

**CITY OF OAK GROVE, KENTUCKY  
ORDINANCE NO. 2022-13**

**AN ORDINANCE AMENDING THE ZONING MAPS  
OF THE CITY OF OAK GROVE  
(9.99 acres property located on Pembroke-Oak Grove Road)**

**WHEREAS**, Community and Development Services made a favorable recommendation at their September 26, 2022, meeting for the City Council to approve Rezoning Application OGR2-9-1; and

**WHEREAS**, the City Council concurs that said recommendation is in agreement with the Oak Grove Comprehensive Plan, that the existing classification is inappropriate, and significant physical, social, and economic changes have occurred warranting the rezoning;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK GROVE, KENTUCKY, AS FOLLOWS:**

**SECTION ONE**

Pursuant to KRS 100.211, City of Oak Grove Code of Ordinances, and the Community and Development Services recommendation dated September 28, 2022, an approximately 9.99 acre parcel located on Pembroke-Oak Grove Road, as further described in Exhibit A attached hereto and incorporated herein, is hereby rezoned from R-2 (One and Two Family residential District) to R-3 (multifamily residential district) conditioned upon the development plan and agreement as attached hereto.

**SECTION TWO**

If any section, subsection, sentence, clause, or phrase of this ordinance is held unconstitutional or otherwise invalid, such infirmities shall not affect the validity of the remaining portions of this ordinance.

**SECTION THREE**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION FOUR**

This ordinance shall take effect after its passage and publication according to law.

First Reading this 1st day of November 2022.

Second Reading this 6 day of December 2022.

APPROVED:



\_\_\_\_\_  
Theresa Jarvis, Mayor  
City of Oak Grove, Kentucky

ATTEST:



\_\_\_\_\_  
Lorelynn Fisher, City Clerk  
City of Oak Grove, Kentucky

*PUBLISHED: In the Kentucky New Era, the 13 day of December, 2022.  
This advertisement was paid for by the City of Oak Grove using taxpayers' dollars in the  
amount of \$ 114.95.*

# EXHIBIT A

**COMMUNITY AND DEVELOPMENT SERVICES**  
**STAFF REPORT**

**TYPE:** Rezoning

**APPLICATION NO:** OGR22-9-1

**PETITIONER/(PROPERTY OWNERS):** SVG Real Estate, LLC (Owner), J&L Contracting, LLC  
(Agent)

**ADDRESS:** 239 Wall Hollow Road, Big Rock, Tennessee 37023

**LOCATION OF PROPERTY:** The property is located on Pembroke-Oak Grove Road (KY HWY 115) approximately 1600 feet south of Thompsonville Lane (KY HWY 911) and Hugh Hunter Road.

**REQUEST:** The applicant, J&L Contracting, LLC (agent), SVG Real Estate, LLC (owner), is requesting the rezoning of a parcel totaling 9.99 acres (+ or -) in the City of Oak Grove, Kentucky. The property is located on the Pembroke-Oak Grove Road (KY 115) approximately 1,600 feet south of Thompsonville Lane (KY 911) and Hugh Hunter Road. The property is immediately east of the intersection of Tandy Lane and Pembroke-Oak Grove Road. The property is identified as Parcel I.D. Number 146-00 00 011.03 in the Office of the Christian County Property Valuation Administrator. The property is currently zoned R-2 (One and Two Family Residential) District. The applicant is requesting that the property be zoned R-3 (Multi-Family Residential) District.

**STAFF REVIEW:**

**A. EXISTING LAND USE:** Agricultural

**B. PROPOSED LAND USE:** Residential

**C. EXISTING ZONING:** R-2 (One and Two Family Residential District)

**D. SURROUNDING ZONING:** North: R-2 (One and Two Family Residential District)  
South: R-2 (One and Two Family Residential District)  
East: R-2 (One and Two Family Residential District)  
West: B-2 (Arterial Commercial District)  
R-3 (Multi-Family Residential District)

**E. SURROUNDING LAND USE:** Agricultural/Residential/Commercial

**F. TRAFFIC CONDITIONS:** The property is located on Pembroke-Oak Grove Road (KY 115). The property is currently used for agricultural purposes. Based on the site plan provided by the applicant, the site is being considered for residential development. Kentucky Hwy 115 is classified as a Minor Arterial. The traffic count for Kentucky 115 just south of the property were 8,313 trips per day (KYTC, 2019).

The current zoning designation is R-2 (One and Two Family Residential District). Under this zoning district, single-family and two-family dwellings are permitted by right. The minimum lot size in this district is 5,000 square feet for single-family housing and 10,000 square feet for two-family housing. Based on previous information provided by the applicant, the property could potentially support approximately 25 lots or 50 units (if subdivided and developed as duplexes). If developed under the current zoning (with subdivision), an additional 336 vehicular trips could be anticipated (based on a trip generation of 6.72 per dwelling unit).

