed it will help this pre-approved plan move forward and it would offer a better opportunity for that to happen.

### **The vote was as follows:**

**YES:** Commissioners Davis, Falvey, Hafling, Nasser and Walser.

**NO:** Commissioners Elder, Hampton and Winters

**ABSTAIN:** Commissioner Finney.

**ABSENT:** Commissioners Douglas, Jones, Klingenfus, and Marsh. Ender were not in attendance for this portion of the hearing.

### **Motion approved on a vote of 5-3-1**

## **FINDINGS AND DECISIONS**

**Docket PZ-23-015**

**Park Vue Townhomes**

**6800 Block of West Hwy 22**

**Minimum Size Waiver**

Minimum Size: 10.0 Acres

Proposed Size: 7.2 Acres

Waiver Request: 2.8 Acres

Motion was made by Commissioner Nasser and seconded by Commissioner Falvey to approve the minimum size waiver request of 2.8 acres for Park Vue Townhomes at 6800 Block of West Hwy 22 because this waiver is consistent with the plan previously approved and is not changing the density of that plan and is in compliance with the prior approval regulations and the changes in the financial situation does create a hardship on the sale of these properties. The stated conditions of approval are included in this motion.

### **Conditions of Approval:**

1. The waiver shall only apply to the plan reviewed at the July 25, 2023, Planning Commission public hearing.

### **The vote was as follows:**

**YES:** Commissioners Davis, Falvey, Finney, Hafling, and Nasser.

**NO:** Commissioners Elder, Hampton, Walser, and Winters

**ABSTAIN:** None.

**ABSENT:** Commissioners Douglas, Jones, Klingenfus, and Marsh. Ender were not in attendance for this portion of the hearing.

**Motion approved on a vote of 5-4**

## **FINDINGS AND DECISIONS**

**Docket PZ-23-015**

**Park Vue Townhomes**

**6800 Block of West Hwy 22**

**Landscape Buffer Requirement Waiver**

Minimum Size: 50 Feet

Proposed Size: 14 Feet

Waiver Request: 35 Feet



Motion was made by Commissioner Hampton and seconded by Commissioner Davis to deny the landscape buffer waiver request for 35 feet for Park Vue Townhomes at 6800 Block of West Hwy 22 because the design innovations of this case will not achieve the basic objectives of the regulation because impairment of desirable development of the neighborhood and the community as proposed by the Comprehensive Plan.

**The vote was as follows:**

**YES:** Commissioners Elder, Hampton, Walser and Winters.

**NO:** Commissioners Davis, Falvey, Finney, Hafling, and Nasser.

**ABSTAIN:** None.

**ABSENT:** Commissioners Douglas, Jones, Klingenfus, and Marsh. Ender were not in attendance for this portion of the hearing.

**Motion denied on a vote of 4-5**

Motion was made by Commissioner Nasser and seconded by Commissioner Falvey to approve the landscape buffer waiver request of 35 feet for Park Vue Townhomes at 6800 Block of West Hwy 22 because this was the previously accepted and proposed landscape buffer of 15 feet, and it would create an undue hardship to enforce a 50-foot buffer in these circumstances by reducing the number of buildable units. The stated conditions of approval are included in this motion.

**Conditions of Approval:**

1. The waiver shall only apply to the plan reviewed at the July 25, 2023, Planning Commission public hearing.

**The vote was as follows:**

**YES:** Commissioners Davis, Falvey, Finney, Hafling, and Nasser.

**NO:** Commissioners Elder, Hampton, Walser, and Winters

**ABSTAIN:** None.

**ABSENT:** Commissioners Douglas, Jones, Klingenfus, and Marsh. Ender were not in attendance for this portion of the hearing.

