

July 30, 2008

## Facing a lawsuit, planners reverse course, OK homes

### Brentwood foes plan next move

**By Andrea Uhde**

*auhde@courier-journal.com*

In response to a lawsuit, the Oldham County Planning and Zoning Commission on Friday voted to change its mind and allow a 345-home subdivision in Crestwood.

Commission chairman Kevin Jeffries said the commission met in closed session to discuss a lawsuit that Oldham Farms Development LLC filed in Oldham Circuit Court July 18. It asked the court to overrule the decision the commission made last month.

Jeffries said the 10 members present voted in open session to reverse the decision, allowing the Brentwood subdivision to be built on 248 acres near Clore Lane.

"It was a recommendation from our attorney," Jeffries said. There were "a couple of things we had done that we probably overstepped our authority a little bit."

Commission attorney Stuart Ulferts said Monday that an Oldham Circuit Court judge still needs to sign the "agreed order" between the commission and the developers, and then planning administrator Louise Allen would sign it.

He said he did not want to comment on specifically what was wrong with the commission's denial of Brentwood, and he said that a public hearing prior to the reversal was not required. The order includes several requirements for the development group, including that it give the county \$345,000 -- or \$1,000 per lot -- for improvements to nearby roads.

Once Allen signs the order to overturn the decision, there will be 30 days for appeals, Ulferts said.

The commission last month voted 8-4 against the Brentwood plans for a fourth time, saying there wasn't enough evidence that the roads could handle the additional traffic.

During the public hearing, a number of residents voiced concerns about the development.

Attorney Berry Baxter, one of the opponents, said Monday that they aren't sure what their next step will be. "We are certainly going to explore our options," he said. "I think that it's likely that my neighbors will appeal."

In its appeal, Oldham Farms argued that its proposal complied with all the applicable zoning and subdivision regulations.

Oldham Farms had been trying to get a development approved there since 2004, when it had plans for 399 homes. The commission rejected those plans and the development was revised twice,

including a proposal for 446 homes.

The commission rejected that plan in 2005, citing concerns with increased traffic on nearby roads, including Clore Lane and Ky. 22. Oldham Farms then appealed the decision in Oldham Circuit Court, and the Kentucky Court of Appeals supported the commission's decision.

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

---