

**MINUTES OF REGULAR MEETING
OLDHAM COUNTY
PLANNING AND ZONING COMMISSION
Wednesday, December 20, 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, La Grange, Kentucky, by Chairman Greg King.

Other Commission members present were:

Iva Davis	William Douglas	Thomas Elder
John Falvey	Sam Finney	Rollo Fox
Berry Hampton	Sue Ann Jones	Tom Marsh
Katie Nasser	Suzu Walser	Ben Winters

Commissioners Joe Ender and Bob Klingenfus were absent.

Others present and sworn in were Planning and Development Services Director Jim Urban, Assistant Director Brian Fogle, Senior Planner Ryan Fischer, Oldham County Engineer Jim Silliman and Oldham County Board of Education Michael Williams. Attorney Travis Combs 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 Hampton and seconded by Commissioner Elder to approve November 28, 2023, minutes as submitted. Motion carried by unanimous voice vote.

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Other Business

Oldham County Board of Education – Annual School Capacity Standards
Michael Williams, 6165 West Hwy 146, Crestwood, was present and sworn in prior to presenting.

- Projections are done on three-year, five-year and a ten-year districtwide.
- The projections consider births, the number of permits per year and the rate of survival from first grade to second grade.
- Within the last four years there has been a reduction in numbers across the district.
- First time in years there is not a number per permit and had to go back 10 years to 2014-2015, and the 10-year enrollment projection lowest number of student permits is 0.069 which is the number that will be used for this coming year.

Director Urban asked, by comparison, is 0.069 typical, high, or low?

Mr. Williams replied, that 0.069 is low, the highest it has been 0.75.

Commissioner Nasser asked, what contributes to the reduction?

Mr. Williams replied, Covid did not help, and when the BOE started to tell students to not come to school if you are sick and then we pushed to online classes, and the students got used to online school. So, parents and students figured out that they could do online school. So right now, the homeschool numbers are on the rise.

Commissioner Fox asked, do you consider the age of the homeowners in the county that have small children?

Mr. Williams replied, we do not use the age of homeowners in the calculations, but we do use the overall growth in the district.

Commissioner Douglas asked, is the downturn from 2021 through the current year because of the housing market?

Mr. Williams replied, cost could be some of it, but we are seeing more families going to homeschool.

Commissioner Marsh asked, how does the 0.069 fit into your calculation?

Mr. Williams replied, 0.069 multiplied by the planned number of units in the development will result in the number of students in that development.

Commissioner Finney asked, will these trends help with the overcapacity rates for the high and middle schools that this county is having?

Mr. Williams replied, it is helping a little. But also, South Oldham is getting ready to be increased by 481 students.

Commissioner Finney asked, how does the capacity affect the state to allow the county to build a new school?

Mr. Williams replied, for the county to be able to build a new school we first would have to rebalance and every school in the county must be at a minimum of 80% capacity.

Director Urban stated, remember that each dwelling is a unit. Your algorithm for projecting the student population up until covid has been extremely accurate.

Mr. Williams stated, by normal standards even with covid it was 98 percent accurate.

Commissioner Douglas asked, will you come back if those numbers rise to recalculate?

Mr. Williams replied, I will be back this time next year.

Motion was made by Commissioner Douglas and seconded by Commissioner Marsh to approve the Oldham County School Board's recommendation of 0.069 as the ratio of students per unit for 2024 year. Motion carried by unanimous voice vote.

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Secretary Christy Edgar called and read Docket:

DOCKET PZ-23-025 – An application has been filed by Christian Brothers Automotive Corporation for the approval of a Zoning Map Amendment and Development Plan with Variances. The proposed zoning change is from C-1 Local Business District to C-2 Community Business District to allow the establishment of a vehicle repair business. The requested Variances are for the street side yard setback (Section 160-020) and Landscape Buffer Area (Section 300-050). The approximate one (1) acre property is located at 2107 South Highway 53, La Grange.

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, December 20, 2023).
- Site history.
- Aerial Photos of the site.
- Photos of property.
- Received letters of opposition.