The applicant has requested that the property be zoned R-3 (Multi-Family Residential District). The R-3 district permits single-family, two-family, and multi-family units by right. Under the R-3 zoning, the property (9.99 acres) could support approximately 200 multi-family units resulting in approximately 1,334 vehicular trips per day.

The application and development plan indicate that the use for this property will be limited to fifty-five (55) multi-family units. If the rezoning is approved subject to the development plan, the potential traffic generation for this development is 370 trips per day.

**G. INFRASTRUCTURE (SERVICE):** (See Department Head Comments)

**H. COMPREHENSIVE PLAN:** The Oak Grove Comprehensive Plan includes the following goals and objectives relevant to the proposed use of this property:

**Social Goals and Objectives**

Goal No. 3: To actively encourage the military personnel to permanently reside in Oak Grove:

A. By developing attractive residential neighborhoods.

**Land Use and Design Goals and Objectives**

Goal No. 1: Promote the orderly and balanced growth and development of Oak Grove

A. By providing sufficient development areas and opportunities to achieve the anticipated growth projections.

D. By reserving sufficient land areas, in appropriate locations on the Future Land Use Map, for the residential and non-residential developments where infrastructure is available or can be economically provided, and emphasizing compatibility between adjoining uses.

Goal No. 8: To maintain compatibility between residential densities through:

- A. Screening,
- B. Buffering,
- C. Open Space,

- D. Planned Unit Development, and
- E. Transition zones which allow gradual increase or decrease in housing density.
- F. Traffic Impact studies

Goal No. 10: To encourage proper design and layout of residential subdivision:

- A. By incorporating an informal design discussion phase in the subdivision regulation.
- B. By discouraging double frontage lots.
- C. By discouraging lots which abut incompatible land uses.
- D. By avoiding development in low lying areas subject or prone to flood.
- E. By avoiding street design which places excessive through traffic on “local streets” as defined in this Plan.
- F. By basing width of street on development density, i.e. increased density requires increased street widths.

A complete copy of the *Oak Grove Comprehensive Plan, 2018* is available at:

<https://comdev-services.com/comprehensive-plan/>

**I. RECENT PHYSICAL, SOCIAL OR ECONOMIC CHANGES:** Beginning in the early to mid-1990s, the City of Oak Grove has experienced substantial residential growth. In recent years, residential growth has continued albeit at a slightly slower rate.

It is anticipated that growth will continue and include residential, commercial, and potentially industrial development. Improvements to KY 911, longer term planned improvement to KY 115, and continued improvements to the city’s water and sewer system will aid continued growth.

In anticipation of continued growth, the City of Oak updated its comprehensive plan in 2018. This was followed by an update (rewrite) of the city’s zoning ordinance in 2021.

**J. APPROPRIATENESS OF ORIGINAL ZONING:**

In 2021, the City of Oak Grove updated its zoning ordinance and zoning map. The updated map, specifically the depiction of the subject property, was unchanged from the previous zoning map (i.e. R-2 zoning).

Standards applicable under the existing and proposed zoning are listed below:

**4.1.3** *R-2 One and Two Family Residential District.* The intent of this district is to provide one and two family residential areas of medium population density. One and two family dwellings are the principal land use for this district. The district is also intended to protect the residential character of the neighborhood by prohibiting commercial activity.

**R-2 STANDARDS**

Minimum lot area in square feet per dwelling unit/use

Single-Family, attached	ZLL District Only
Single-Family, detached	7,500 square feet
Two-Family Dwellings	5,000 square feet per unit (10,000 total for duplex)
Multi-Family	Not permitted
Dwelling Groups	Not permitted
All Other Uses	10,000 square feet

Minimum Lot Width (in feet)

Single-Family, attached	ZLL District Only
Single-Family, detached	50
Two-Family Dwellings	60
Multi-Family	Not permitted
Dwelling Groups	Not permitted
All Other Uses	60

Maximum Structure Height: 35 feet (not to exceed 2 stories)

Maximum Building Coverage: 45% (50% for two family/duplex use)

Maximum Impervious Coverage: 55%

Setbacks:

Front Yard Setback	½ Width of the Right-of-Way not to exceed 40 feet or be less than 25 feet
Rear Yard Setback	20 feet
Side Yard Setback	7 feet
Special Setback -	For Yards abutting Hugh Hunter Road and all other State Maintained Roads – 60 feet

**4.1.4** *R-3 Multi-Family Residential District.* The intent of this district is to provide for residential areas of high population density. The specific intent of this district is to ensure that only residential uses which may be properly designed and built will be allowed in this district to prevent overcrowding, parking or traffic congestion, and to reduce injurious effects on adjacent properties.

