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## Divisive subdivision plan again OK'd

Brentwood foes say fight not over

By Andrea Uhde Shepherd • [ashepherd@courier-journal.com](mailto:ashepherd@courier-journal.com) • December 22, 2010

A 345-home Crestwood subdivision plan that's been the center of court battles for two years returned last week to Oldham planners, who once again voted to allow the Brentwood development.

After no discussion, the **commission** voted unanimously on Dec. 14 to approve an "agreed order" — the same one it had approved in a special meeting in July 2008. Three commissioners abstained.

Chairman Kevin Jeffries said the commission reconsidered the order because of an October ruling by Circuit Judge Karen Conrad that said the special meeting had failed to comply with the open meetings law. Her decision effectively voided the approval and sent the issue to the commission for reconsideration.

"We did what the judge asked us to do," Jeffries said.

Jeffries said from the county's standpoint, the development off Ky. 329 is now officially approved. The agreed order says the subdivision meets county zoning and subdivision regulations.

**But residents who are fighting Brentwood say its fate is still in the court's hands.**

Attorney Michael Tigue, who represents residents who are suing the developer and the commission, said he plans to appeal the commission's decision on the agreed order.

Tigue argues that the plan doesn't meet county regulations, and that developer Oldham Farms should have to return with a new plan if it wants to build on the property.

Tigue had filed a motion last month asking that Conrad halt construction on Brentwood and close the road on the property. The motion also tried to stop the commission's public meeting on the plan.

After hearing the motions Dec. 10, Conrad denied Tigue's request, saying it would be unwise to stop work given that the commission would be voting on the plans. The commission's decision is a final action and determines the status of the road and plan, she wrote. Tigue said he will also

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appeal that decision, and he said the court needs to address whether the plan meets county regulations.

Jeffries declined to comment on Tigues's plans to appeal.

Oldham Farms attorney Deborah Bilitski said her client's development does comply with the regulations, and the commission and planning department staff have all agreed. "I'm not really sure what they have left to argue about," she said.

She said her client is "very pleased that the planning commission once again confirmed that the subdivision complies with all the regulations and reaffirmed the agreed order."

Brentwood has a long history in Oldham County.

The commission denied the plans four times, most recently in June 2008. On July 18 of that year, Oldham Farms sued the commission, saying the proposal complied with zoning and subdivision regulations.

The agreed order that the commission approved in the special meeting ended the lawsuit and allowed Brentwood to proceed. And the next month, residents sued.

Neighbors for years have been fighting the development. They stay up to date through e-mails and phone calls. They

said the infrastructure already built on the Brentwood property has opened up their neighborhood to more traffic.

"I watch people all day long come speeding down," said Larry Mlinac, whose home overlooks the new road that connects to his neighborhood.

Tigues said the road that goes by Mlinac's house was not built for traffic, and it's becoming "a de facto bypass."

Bilitski, however, said the Oldham Farms road has been built to standards, and that the road Mlinac lives on was built to handle the traffic.

Reporter Andrea Uhde Shepherd can be reached at (502) 582-4663.

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