Jim Silliman, Oldham County Engineer, presented the following:

- Land disturbance is larger than one acre. The developer will need to obtain a KYR10 Permit from the Kentucky Division of Water and a Stormwater Quality Management Erosion Control Permit from Oldham County.
- Kentucky Pollutant Discharge and Elimination System Permit may be required because of the potential use of the property as an automotive center and its proximity to Crystal Lake.
- A traffic study is not required because of the future Kentucky Highway 53 improvements and the connecting parking lots with O'Reilly's.
- The applicant shall submit and record a detention basin easement plat with Oldham County Clerk before the Erosion Control Surety is released.
- The detention basin does act as a swale for low-flow events.
- There is sufficient right of way if a right turn lane were needed in the future.

Commissioner Hampton asked, what is the realistic timeline for the KY Highway 53 improvements?

Director Urban replied, the transportation cabinet has hired an engineering firm to look at the alignment of KY 53 from I-71 to Ballardsville and this is the first phase. Sometime in February will be a public hearing. So realistically it is five to six years before actual improvements are made.

Commissioner Hampton asked, there seems to be a lot of congestion in this area, has there been any information to relieve this?

Mr. Silliman replied, this will be addressed with the Highway 53 improvements.

Commissioner Douglas asked, has an agreement been made between O'Reilly's and the applicant for connecting the parking lots?

Mr. Silliman replied, I have not received anything, but you can ask the applicant.

Commissioner Douglas asked, did the applicant provided a history of why they wanted to put an auto shop in this location?

Director Urban replied, in a pre-application meeting we do not ask that. This is a question for the applicant.

Commissioner Douglas asked, can a semi-truck get into the parking lot?

Mr. Silliman replied, I did not look at that, however, the applicant needs to review this because they will need to accommodate the type truck making deliveries.

Commissioner Falvey asked, which way is the front elevation facing?

Assistant Fogle replied, the front elevations that were provided face the parking lot.

Commissioner Falvey asked, is the rear elevation facing Zhale Smith and do the vehicles come that way?

Director Urban replied, the rear elevation is facing Zhale Smith however, the vehicles will enter from the parking lot and exit from the parking lot.

Commissioner Falvey asked, what is the zoning for O'Reilly's Auto Parts?

Assistant Director Fogle replied, it is zoned C-1.

Commissioner Falvey asked, so you can have an auto parts store in C-1 but to have an auto shop it needs to be zoned C-2?

Assistant Fogle replied, that is correct.

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

John Talbott, Bardenwerper, Talbott & Roberts, PLLC, 1000 N. Hurstbourne Pkwy, Louisville, was present and representing the applicant.

- Applicant is asking for a zone change from C-1 to C-2 to allow an automotive repair shop on 1.06 acres.
- The repair shop building will be 5000 square feet with nine bays.
- Entrance/exit from Zhale Smith with connecting parking lot to O'Reilly's Auto Parts Store.
- The easement agreement with O'Reilly's will be made during the construction planning which will allow for precise placement.
- There will not be any semi-trucks on the site and the largest truck would be a Fed Ex type of truck.
- This site is not intended for flatbed trucks that will be hauling vehicles, the shop is more for maintenance of vehicles.

- Will use EPA spill prevention and control procedures to eliminate any fluids leaking into the stormwater system.
- All service bays have floor drains at lower levels at the back doors to prevent any fluids from being swept into the parking lot.
- The entire length of the building on the shop side will have a floor drain into the oil/water separator.
- Oil/water separator will be on a maintenance program to be emptied and cleaned out according to regulations, or sooner if needed.
- No long-term storage of vehicles on site.
- The shop floors are cleaned with a Zamboni style machine and no pollutants are ever released into the environment.
- The automotive fluids are contained in federal EPA and state compliant, double-hulled, above-ground containment vessels.
- Hours of operation are Monday – Friday, 7:00 am – 6:00 pm. Saturday hours for the first 180 days of operation.
- Light automotive service facility.
- No tire recapping or body repair.
- The applicant is asking for two variance requests; one is a 35-foot setback on Zhale Smith, which the building would be the buffer zone from the residential property and the second variance request is the side along O'Reilly's which has expressed no opposition.

Paula Tolliver, 17725 Katy Freeway, Houston, TX, was present and sworn in prior to presenting.