**R-3 STANDARDS**

Minimum lot area in square feet per dwelling unit/use

Single-Family, attached	ZLL District Only
Single-Family, detached	6,000 square feet
Two-Family Dwellings	3,500 square feet per unit (7,000 total for duplex)
Multi-Family	2,170 square feet per unit
Dwelling Groups	See §4.32 of the Code
All Other Uses	10,000 square feet

Minimum Lot Width (in feet)

Single-Family, attached	ZLL District Only
Single-Family, detached	60 feet
Two-Family Dwellings	60 feet
Multi-Family	60 feet
Dwelling Groups	70 feet
All Other Uses	60 feet

Maximum Structure Height: 35 (not to exceed 2 stories)  
Multi-family uses 50 feet (not to exceed 5 stories)

Maximum Building Coverage: 45% (50% for two family/duplex use and 60% for multi-family)

Maximum Impervious Coverage: 65%

Setbacks:

Front Yard Setback	½ Width of the Right-of-Way not to exceed 40 feet or be less than 25 feet
Rear Yard Setback	10 feet (20 feet for multi-family and dwelling group uses)
Side Yard Setback	5 feet (plus 2 feet for each story above second floor for multi-family and dwelling group uses)
Special Setback	Yards abutting Hugh Hunter Road and all other State Maintained Roads – 60 feet

**K. FLOOD AND DRAINAGE:** Portions of this property are located within an Area of Special Flood Hazard (see attached map). The City of Oak Grove's Flood Damage Prevention Ordinance is applicable to this property upon development.

The property is also subject to the city's storm water management ordinance (see Ordinance 2016-01). Based on information provided by the city, the developer has submitted a storm water management plan for the proposed development.

**L. SOIL ANALYSIS:** N/A

**M. UNIQUE FEATURES:** The applicant has previously submitted draft subdivision and development plans to the city and CDS denoting development of the property under R-2 standards. The property contains three flood hazard areas. Previous plans denoted encroachment (fill) into these areas with raised building areas. Previous plans yielded approximately 25 lots and, if developed for two-family uses, 50 dwelling units (in accordance with R-2 standards). CDS Staff and the city raised concerns with the potential fill and the proximity of proposed building sites to karst features and flood hazard areas.

The applicant has provided, as part of the application for rezoning, a development plan. The plan denotes a total of 11 lots and 55 dwelling units. Planned housing units have been grouped to avoid the flood hazard areas. The proposed gross density under the development plan would be comparable to R-2 standards; however, the grouping of housing units (as multi-family) would not be permitted in the R-2 district.

**DEPARTMENT HEAD COMMENTS:** As part of this review, comments were solicited from the city's departments and agencies.

**Oak Grove Mayor:** No comments have been received as of yet. However, once comments are received, they will be made a part of this Site Review and shall be taken into account by the property owner/developer.

**Oak Grove Police Department:** No comments have been received as of yet. However, once comments are received, they will be made a part of this Site Review and shall be taken into account by the property owner/developer.

**Oak Grove Fire Department:** No comments have been received as of yet. However, once comments are received, they will be made a part of this Site Review and shall be taken into account by the property owner/developer.

**Oak Grove Public Works Department:** *"I have reviewed the plans and have no concerns."*

**Oak Grove Water Department:** No comments have been received as of yet. However, once comments are received, they will be made a part of this Site Review and shall be taken into account by the property owner/developer.

**Soil Conservation Office:** No comments have been received as of yet. However, once comments are received, they will be made a part of this Site Review and shall be taken into account by the property owner/developer.

**KYTC:** (please see attached)

**HWEA:** No comments have been received as of yet. However, once comments are received, they will be made a part of this Site Review and shall be taken into account by the property owner/developer.

**Pennyrile Rural Electric:** No comments have been received as of yet. However, once comments are received, they will be made a part of this Site Review and shall be taken into account by the property owner/developer.

**E911:** (please see attached)

**AT&T:** No comments have been received as of yet. However, once comments are received, they will be made a part of this Site Review and shall be taken into account by the property owner/developer.

**Fort Campbell U.S. Army Base:** *“I have reviewed the plans and have no concerns.”*

## **STAFF REVIEW**

KRS 100 provides that the rezoning of property must be in agreement with the comprehensive plan or, in the absence of such finding, that one or more of the following apply:

1. That the existing zoning classification given to the property is inappropriate and the proposed zoning classification is appropriate; or
2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

### **Conformity with the Comprehensive Plan**

The Staff has reviewed the request for its conformity with the *City of Oak Grove Comprehensive Plan, 2018*. The plan, in general, encourages the development of housing to meet the needs of a growing population and its corresponding demand for safe, affordable, and decent housing. The plan also provides for a consideration of density, the protection of properties from incompatible uses, and the consideration of site constraints, such as the avoidance of food-prone areas, in the development process.

The plan's future land use map denotes the area on and near the subject property as commercial and residential (including single-family housing). The zoning map, as recently adopted, denotes the subject property as R-2 (One and Two-Family Residential District), with multi-family (R-3) and commercial (B-2) zoning adjacent or in proximity to the applicant's property.

