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Neighbors sue over subdivision's approval

Brentwood vote is called illegal

By Andrea Uhde

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Thirteen Crestwood residents have sued the Oldham County planning commission and a Louisville-based developer, saying commissioners acted in self-interest when they voted in July to allow the 345-home Brentwood subdivision.

The lawsuit, filed Aug. 25 in Oldham Circuit Court, claims the Oldham County Planning and Zoning Commission approved the subdivision during a special meeting held illegally, and that commissioners voted to approve the plan to avoid being sued by the developer, Oldham Farms.

The decision "was not supported by substantial evidence, or adequate findings of fact," the lawsuit says.

The commission had previously denied Brentwood four times, most recently in June. On July 18, Oldham Farms sued the commission, saying the proposal complied with zoning and subdivision regulations.

The commission held a special meeting July 25 to discuss the lawsuit, and in open session nine of the 10 members voted to ask a Circuit Court judge to overrule the commission's most recent denial, which was in June.

Judge Karen Conrad and planning commission Chairman Kevin Jeffries signed off on the decision.

The residents' lawsuit says the commission held the meeting without proper legal notice, and it asks that a judge declare the commission's original denial correct and deny permission to build Brentwood.

Stuart Ulferts, the commission's attorney, said last week he couldn't comment on the lawsuit, but he did say the meeting was legally held.

He wrote in an e-mail to The Courier-Journal sent soon after the July 25 meeting that he believes the commission followed the rules for giving notice of special meetings.

He wrote that they were not required to give notice to adjacent landowners or to have another public hearing.

On July 25, the commission "based its findings on the evidence presented at the original meeting," he wrote. "There was nothing deceitful or premeditated about the events" at the meeting.

Deborah Bilitski, the attorney for Oldham Farms, said she could not comment on the lawsuit.

The lawsuit names all 10 commission members who were at the July 25 meeting: Jeffries, Joyce Albertsen, Denia Crosby, Paul Culbertson, Jan Horton, Greg King, Robert Klingenfus, Joseph McIntyre, Joe McWilliams and W.F. Potts Jr.

Residents near the Brentwood site off Ky. 329 filed the lawsuit. They are: Steve and Sally Brooks, Steve and Diana Harold, Paul Gleason, Edward Jutt, Sheryl Betz, Joe and Julie Mudd, Michael and Lisa Busick and Alan and Marlene Pardee.

"They are essentially turning our neighborhood road into a thoroughfare," Sheryl Betz said in an interview, referring to Spring Hill Trace off Ky. 329. "One of our big concerns is the safety of residents in our neighborhood."

Oldham Farms had been trying to get a development approved 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.

Ulferts said in a recent interview that the most recent application is different and had no requests for variations or waivers.

Commissioners must approve preliminary plans if they meet the county's subdivision regulations, he said.

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