- The automotive shop offers post-warranty work which includes diagnostics, electrical repairs, oil changes, tune-ups, and other essential services that are needed.
- The first 180 days the shop will be open on Saturdays only to gain a presence in the community, after that, the shop is closed on weekends.
- We offer the customer's shuttle services to allow the client to return to work or go back home while the vehicle is being repaired.

Chairman King called for a five-minute break at 10:25 am.

Chairman King called the Commissioners back at 10:30 am.

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

Commissioner Marsh asked, no long-term vehicles onsite, define long-term?

Mrs. Tolliver replied, we do have overnight parking and that is because we are not open on the weekends, so a customer can drop the vehicle off on a Saturday or Sunday and then we will be able to work on it on Monday.

Commissioner Marsh asked, at the other shop there are vehicles parked along the side of the road, will this shop have more parking?

Mrs. Tolliver replied, the Crestwood location is one of our older shops and we have noticed that we need more parking, which is one of the reasons that this location will have 51 parking spaces.

Commissioner Douglas asked, does this shop do more than oil change?

Mrs. Tolliver replied, yes, we do more than oil changes, the shop provides post-warranty work, brake repairs, tune-ups, electrical repairs, and diagnostic testing. The shops do not rebuild transmissions or engines, however on occasions, we will replace an engine that has been shipped to the shop.

Commissioner Douglas asked, will this facility have tow trucks and semi-trucks coming into the facility?

Mrs. Tolliver replied, yes, on occasion, we will have tow trucks drop off vehicles, but we do not have semi-trucks and we will receive delivery trucks as in Fed Ex and UPS that will deliver parts. The parking lot is big enough for these trucks to loop around and for a fire truck as well.

Commissioner Jones asked, this location has 51 parking spots, how many does Crestwood location have?

Mrs. Tolliver replied, I am not sure, but I am thinking they have 30 parking spots.

Commissioner Douglas asked, how do we justify compliance with the comprehensive plan?

Attorney Baxter replied, is it compatible with the surroundings, the future land use map and is there sufficient infrastructure with roads, sewer, electrical, and water.

Commissioner Finney asked, why was this site selected and were there other locations looked at.

Attorney Talbott replied, my thoughts would be this type of site serves the public.

Commissioner Nasser asked, what is the purpose of the easement with O'Reilly's?

Attorney Talbott replied, so we can have interconnectivity with them.

Director Urban replied, on these sites as well as south of Zhale Smith where land has been converted from residential to commercial, we require interconnectivity.

4. Testimony and questions by those opposing the application:

James Allen, President of Crystal Lake HOA, 1416 Oldham View Drive, LaGrange, was present and sworn in prior to presenting.

- Concerned with polluting the lake.
- EPA states, one pint of oil can cover about an acre of water.
- Antifreeze/brake fluid is extremely toxic to a lake's food chain.
- Do not feel that there is a community need that justifies rezoning.
- No provisions for an oil separator in the stormwater detention to allow pollutants to be naturally processed.
- Do not have a training plan for dealing with outdoor spills.

Robert Davis, 1600 Pleasure Cove, LaGrange, was present and sworn in prior to presenting.

- Concerned for the health of the lake for any business of this nature in this area.
- Vehicles towed to and left on the lot leaking fluids would present an extreme danger for polluting the lake due to the parking lot stormwater drainage flowing into the lake.

Susan Ryan-Bisig, 1420 Lakeside, LaGrange, was present and sworn in prior to presenting.

- Concerns about the environmental impact of the shop and its proximity to the lake.
- The proposed detention pond does not have any method to divert the contaminants to the stormwater system.
- There are already three other repair shops within walking distance of this proposed repair shop, this is not necessary because this area already has three.

Brad Lyman, 1803 Oldham Place, LaGrange, was present and sworn in prior to presenting.

- Concerned with the increase in traffic.
- Already suffer from light pollution from the current established businesses.
- Concerned with the pollution of the lake.

Michael Birch, 1413 Oldham View Dr., LaGrange, was present and sworn in prior to presenting.

- There is an incredible amount of water coming over the hill into the lake.
- The reason for the setback variance is to increase the amount of parking spaces which will increase the amount of flow into the lake.
- Concerned about the amount of traffic that this shop will bring.

Thomas Cohan, 1801 Crystal Drive, LaGrange, was present and sworn in prior to presenting.