The Staff does **not** believe the unconditioned rezoning of the applicant's property to be in agreement with the comprehensive plan. The rezoning of the applicant's tract to an R-3 District would substantial increase permitted density. Based on information provided by the applicant, the property contains karst features (sinkholes) and three accompanying flood hazard areas. Increasing the potential density and impervious coverage on property affected by these site constraints would not be in agreement with the plan nor constitute best planning practice.

KRS 100.203(2) provides, in part, that a zoning ordinance's text may *“provide that the planning commission, as a condition of granting a zoning change, may require the submission of a development plan, which shall be limited to the provisions of the definition contained in KRS 100.111(8). Where agreed upon, this development plan shall be followed.”* KRS 100.111 (8) defines a development plan to mean

*“written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, existing manmade and natural conditions, and all other conditions agreed to by the applicant.”*

The above provisions are referenced in the city’s comprehensive plan. The potential for conditioning a rezoning to a submitted development plan, when agreed to by an applicant, was also included in the recent update of the city’s zoning ordinance (see Section 9.4 of the City of Oak Grove Zoning Ordinance).

The applicant has submitted, as part of this request, a development plan that denotes the potential creation of 11 lots and the placement of 55 dwelling units. The applicant has indicated the intent of the development plan is to maintain a density and setbacks comparable to the existing R-2 zoning district but to arrange the units as multi-family, with a majority of the units (and accompanying density) shifted to the higher (elevation) portions of the property. The development plan also denotes the areas of flood-hazard associated with karst features (sinkholes) and provides accompanying elevations.

The Staff believes that if density and the arrangement of units is conditioned to a development plan, a compelling argument can be made as to the request’s conformance with the comprehensive plan. It is noted that the application as received does not contain a statement from the applicant of the proposed rezoning’s conformity with the adopted comprehensive plan. The Board may wish to solicit additional information from the applicant regarding the request’s conformance with the comprehensive plan and agreement to the conditioning of the request to the development plan.

### **The Appropriateness of Original Zoning**

The application does not contain a statement with respect to the appropriateness of the original zoning. The Staff notes that the comprehensive plan was adopted in 2018 and the zoning map affecting the property was adopted in 2021. The Staff believes the original zoning of the property was appropriate. As noted above, the Staff believes that the rezoning of the property to an R-3 District, in the absence of a binding development plan, would be inappropriate.

### **Recent Physical, Social, and Economic Changes**

As part of the justification for the rezoning, the applicant wrote: *“A subdivision plan was submitted to CDS for the current zoning. FEMA flood areas were a major concern. In order to avoid disturbing the FEMA flood areas, maintain density, and provide a feasible economical development, the proposed rezoning is requested.”*

The Staff believes the above statement may provide some justification for agreement with the comprehensive plan; however, it does not provide justification that recent physical, social, or economic changes warrant the rezoning. The Staff did not identify a recent change to provide justification for the rezoning under this review criterion.

**Finally, the Staff has considered this request in terms of spot zoning. Tests for Spot Zoning include:**

1. The use permitted under rezoning is very different from the use in the area.

2. The area involved is rather small, and
3. The changes to a less restrictive district are not for the benefit of the community as a whole, but merely in order to provide an advantage for a specific developer (American Land Use Law).

The Staff notes that the applicant's tract does not directly adjoin an R-3 zoning district; however, the Staff does not believe the applicant's request would constitute spot zoning. The applicant's tract is approximately ten acres in area, which would support multiple lots (if divided). In addition, the tract is in proximity to an R-3 district (within approximately 200 feet) and is adjacent to a B-2 District (which permits multi-family housing as a conditional use).