**Motion approved on a vote of 5-4**

**FINDINGS AND DECISIONS**

**Docket PZ-23-015**

**Park Vue Townhomes**

**6800 Block of West Hwy 22**

**Development Plan**

Motion was made by Commissioner Nasser and seconded by Commissioner Davis to approve the Development Plan for Park Vue Townhomes at 6800 Block of West Hwy 22 because it follows the future land use plan for the area and it is the same as the previously approved development plan and it complies with the residential land use for the area and the market conditions for the area. The stated conditions of approval are included in this motion.

**Conditions of Approval:**

1. The approval applies only to the plan presented at the July 25, 2023, Oldham County Planning Commission public hearing and includes all conditions of approval and binding elements included in the July 27, 2021, Oldham County Planning Commission public hearing, approved minutes, and issued and recorded restrictions of land use (PZ-21-014).
2. The preliminary development plan must comply with all established federal, state and county ordinances and requirements at the time of approval.
3. The cumulative phasing plan shall limit the number of building permits issued to eighteen (18) per year beginning with the record plat.
4. All internal roadways are private and shall remain private and will not be accepted into the County or City Road network system.

**The vote was as follows:**

YES: Commissioners Davis, Falvey, Finney, Hafling, Hampton, Nasser, and Winters.  
NO: Commissioners Elder and Walser.  
ABSTAIN: None.  
ABSENT: Commissioners Douglas, Jones, Klingenfus, and Marsh. Ender were not in attendance for this portion of the hearing.

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

.....  
Chairman King called for a 10-minute recess at 1:50 pm.

Chairman King called the meeting back into session at 2:00 pm.  
.....

**Secretary Christy Edgar called and read Docket:**

**DOCKET PZ-23-016** – An application has been filed by Denis Littrel for the approval of a Preliminary Subdivision Plan for 6 lots on approximately 7.54 acres to be known as The Coterie at Denison Lane. The property is located at 109 LaGrange Road, Pewee Valley. The zoning is R-1A Residential District.

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

Senior Planner Ryan Fischer, presented the following:

- Summary of the application.
- Case History (see Exhibit A, Staff Report dated, July 25, 2023).



- Site history.
- Aerial Photos of the site.
- Photos of property.

Jim Silliman, Oldham County Engineer,

- Pewee Valley operates their own MS-4 municipal separate storm sewer system so the developer will need to get their own stormwater permits.
- Will review the plans in conjunction with the city engineer and will provide any assistance they require or request.
- Will need to obtain KYR-10 permit from the Division of Water and the Kentucky Transportation Cabinet permit for the entrance.
- Does not require a traffic assessment or a traffic study.

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

Mike Swansburg, Swansburg & Smith, PLLC, 117 W. Main Street, LaGrange, was present and representing the applicant.

- The proposed development satisfies the Oldham County Subdivision regulations section 1.2 A-K.
- The proposed development comports with Oldham County Comprehensive Plan particularly Land Use Objective LU-1-1 and LU-2-1.
- The proposed development is surrounded by other properties that are compatible with those adjoining properties.
- The proposed development will not overburden existing transportation, water, sewage drainage, recreation, or other public facilities.

Phil Grambrell, Prism Engineering and Design, 2309 Watterson Trail, Louisville, was present and sworn in prior to presenting.

- Six lots that are no less than one acre.
- Only trees that will be removed will be the ones that are for the roadway.
- In the covenants and restrictions states that any trees a landowner wants to remove will need to be approved by the developer.
- The soil types are adequate for septic systems.
- There are no flood hazards on the site.
- Every lot will have sidewalks.

Clayton Stoess, 109 LaGrange Road, PeWee Valley, was present and sworn in prior to presenting.

- Owner of the 10 acres for the proposed development and plans to continue to live in his home on the property.

- Decided to subdivide because getting older and cannot maintain the 10 acres.
- The proposed development will not have a big subdivision entrance.
- Believes this will be a great addition to the city.

**3. Questioning of the applicant or representative and others in support of the application by the Commission: None**

**4. Testimony and questions by those opposing the application:**

James Allison, 103 Castlewood Drive, Pewee Valley, was present and sworn in prior to presenting.