- This lot was zoned as C-1 for a reason and it's because of the risk of contamination of the lake.
- The leaking cars onto the parking lot will damage the lake.

Leo Hunstiger, 1616 Crestview Drive, LaGrange, was present and sworn in prior to presenting.

- Concerned with pollution of the lake.

Nelson Lemmon, 2025 Crystal Cove Drive, LaGrange, was present and sworn in prior to presenting.

- I would like to know why the community needs another car repair shop, especially when the zoning must be changed for the shop to be there.

Dan Greenwood, 1605 Tina Ct., LaGrange, was present and sworn in prior to presenting.

- Concerned about the lake being contaminated and harmful to the swimmers.

Blaine Anderson, 1414 Grandview Ct., LaGrange, was present and sworn in prior to presenting.

- No matter how careful this company is, it will become an environmental cost to their neighbors.
- Has any of the other 280 Christian Brothers shops had environmental issues complaints or citations?
- What type of lighting will the shop have and will it be intrusive into the neighborhood?
- What type of noise mitigation will they have.

Susan Allen, 1416 Oldham View Drive, LaGrange, was present and sworn in before presenting.

- I have not heard any compelling reason to change the zoning of this lot.
- Concerned about the contamination of the lake.

Angela Leonard, 1408 Grandview Court, LaGrange, was present and sworn in prior to presenting.

- Concerned with the noise pollution echoing on the lake.
- Also concerned about light pollution.

Charles Higdon, 1602 Millicent Drive, LaGrange, was present and sworn in prior to presenting.

- The courtesy shutter will add to traffic.
- Why is one bay larger than the others?

Bill Neubauer, 1734 Bass Circle, LaGrange, was present and sworn in prior to presenting.

- Why would this board approve the zoning change when it has a risk of pollution?

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

Commissioner Davis asked, is there a provision in your HOA that prevents the homeowners from doing auto/mower maintenance at their home?

Mr. Allen replied, no, there is nothing in the HOA rules and regulations, however, we do expect the homeowners to dispose of the chemicals per the county ordinance.

Commissioner Douglas asked, is the Crystal Lake HOA asking the applicant to apply for a Kentucky Pollutant Discharge and Elimination System Permit?

Mr. Allen replied, we certainly expect that in the process of looking at whether this is a hazard or not. We would like for the EPA to come and look at this, however, they do not respond unless there is a permit filed with them.

Commissioner Douglas asked, explain the separator issue.

Mr. Allen replied, O'Reilly's lot and the lot north, has a huge detention pond with a separator. This applicant does not have a large enough swale or separator.

Commissioner Douglas asked, do you want the applicant to address the stormwater runoff that could potentially contaminate the lake?

Mr. Allen replied, we don't think it can be done, and this is the wrong land use for this lot.

Director Urban stated, we always put a binding element that states the development plan is only approved for the plan that was presented on the date of the board hearing and cannot be changed to anything else without coming back to the planning commission.

Commissioner Falvey asked if this lot remains zoned as C-1 and a restaurant comes in and it still has 20 parking spots, wouldn't this still create a runoff potential?

Mr. Allen replied, there is a runoff potential with every parking lot, however, this is taking 57 parking spaces and putting broken vehicles in the 57 parking spaces with no control over them until they are repaired. This creates an unusually high hazard for that parking lot.

6. Rebuttal evidence and Cross Examination by the Applicant:

Attorney Talbott's rebuttal statement:

- There is no evidence of pollution.
- No restrictions for the residents of Crystal Lake HOA on doing auto repairs and mower repairs at their homes.
- We have reached out to Crystal Lake's HOA to come out and look at our site in Crestwood and they have not shown any interest in meeting.
- There was testimony that they test the water of the lake often, why are they doing this, are there already problems?
- There will be an oil/water separator inside the bays which is where the work is being done, outside the bays will be two water quality containment systems.
- The applicant has suggested adding a layer of protection and will put in a water quality containment system called Hydro International Downstream Defender which would help protect the runoff from the parking lot.

Ashley Zabel, 1811 Four Mile Road, Grand Rapids, MI, was present and sworn in prior to presenting.

- Per the comprehensive plan it is desired to use natural topography for a facility and this shop is on a hill with the land falling away.

- The runoff from the parking lot will run into a stormwater system on site that's captured into catch basin and trench drains through our two water quality units then sent into the detention basin and released.