### **STAFF RECOMMENDATION**

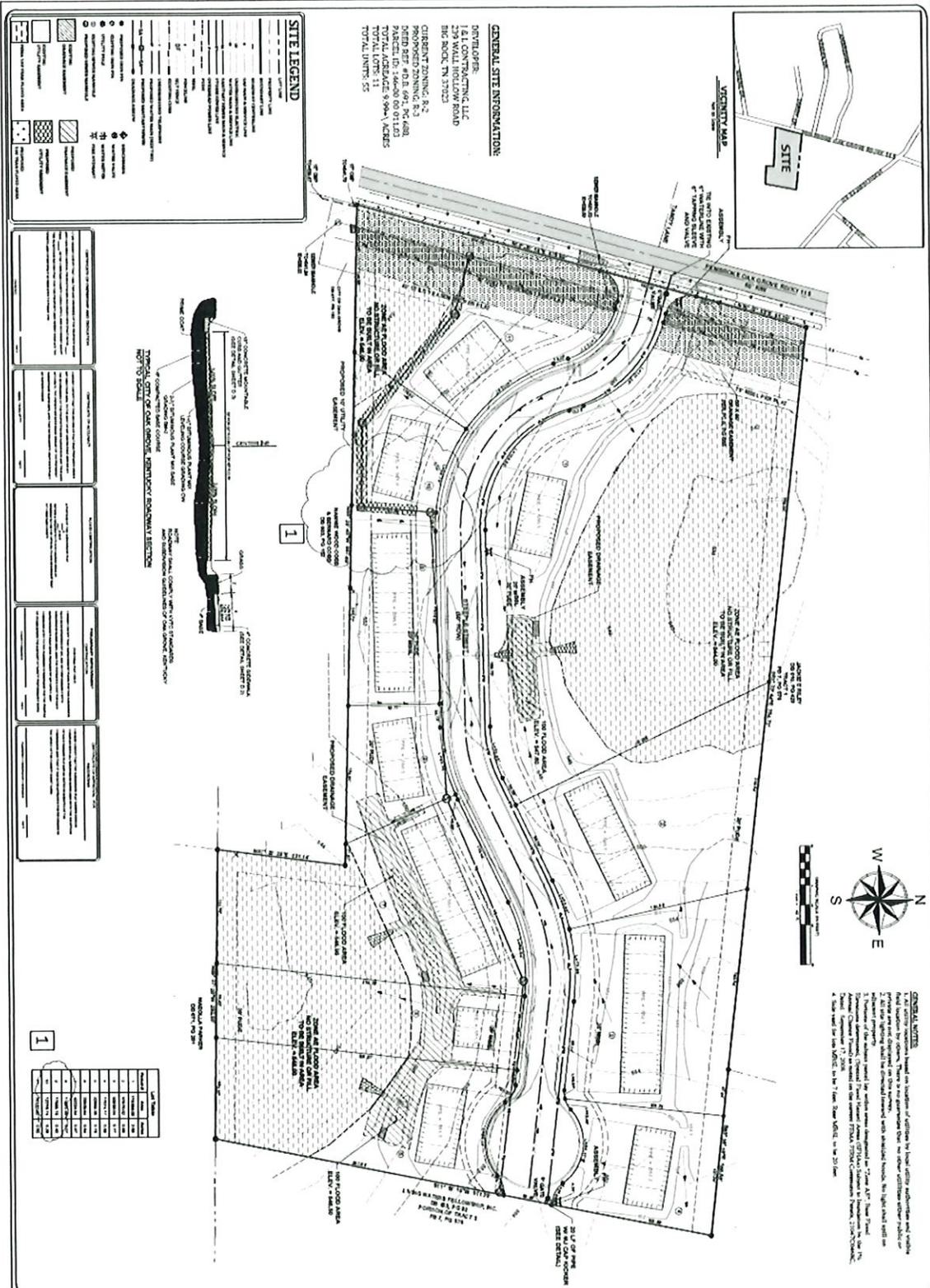
The Staff cannot forward a favorable recommendation for the applicant's request in the absence of an agreed upon development plan. If the development plan is agreed upon as a condition of the rezoning, the Staff believes that the request would be in agreement with the *City of Oak Grove Comprehensive Plan, 2018*. As such, the Staff could provide a preliminary favorable recommendation contingent upon an agreed upon development plan (with conditions as provided below).

- 1) The property is subject to a development plan dated September 6, 2022 as submitted as part of rezoning action OGR22-9-1. The development of the property, Deed Book 691, Page 688, as illustrated on the attached development plan, is subject to the following:
  - a) No lot shall hereafter be created with a lot area of less than 10,000 square feet;
  - b) The density of the 9.99 acre tract, including the cumulative density of all lots that may be hereafter created, shall not exceed 55 total units. Upon subdivision, no individual lot shall be developed with a density greater than one (1) unit per 2,170 square feet of lot area.
  - c) Except where the Oak Grove Zoning Ordinance requires a greater setback, the minimum setbacks applicable to development are: Front yard – 25 feet; Rear Yard – 20 feet; and side yard – 7 feet;
  - d) Maximum building height shall not exceed 35 feet and shall not exceed two stories;
  - e) No structure or portion thereof nor any fill shall be placed within a Special Flood Hazard Area (100-year flood plain);
  - f) The development shall conform to the requirements of the City of Oak Grove Storm Water Management Ordinance;
  - g) The subdivision and platting of this property shall illustrate a perimeter landscaping easement in accordance with Section 6.43 of the Oak Grove Zoning Ordinance; and
  - h) The subdivision of the property shall conform to the requirements of the Oak Grove Subdivision Guidelines. The subdivision of the property shall contain plat notes with accompanying deed restriction which reference the development plan and all conditions herein imposed.
- 2) Modification to the development plan may be authorized by the city or CDS to conform to the requirements of applicable laws and ordinances or the requirements of the Kentucky Transportation Cabinet or any affected utility provider; provided, no change to the development plan affecting the conditions imposed by the Item 1 (a through h) above shall be made.