- Not objecting to the subdivision.
- Concerned about the safety of vehicles coming out of Denison Lane because of the trees along the road. Would like to see these trees removed.

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

**6. Rebuttal evidence and Cross Examination by the Applicant:**

Mr. Grambell,

- Applicant is required to get an encroachment permit and as part of getting that permit we have to create a site triangle for safe access/egress at the entrance.

**7. Rebuttal evidence and Cross Examination by the Opposition: None**

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

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

Mr. Swansburg final statement,

- Overall, this proposed development meets the requirements for subdivision regulations.

**END OF PUBLIC HEARING**

Director Urban summarized the motion for the application.

**FINDINGS AND DECISIONS**  
**Docket PZ-23-016**  
**The Coterie at Denison Lane**  
**109 LaGrange Road, Pewee Valley**  
**Sidewalk Waiver**

Motion was made by Commissioner Davis and seconded by Commissioner Hafling to approve the sidewalk waiver for The Coterie at Denison Lane at 109 LaGrange Road, Pewee Valley, because it complies with objectives of the Comprehensive Plan and the Zoning Ordinances and the Subdivision Regulations.



**The vote was as follows:**

**YES:** Commissioners Davis, Elder, Falvey, Finney, Hafling, Hampton, Nasser, Winters, and Walser.

**NO:** None.

**ABSTAIN:** None

**ABSENT:** Commissioners Douglas, Jones, Klingenfus, and Marsh. Ender were not in attendance for this portion of the hearing.

**Motion passed on a vote of 9-0.**

**FINDINGS AND DECISIONS**  
**Docket PZ-23-016**  
**The Coterie at Denison Lane**  
**109 LaGrange Road, Pewee Valley**  
**Preliminary Subdivision Plan**

Motion was made by Commissioner Falvey and seconded by Commissioner Finney to approve the subdivision plan for The Coterie at Denison Lane at 109 LaGrange Road, Pewee Valley, because it complies with the objectives LU-1-1 and LU-2-1 of the Comprehensive Plan and the Zoning Ordinance and the Subdivision Regulations 1.2 A-K. The stated Binding Elements are included in this motion.

**Binding Elements:**

1. The approval applies only to the plan presented at the July 25, 2023, Oldham County Planning Commission public hearing.
2. There shall be no subdivision of any lot into a 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.
4. Applicant is to clear site distance at Kentucky 146 according to KYTC requirements.

**The vote was as follows:**

**YES:** Commissioners Davis, Elder, Falvey, Finney, Hafling, Hampton, Nasser, Winters, and Walser.

**NO:** None.

**ABSTAIN:** None

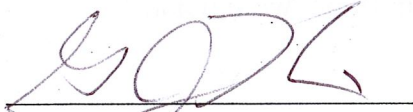
**ABSENT:** Commissioners Douglas, Jones, Klingenfus, and Marsh. Ender were not in attendance for this portion of the hearing.

**Motion passed on a vote of 9-0.**

.....  
There being no further business, the Planning Commission meeting adjourned at 2:35 pm.

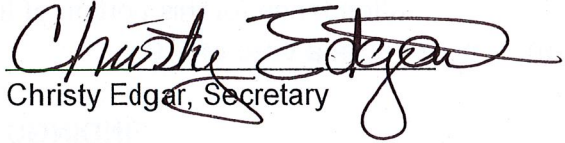
The next regular meeting will be Tuesday, August 22, 2023, at 9:00 a.m. and will be held in the Oldham County Fiscal Court courtroom at 100 W Jefferson Street, La Grange, 40031.

Approved:

A handwritten signature in purple ink, appearing to read 'G. King', written over a horizontal line.

Greg King, Chairman

Respectfully Submitted:

A handwritten signature in purple ink, appearing to read 'Christy Edgar', written over a horizontal line.

Christy Edgar, Secretary