7. Rebuttal evidence and Cross Examination by the Opposition:

James Allen's rebuttal statement.

- Will the Hydro International Downstream Defender handle things like antifreeze that is diluted in water, and can it separate it.
- There is no compelling reason they must make this into a C-2.

Brad Lyman's rebuttal statement.

- No one ever intends to pollute the lake, but why create a risk when there is no need?

8. Final statement of the Opposition: None

9. Final statement of the Applicant:

Mr. Talbott's final statement.

- From the traffic standpoint this shop is by far the best for this location since it will have little impact on generating traffic during peak hours.
- Any business that is put on this site will have risk of contamination, this business will have robust protection by having the oil water separator indoors and the two water quality containment systems outside.

END OF PUBLIC HEARING

Director Urban summarized the docket.

Motion was made by Commissioner Davis and seconded by Commissioner Marsh to open the floor for questions. Motion carried by unanimous voice vote.

Commissioner Fox asked, has any Christian Brothers been cited or fined by the EPA?

Mrs. Tolliver replied, to my knowledge no.

Mr. Talbott stated, if there was any evidence of any environmental issues that this company has had the opposition would have brought that information out and would have been public records.

Motion was made by Commissioner Marsh and seconded by Commissioner Nasser to take a 10 minute recess at 12:30pm. Motion carried by unanimous voice vote.

Chairman King called the Commissioners back at 12:40 pm.

FINDINGS AND DECISIONS

Docket PZ-23-025

Zoning Map Amendment

2107 S. Hwy 53

Motion was made by Commissioner Hampton and seconded by Commissioner Winters to recommend the denial of the Zoning Map Amendment to the Oldham County Fiscal Court at 2107 S. Hwy 53, LaGrange, because the map amendment is not in agreement with Oldham County Comprehensive Plan or in the absence of the zoning classification given to the property C-1 is appropriate and the proposed zoning classification C-2 is inappropriate.

The vote was as follows:

YES: Commissioners Falvey, Fox, Hampton, Jones, Walser and Winters.

NO: Commissioners Davis, Douglas, Elder Finney, Marsh, Nasser and Chairman King.

ABSTAIN: None

ABSENT: Commissioners Ender and Klingenfus.

Motion denied on a vote of 6-7.

FINDINGS AND DECISIONS

Docket PZ-23-025

Zoning Map Amendment

2107 S. Hwy 53

Motion was made by Commissioner Marsh and seconded by Commissioner Nasser to recommend the approval of the Zoning Map Amendment to the Oldham County Fiscal Court at 2107 S. Hwy 53, LaGrange, because of the economic changes through the corridor which this project is associated and with similar businesses within that area and basic benefit for the community of economic development and it meets the future land use map and commercial plan.

The vote was as follows:

YES: Commissioners Davis, Douglas, Elder, Finney, Marsh, Nasser and Chairman King.

NO: Commissioners Falvey, Fox, Hampton, Jones, Walser and Winters.

ABSTAIN: None

ABSENT: Commissioners Ender and Klingenfus.

Motion passed on a vote of 7-6.

Motion was made by Commissioner Hampton to break for lunch. Motion denied by unanimous voice vote.

FINDINGS AND DECISIONS

Docket PZ-23-025

Side Yard Variance

2107 S. Hwy 53

Required Street Side Yard Setback	35 Feet
Proposed Street Side Yard Setback	10 Feet
Requested Variance	25 Feet

Motion was made by Commissioner Marsh and seconded by Commissioner Davis to approve the Street Side Yard Setback Variance at 2107 S. Hwy 53, LaGrange, because it will not adversely affect the public health, safety or welfare, well not alter the essential character of the general vicinity, and it will not cause hazard or nuisance to the public.

The vote was as follows:

YES: Commissioners Davis, Douglas, Elder, Falvey, Finney, Fox, Hampton, Jones, Marsh, Nasser, and Winters.

NO: Commissioners Walser.

ABSTAIN: None

ABSENT: Commissioners Ender and Klingenfus.

Motion passed on a vote of 11-1.