- 3) The development plan dated September 6, 2022 and the agreed conditions of approval shall be binding to the property and its owner including any successors, heirs, or assigns acquiring interest or title to the property or any portion thereof.
- 4) Upon approval by the Oak Grove City Council, the development plan and accompanying conditions of approval shall be recorded in the Office of the Christian County Clerk.

The Staff's preliminary recommendation does not consider testimony and evidence that may be forthcoming at the public hearing for this request.





**MCKAY-BURCHETT & COMPANY ENGINEERS**  
 1545 Madison Street  
 Clarksville, TN 37040  
 Ph #931-245-3095

**SHEET: PRE. 100**

**DERBY DOWNS**  
**PRELIMINARY SITE LAYOUT**  
 PEMBROKE OAK GROVE RD/ KY 15, OAK GROVE  
 CHRISTIAN COUNTY, KENTUCKY  
 September 6, 2022

**REVISIONS**

DATE	DESCRIPTION
09-22-22	REVISED LAYOUT TO REFLECT SITE CONDITIONS AND PERMITS



# EXHIBIT B

## DEVELOPMENT PLAN AGREEMENT



SVG Real Estate, LLC (Owner), have submitted a rezoning application for property, Deed Book 691, Page 688, located in the City of Oak Grove, Kentucky. The application for rezoning is accompanied by a development plan dated September 6, 2022 (as copy of which is attached hereto). As a condition of the approval of the rezoning of this property from an R-2 District to an R-3 District, I agree as follows:

- 1) The property will be developed in accordance with the Development Plan dated September 6, 2022. Specifically:
  - a) No lot shall hereafter be created with a lot area of less than 10,000 square feet;
  - b) The density of the 9.99 acre tract, including the cumulative density of all lots that may be hereafter created, shall not exceed 55 total units. Upon subdivision, no individual lot shall be developed with a density greater than one (1) unit per 2,170 square feet of lot area.
  - c) Except where the Oak Grove Zoning Ordinance requires a greater setback, the minimum setbacks applicable to development are: Front yard – 25 feet; Rear Yard – 20 feet; and side yard – 7 feet;
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- 3) The development plan dated September 6, 2022 and the agreed conditions of approval shall be binding to the property and its owner including any successors, heirs, or assigns acquiring interest or title to the property or any portion thereof.
  
- 4) Upon approval by the Oak Grove City Council, the development plan and accompanying conditions of approval shall be recorded in the Office of the Christian County Clerk.

I solemnly swear and affirm that I agree and will comply with the above conditions.

  
SVG Real Estate, LLC (Owner)

Subscribed and sworn before me by Sammy Gilliam on this the 26<sup>th</sup> day of September, 2022.

My Commission expires: April 3, 2023

  
Notary Public 619430

DEVELOPMENT PLAN AGREEMENT

I, Joseph Estes, J&L Contracting, LLC (Developer), have submitted a rezoning application for property, Deed Book 691, Page 688, located in the City of Oak Grove, Kentucky. The application for rezoning is accompanied by a development plan dated September 6, 2022 (as copy of which is attached hereto). As a condition of the approval of the rezoning of this property from an R-2 District to an R-3 District, I agree as follows:

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  - h) The subdivision of the property shall conform to the requirements of the Oak Grove Subdivision Guidelines. The subdivision of the property shall contain plat notes with accompanying deed restriction which reference the development plan and all conditions herein imposed.
  
- 2) Modification to the development plan may be authorized by the city or CDS to conform to the requirements of applicable laws and ordinances or the requirements of the Kentucky Transportation Cabinet or any affected utility provider; provided, no change to the development plan affecting the conditions imposed by the Item 1 (a through h) above shall be made.
  
- 3) The development plan dated September 6, 2022 and the agreed conditions of approval shall be binding to the property and its owner including any successors, heirs, or assigns acquiring interest or title to the property or any portion thereof.
  
- 4) Upon approval by the Oak Grove City Council, the development plan and accompanying conditions of approval shall be recorded in the Office of the Christian County Clerk.

I solemnly swear and affirm that I agree and will comply with the above conditions.

  
J&L Contracting, LLC (Developer)

Subscribed and sworn before me by Joseph Estes on this the 26th day of September 2022

My Commission expires: April 22, 2023

  
Notary Public



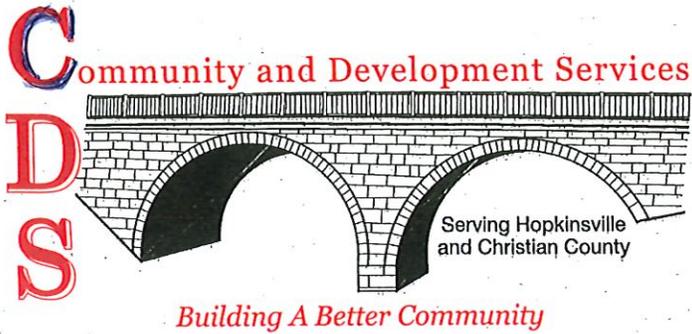
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# EXHIBIT C





