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CRESTWOOD

Court upholds rejection of development plan

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The Kentucky Court of Appeals has ruled in favor of the Oldham County Planning and Zoning Commission's rejection of a 446-home development proposed for Crestwood.

The June 29 ruling states that the commission's decision was reasonable based on testimony from traffic engineer Bob Kennedy.

He had testified that the plan violated the intent of the county's traffic regulations, the decision said.

"This expert testimony alone, notwithstanding any rebuttal by Oldham Farms, constitutes substantial evidence supporting the commission's findings and ruling," the court said.

The firm that represented Oldham Farms Development LLC -- Bardenwerper, Talbott & Roberts -- declined to comment. The developer could take the case to the Supreme Court or submit a new plan.

Several residents in the area said they were pleased with the court's decision.

"We're very happy they upheld what planning and zoning had determined to be an unreasonably sized neighborhood," said Jennifer Milton-Houlton, who lives on nearby Briar Hill Road. "We're hoping they will come back with a plan that's more in line with what the surrounding neighborhoods look like."

Oldham Farms proposed the development, called Brentwood, for 247 acres bounded by Interstate 71 and the Spring Hill and Briar Hill subdivisions.

The planning commission rejected plans for Brentwood three times. The final time was in April 2005, when the commission voted 8-4 against it, citing concerns about increased traffic on Clore Lane and Ky. 22.

Oldham Farms filed an appeal in May 2005, saying the commission erred in using the comprehensive plan -- the county's guidebook for growth -- in its decision.

Oldham Farms also said the commission based its decision on a section of the subdivision regulations that serves as a guideline, not a rule. It said that evidence presented to the commission proved that the development satisfies requirements of the subdivision

regulations, including traffic concerns.

But Planning Commission attorneys and intervening defendants said the development would violate subdivision regulations relating to roads, traffic, environmental areas, open spaces and parks.

They said the regulations require that the comprehensive plan be considered in decisions. Also, they said, evidence showed that roads would exceed their capacity if the development were built.

Oldham Circuit Judge Karen Conrad ruled in December 2005 that the Oldham County Planning and Zoning Commission's conclusion that the roads couldn't handle the additional traffic from the proposed homes was "reasonable" based on the evidence.

Oldham Farms Development appealed the ruling in January 2006.

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