FINDINGS AND DECISIONS

Docket PZ-23-025

Landscape Buffer Variance

2107 S. Hwy 53

Required Parking Lot Landscape Buffer Area	10 Feet
Proposed Parking Lot Landscape Buffer Area	4 Feet, 4 Inches
Requested Variance	5 Feet, 8 Inches

Motion was made by Commissioner Davis and seconded by Commissioner Marsh to approve the vehicular use Landscape Buffer Variance at 2107 S. Hwy 53, LaGrange, because it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, and it will not cause hazard or nuisance to the public and will not allow an unreasonable circumvention of the zoning regulation because the variance shall only apply to the application considered at the December 20, 2023, Oldham County Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Davis, Elder, Falvey, Finney, Fox, Hampton, Jones, Marsh, Nasser, Walser, and Winters.

NO: Commissioners Douglas.
ABSTAIN: None
ABSENT: Commissioners Ender and Klingenfus.
Motion passed on a vote of 11-1.

FINDINGS AND DECISIONS
Docket PZ-23-025
Development Plan
2107 S. Hwy 53

Motion was made by Commissioner Nasser and seconded by Commissioner Finney to approve the development plan at 2107 S. Hwy 53, LaGrange, based on testimony and evidence presented today that this development plan takes into consideration the surrounding properties and the surrounding environment of the area. This motion includes the following Binding Elements.

Binding Elements:

1. The Development Plan Approval shall only apply to the application considered at the December 20, 2023, Oldham County Planning Commission Meeting.
2. There shall be no changes to the plan without review by the Oldham County Planning Commission and Engineers Office.
3. The plan must comply with all established Federal, State, and County Ordinances and requirements at the time of construction plan submittal.
4. Applicant must provide a written access and egress agreement with O'Reilly's at the time of the construction plan submittal.
5. Before presenting to Oldham County Fiscal Court a Hydro International Downstream Defender or similar device must be proposed in the appropriate location in the stormwater system in coordination with the Oldham County Engineer Office.

The vote was as follows:

YES: Commissioners Davis, Douglas, Elder, Falvey, Finney, Fox, Hampton, Jones, Marsh, Nasser, Walser, and Winters.
NO: None
ABSTAIN: None
ABSENT: Commissioners Ender and Klingenfus.
Motion passed on a vote of 12-0.

Motion was made by Commissioner Douglas to continue the meeting without a lunch break.
Motion approved by unanimous voice vote.

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Secretary Christy Edgar called and read Docket:

DOCKET PZ-23-026 – Application has been filed by Robert Wright for approval of a Waiver of the Minor Plat Rule and a previously approved Waiver (PZ-19-017) on approximately 11.25 acres. The property is located at 8725 Ash Avenue, Pewee Valley. The zoning is R-1 Residential District and R-2 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, December 20, 2023).
- Site history.
- Aerial Photos of the site.
- Photos of property.

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

Robert S. Wright, 8725 Ash Ave, Pewee Valley, was present and sworn in prior to presenting.

- Selling the subject property to Mr. Rutledge.
- Trying to stay in farming industries and is having to sell the property.

Chris Rutledge, 6618 Old Floydsburg Road, Crestwood, was present and sworn in prior to presenting.

- Do not intend to build anything on the lot, just want the property.
- There are three homes off the access road.

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

Director Urban asked, are you purchasing tract 1 and tract 3b at the same time?

Mr. Rutledge replied, no just tract 1 right now because it is expensive.

Director Urban asked, will you be consolidating tract 1 into tract 4?

Mr. Rutledge replied, yes

Director Urban asked, when do you intend to purchase tract 3b?

Mr. Rutledge replied, within three years.

Director Urban asked, what will happen with tract 2?

Mr. Wright replied, I plan to continue farming that tract.

Commissioner Falvey asked, do you plan on subdividing after your purchase?

Mr. Rutledge replied, no.

Commissioner Nasser asked, what is the purpose of creating tract 3b when the plan is not to purchase for another three years?

Mr. Rutledge replied, because the surveyor has already surveyed the property for the tracts.

Commissioner Douglas asked, would you agree if this board only approves one tract and not both?

Mr. Wright asked, would we have to come back for tract 3b when it is purchased?

Chairman King replied, yes. We are trying to help find a solution here.

Mr. Rutledge asked, we would go ahead with purchasing tract 1 and consolidate that and then come back here to do tract 3b?