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## MEMORANDUM

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TO: Lorelynn Fisher, Oak Grove City Clerk

FROM: Beth Richardson, Planner | *BR*

RE: OGR22-9-1

DATE: September 28, 2022

Meeting at a regular session on September 26, 2022, the Community and Development Services Board voted to favorably recommend to the Oak Grove City Council approval of the Rezoning Application OGR22-9-1 as requested below:

"The applicant, J&L Contracting, LLC (agent), SVG Real Estate, LLC (owner), is requesting the rezoning of a parcel totaling 9.99 acres (+ or -) in the City of Oak Grove, Kentucky. The property is located on the Pembroke-Oak Grove Road (KY 115) approximately 1,600 feet south of Thompsonville Lane (KY 911) and Hugh Hunter Road. The property is immediately east of the intersection of Tandy Lane and Pembroke-Oak Grove Road. The property is identified as Parcel I.D. Number 146-00.00.011.03 in the Office of the Christian County Property Valuation Administrator. The property is currently zoned R-2 (One and Two Family Residential) District. The applicant is requesting that the property be zoned R-3 (Multi-Family Residential) District."

**The favorable recommendation was conditioned upon the development plan and agreement as attached hereto. If the rezoning is approved by the Oak Grove City Council, the development plan and agreement will need to be recorded as a condition of such approval.**

Attached please find the following:

- Exhibit A: Approved Staff Report OGR22-9-1
- Exhibit B: Signed Development Plan Agreements and Development Plan
- Exhibit C: CD with digital recording of the meeting

Please place this item on the City Council's agenda at your earliest convenience. If you have any questions or if you require any additional information, please do not hesitate to contact me.

BR

cc: Tom Britton  
File  
Correspondence

**Beth Richardson**

---

**From:** Lynn Powell  
**Sent:** Thursday, September 8, 2022 11:56 AM  
**To:** Beth Richardson  
**Subject:** FW: Department Head Review  
**Attachments:** OGR22-9-1.pdf

*Lynn Powell*

Community and Development Services  
P.O. Box 1125  
710 S Main St.  
Hopkinsville, KY 42241-1125  
(270) 887-4285

**From:** Gentry, Kevin D (KYTC-D02) <Kevin.Gentry@ky.gov>  
**Sent:** Thursday, September 8, 2022 9:14 AM  
**To:** Lynn Powell <LPowell@comdev-services.com>  
**Cc:** Franklin, Taylor (KYTC-D02) <Taylor.Franklin@ky.gov>  
**Subject:** RE: Department Head Review

Lynn,

KYTC will require a permit and bond for this entrance and final plan submittal will be subject to review to field verify required sight distance as well as other applicable requirements..

Thank you,

*Kevin Gentry*

T.E.T. III Supervisor  
D2 Traffic / Permits Section  
Kentucky Transportation Cabinet  
1840 North Main St.  
Madisonville, KY 42431  
Office: 270-824-7080  
Cell: 270-339-5532

## Community and Development Services

### Recommendation of Approval Rezoning Application OGR22-9-1

Pursuant to KRS 100.211 and the Oak Grove Code of Ordinances, Community and Development Services hereby recommends to the Oak Grove City Council approval of the Rezoning Application as filed by J&L Contracting, LLC (agent) and SVG Real Estate, LLC (owner).

A Public Hearing to receive comments on OGR22-9-1 was held on September 26<sup>th</sup>, 2022. A digital recording of all the testimony and exhibits presented is attached hereto collectively as Exhibit C and incorporated herein by reference.

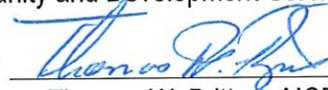
CDS Staff recommended approval of OGR22-9-1 in its Staff Report, a copy of which is attached and hereto as Exhibit A. The favorable recommendation was conditioned upon the development plan and agreement. A copy of said Development Plan and Agreement is attached and hereto as Exhibit B and incorporated herein by reference.

CDS adopts the findings of fact set forth in the Staff Review and Staff Recommendations sections of the Staff Report and specifically finds that the applicant's, request conditioned upon the development plan and agreement, conforms to the *City of Oak Grove Comprehensive Plan, 2018*.

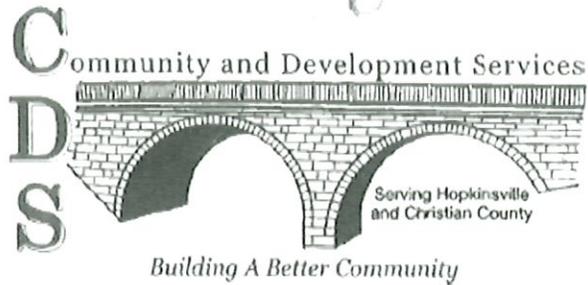
Ten members of the CDS Board were present for the vote, constituting a quorum. By a vote of 9 to 0, the approval of OGR22-9-1 was recommended by Community and Development Services on September 26, 2022.