Commissioner Douglas replied, yes.

Senior Planner Fischer asked, if this board approves tract 1 and then in two years, they split tract 3b, would they still have to come back to this board because that would make it over the five years?

Director Urban replied, if you create one now, then it starts the five-year clock again.

Commissioner Hampton left the meeting at 1:45pm.

Attorney Combs stated, this board is not changing the ordinance it is just granting a waiver, this board can deal with the whole issue today.

Commissioner Douglas stated, I don't have an issue with the presentation that was given today, the only concern I have is what we did in the past, which we said not to subdivide lots 1, 2, 3, and 4, and there was a minor plat adjustment on lot 3.

Commissioner Nasser asked, would you be open for us to address tract 1 today and address tract 3b at a future date?

Mr. Wright replied, yes.

Commissioner Winters left the meeting at 2:10pm.

4. Testimony and questions by those opposing the application: None
5. Questioning of the applicant and those opposing 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: None

END OF PUBLIC HEARING

Director Urban summarized the docket.

FINDINGS AND DECISIONS
Docket PZ-23-026
Minor Subdivision Plat--Waiver
8725 Ash Ave, Pewee Valley

Motion was made by Commissioner Douglas and seconded by Commissioner Nasser to approve the waiver for a minor subdivision plat for tract 1, 2 and 3b at 8725 Ash Ave, Pewee Valley, based on testimony and evidence that was presented today and because it complies with the Oldham County Subdivision Regulations and the waiver is consistent with Section 2.2. The following Conditions of Approval are included in this motion.

Conditions of Approval:

1. The waiver shall only apply to the plan reviewed at the December 20, 2023, Planning Commission public hearing.
2. A minor plat application and survey must be submitted to staff for review and approval.
3. Tract 2 must consolidate into the Wright Trust Tract which is 2.8 acres as testified by Mr. Wright.

The vote was as follows:

YES: Commissioners Davis, Douglas, Elder, Falvey, Finney, Fox, Jones, Nasser, and Walser.

NO: Commissioner Marsh.

ABSTAIN: None

ABSENT: Commissioners Ender, Hampton, Klingenfus and Winters.

Motion passed on a vote of 9-1.

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Secretary Christy Edgar called and read Docket:

DOCKET PZ-23-027 – An application has been filed by Kathy Blessinger for the approval of a Waiver of Oldham County Subdivision Regulations Section 5.7 (E) Joint Access to allow another parcel on an access easement at property located in the 2000 block of Axton Lane, Goshen. The property is zoned R-2 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, December 20, 2023).
- Site history.
- Aerial Photos of the site.
- Photos of property.

Commissioner Nasser asked, did this go through TRC? And are there any issues with the fire department getting to the properties?

Senior Planner Fischer replied, this did not go to the TRC and all the agencies will be notified if this gets approved.

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

Kathy Blessinger, 1503 Woodluck Ave, Louisville, was present and sworn in prior to presenting.

- To create a fourth lot from the 5.3 acres that would access an existing access and utility easement.
- To build two homes, one for herself and one for her daughter to help raise her grandchildren.

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:

Steve Porter, 2406 Tucker Station Rd., Louisville, was present and representing property owners adjoining the subject property and adjacent to the subject property.

- Not a hardship for her to find another property that would fit her needs and would be compliant with the regulations.
- By adding a fourth lot it would increase the traffic on the access road.
- The increase in traffic would create a nuisance to the adjoining property owners.
- This would make this a four-lot subdivision instead of the required three-lot subdivision.

Tony Zeppa, 9051 W. Hwy 42, Goshen, was present and sworn in prior to presenting.

- Lives adjacent to the subject property.
- Will create more traffic on the access road.
- The runoff from the subject property is already flooding my property.
- Building two homes on one lot will affect me when the access road is only to have three homes.

Dr. Sheldon Steinmeiz, 3180 Axton Lane, Goshen, was present and sworn in prior to presenting.

- The dam on the subject property has been altered, which has created flooding on Mr. Zeppa's property.
- I understand wanting to keep family close, which is why I built a wing on my home for the family to come and stay. I did not build another home.

- This is not a hardship that she has to build two homes it is more of a convenience for her and her family.
- The dam will not hold the number of vehicles crossing it to get to the proposed homes.
- Regulations are set to prevent this from happening.

Beth McBride, 13615 Rutland Rd., Louisville, was present and sworn in prior to presenting.

- Would like to know if the pond will be filled in.
- My concern is that the access road will go through the pond to get to the fourth lot.
- I was informed that only one home could be built on the subject lot because of the access road.
- Concerned that this will devalue my lot.

Eric Herrod, 2580 Axton Lane, Goshen, was present and sworn in prior to presenting.

- The dam needs to be fixed before any home is built on the subject property.
- The proposed site for the second home floods every year.

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

Commissioner Douglas asked, how many residents use this access road?

Senior Planner Fischer replied, there are three parcels, one home built, and two vacant lots.

Commissioner Douglas asked, is there a maintenance agreement for the access road?

Director Urban replied, the maintenance agreement is one of the binding elements if this is approved.

Commissioner Douglas asked, is there a maintenance agreement already in place with the other two landowners?

Director Urban replied, there is not a maintenance agreement however there is an access easement.

Commissioner Douglas asked, do you have any information about the flooding from the pond?

Mr. Silliman replied, agrees with Mr. Vinsand that if the spillway was fixed then it would route or channelize that stormwater runoff so it's not flowing off the berm.

Commissioner Falvey asked, so when the property was subdivided into three lots and the access road easement was placed, why wasn't a maintenance agreement made then?

Director Urban replied, it was not required at the time that this property was subdivided.

6. Rebuttal evidence and Cross Examination by the Applicant:

Bob Vinsand, Vinsand Engineering & Land, 1000 Cherrywood Place, LaGrange, was present and sworn in prior to the rebuttal statement.

- Previous owners added material to the dam and in the process plugged the overflow which created the flooding.
- Mrs. Blessinger intends to fix the dam with outfall pipes so that the water will continue to go back into the natural contours.

Mrs. Blessinger rebuttal statement.

- Was very aware of the dam issue when purchasing the property.
- Hired an architect who designed the structure to fit within the environment.
- Will put in two culverts to take care of the flooding problem from the pond.
- The intent is to use the access road that will end at my property and have a turnaround to access both homes.
- I am building a small footprint because I do not want a big home to maintain, this will be my retirement home.

7. Rebuttal evidence and Cross Examination by the Opposition:

Mrs. McBride rebuttal statement.

- The surrounding homes are big-footprint homes and the small-footprint homes that she wants to build will not fit into this area.

8. Final statement of the Opposition:

Mr. Porter's final statement.

- The decision of this board should be based on the subdivision regulations.
- There is no undue hardship, there are plenty of places this family could build the two homes and other opportunities as well.
- The public that lives around the subject property has testified that it is a detriment to the public.

9. Final statement of the Applicant:

Mrs. Blessinger's final statement.

- The square footage of the two homes is 1700 square footage.
- If this is not approved, I will build a bigger home and we will live together in which the same amount of traffic will be coming and going whether there are two homes or one.
- I have no intention to sell this property.

END OF PUBLIC HEARING

Director Urban summarized the docket.

FINDINGS AND DECISIONS

Docket PZ-23-027

Waiver-Access Easement

2000 Block of Axton Lane

Motion was made by Commissioner Marsh and seconded by Commissioner Finney to deny the access easement waiver for 2000 Block of Axton Lane because strict compliance with the regulations will not create an undue hardship on the owner and a waiver would impair the basic objectives of the subdivision regulations regarding addressing and safety, and it's not a desirable general development for the neighborhood, the county or community.

The vote was as follows:

YES: Commissioners Davis, Douglas, Falvey, Finney, Fox, Jones, Marsh, Nasser, and Walser.

NO: Commissioner Elder.

ABSTAIN: None

ABSENT: Commissioners Ender, Hampton, Klingenfus and Winters.

Motion denied on a vote of 9-1.

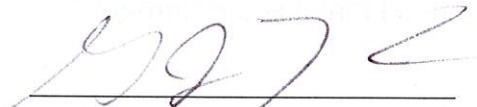
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There being no further business, the Planning Commission meeting adjourned at 3:50 pm.

The next regular meeting will be Tuesday, January 23, 2024, 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:

Respectfully Submitted:


Greg King, Chairman


Christy Edgar, Secretary