Community and Development Services Board

By



Thomas W. Britton, AICP, Director



MEMORANDUM

TO: Beth Richardson, Planner

FROM: David Carroll, E911 Coordinator *DC*

DATE: September 7, 2022

RE: OGR22-9-1, Derby Downs

I have reviewed the above mentioned rezoning request with regards to addressing and I have no concerns. However, should the proposed development be approved, the proposed street named "Steeple Street" is a duplicate or like sounding name, therefore unacceptable. I recommend changing the name to an acceptable street name approved by this office. Additionally, the developer is responsible for contacting this office for E911 Address assignments.

The developer shall be responsible for the placement of cluster mail boxes in accordance with U.S. Postal Service STD-4C Federal Register Rules and Regulations. The developer shall coordinate with the local Post Office to identify and reserve common space for the cluster mail boxes. No individual curbside delivery receptacles are authorized within this development.

Should you have any questions please contact me.

drc

AFFP

ORDINANCE NO. 2022-13

# Affidavit of Publication

STATE OF KY )  
COUNTY OF CHRISTIAN } SS

Keishia Hicks, being duly sworn, says:

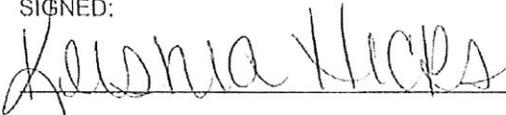
That she is Accounting Clerk of the Kentucky New Era, a newspaper of general circulation, printed and published in Hopkinsville, Christian County, KY; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

December 13, 2022

Publisher's Fee: \$ 114.95

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

  
\_\_\_\_\_

Subscribed to and sworn to me this 13th day of December 2022.

  
\_\_\_\_\_

LEGAL NOTICE  
CITY OF OAK GROVE,  
KENTUCKY  
ORDINANCE NO. 2022-13  
AN ORDINANCE AMENDING THE ZONING MAPS  
OF THE CITY OF  
OAK GROVE

(9.99 acres property located on Pembroke-Oak Grove Road)  
WHEREAS, Community and Development Services made a favorable recommendation at their September 26, 2022, meeting for the City Council to approve Rezoning Application OGR2-9-1; and  
WHEREAS, the City Council concurs that said recommendation is in agreement with the Oak Grove Comprehensive Plan, that the existing classification is inappropriate, and significant physical, social, and economic changes have occurred warranting the rezoning;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK GROVE, KENTUCKY, AS FOLLOWS:

SECTION ONE

Pursuant to KRS 100.211, City of Oak Grove Code of Ordinances, and the Community and Development Services recommendation dated September 28, 2022, an approximately 9.99-acre parcel located on Pembroke-Oak Grove Road, as further described in Exhibit A attached hereto and incorporated herein, is hereby rezoned from R-2 (One and Two Family residential District) to R-3 (multifamily residential district) conditioned upon the development plan and agreement as attached hereto.

SECTION TWO

If any section, subsection, sentence, clause, or phrase of this ordinance is held unconstitutional or otherwise invalid, such infirmities shall not affect the validity of the remaining portions of this ordinance.

SECTION THREE

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION FOUR

This ordinance shall take effect after its passage and publication according to law.

First Reading this 1st day of November 2022.

Second Reading this 6 day of December 2022.

APPROVED:

/s/ Theresa Jarvis  
Theresa Jarvis, Mayor,  
City of Oak Grove, Kentucky

ATTEST:

/s/ Lorelynn Fisher  
Lorelynn Fisher, City Clerk  
City of Oak Grove, Kentucky

PUBLISHED: In the Kentucky New Era, the 13th day of December, 2022.

This advertisement was paid for by the City of Oak Grove using taxpayers' dollars in the amount of \$114.95.

00007747 70541525



LORELYNN FISHER  
City of Oak Grove  
8505 Pembroke Oak Grove Rd  
Oak Grove, KY 42262



Commonwealth of Kentucky  
**City of Oak Grove**



I, Lorelynn Fisher, City Clerk for the City of Oak Grove, Kentucky hereby certify that the foregoing is a true and accurate original document of Ordinance 2022-13, which was published in the Kentucky New Era on December 13, 2022 in the amount of \$114.95. I am the official custodian for this ordinance which is maintained at Oak Grove City Hall-8505 Pembroke Oak Grove Rd Oak Grove, KY 42262.

Lorelynn Fisher, City Clerk  
City of Oak Grove, KY

12/13/22

Date

STATE OF KENTUCKY

CHRISTIAN COUNTY

SWORN AND SUBSCRIBED BEFORE ME THIS 13<sup>th</sup> DAY OF December 2022.

NOTARY PUBLIC Lisa L. Beckman COMMISSION# KYNP50110

COMMISSION EXPIRATION DATE May 3<sup>rd</sup>, 2026

