

**PLANNING COMMISSION MINUTES**  
**March 19, 2015**

**PUBLIC HEARING**

**CASE NO. 14ZONE1060**

Request: Change in zoning from R-4 to R-6 and Detailed District  
Development Plan

Project Name: Springs at Bunsen Parkway  
Location: 9120 Blowing Tree Road

Owner: Margaret Thieneman and The Thieneman Family Limited  
Partnership  
3006 Corran Road  
Louisville, Ky. 40205

Applicant: Continental 325 Fund LLC  
Sara L. Johnson  
W134N8675 Executive Parkway  
Menomonee Falls, WI 53051

Representative: Bill Bardenwerper  
1000 North Hurstbourne Parkway  
Louisville, Ky. 40223

Jurisdiction: Louisville  
Council District: 18 – Marilyn Parker  
**Case Manager: Christopher Brown, Planner II**

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

02:06:39 Mr. Brown discussed the case summary, standard of review and staff analysis from the staff report.

Mr. Brown said the staff report was completed days ago, but a new plan was received this morning. The staff report will not support the new plan.

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2:37:54 Mr. Brown remarked, "The binding element I passed out to you is not the most current. There was an email sent at 3:26 while sitting here at the public hearing and that has the current binding element language."

**The following spoke in favor of this request:**

Bill Bardenwerper, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223  
Kent Gootee, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

**Summary of testimony of those in favor:**

02:22:24 Mr. Bardenwerper represents Continental Properties. The house/nursery farm to be demolished will be documented and photographed.

2:30:00 Mr. Gootee said they will be relocating the entrance to make it shorter. There will be a binding element to dedicate the right-of-way and the applicant will maintain.

2:38:50 Mr. Bardenwerper stated the updated binding element as follows: The applicant shall dedicate the areas shown as 'reserved' on the Detailed District Development Plan the public right-of-way prior to construction plan approval and agree to maintain the dedicated property until the earlier of such time as Louisville Metro Public Works agrees in writing to accept maintenance of the dedicated property or construction commences on the plan connector road running between Taylorsville Rd. and Bunsen Pkwy.

**The following spoke in opposition to this request:**

Margaret Bode, 1804 Wesley Avenue, Louisville, Ky. 40220  
Martin Dunn, 9103 Blowing Tree Road, Louisville, Ky 40220

**Summary of testimony of those in opposition:**

02:42:00 Ms. Bode said she has lived there since 1959. "Keep the homes residential. I love our city and don't want to see anymore apartments."

2:43:16 Mr. Dunn has live there for 36 years. He said he's deeply concerned that there was a late night/early morning change to the plans. This is a process and everyone should be well informed.

Mr. Dunn does not want Blowing Tree to be a cut-through.

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**The following spoke neither for nor against the request:**

Sean Fore, 1808 Addington Avenue, Louisville, Ky. 40220  
James Lobb, Weber and Rose, 471 West Main Street, Suite 400, Louisville, Ky. 40202

**Summary of testimony of those neither for nor against:**

02:46:42 Mr. Fore said he is the mayor of the City of Hurstbourne Acres. There was a city meeting and a letter was composed to address some concerns. Mr. Fore read the letter into the record.

2:49:06 Mr. Lobb said the project keeps shifting (not criticism), but it's shifting to address residents' concerns. There is confusion over the expansion of Blowing Tree Rd.

**Rebuttal**

02:58:28 Mr. Bardenwerper said there are no big last minutes changes to the plan. The existing Blowing Tree connection will help in the future.

**Deliberation**

03:07:00 The commissioners are in agreement that the zoning change is appropriate; however, the plan details/revisions and binding elements need to be reviewed.

**An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

3:9:54 On a motion by Commissioner Brown, seconded by Commissioner Jarboe, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **CONTINUE** Case No. 14ZONE1060 to the April 2, 2015 Planning Commission public hearing to allow the applicant an opportunity to submit an updated development plan that addresses the right-of-way dedication for Blowing Tree and to submit proposed binding elements that addresses the City of Hurstbourne Acres and the future Bunsen and Blowing Tree dedications. It all needs to be submitted a week before the hearing, March 26, 2015.

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**The vote was as follows:**

**YES: Commissioners Blake, Brown, Jarboe, Kirchdorfer, Tomes and Turner**

**NO: No one**

**NOT PRESENT AND NOT VOTING: Commissioners Butler, Peterson, Proffitt and White**

**ABSTAINING: No one**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES**  
**February 12, 2015**

**NEW BUSINESS**

**CASE NO. 14ZONE1060**

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Request: Change in zoning from R-4 to R-6 and Detailed District  
Development Plan  
Project Name: Springs at Bunsen Parkway  
Location: 9120 Blowing Tree Road  
Owner: Margaret Thieneman & The Thieneman Family Limited  
Partnership  
Applicant: Continental 325 Fund LLC  
Representative: Bill Bardenwerper  
Jurisdiction: Louisville  
Council District: 18 – Marilyn Parker  
**Case Manager: Christopher Brown, Planner II**

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

01:14:34 Mr. Brown discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Bill Bardenwerper, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223  
Kent Gootee, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

**The following spoke as “other”:**

Cliff Ashburner, 500 West Jefferson Street, Suite 2800, Louisville, Ky. 40202  
Jim Lobb, 471 West Main Street, Louisville, Ky. 40202

**Summary of testimony of those in favor:**

01:20:14 Mr. Bardenwerper said they sent notification to everyone in Hurstbourne Acres. Bowling Tree Rd. is not in the City of Hurstbourne Acres.

01:32:30 Mr. Gootee said there will be a vegetative buffer and some fencing.

**Summary of testimony of “other”:**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES**  
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**NEW BUSINESS**

**CASE NO. 14ZONE1060**

01:34:35 Mr. Ashburner represents the Bullitt Trust. "The Trust are not opposed to the development. They just want to make sure that the connector that was imposed on us, is actually going to be built or at least not prevented in the future. There's a concern that the alignment shown, on the plan, would make the construction of the connector more difficult."

1:41:40 Mr. Lobb is counsel for Hurstbourne Acres. The main concerns are: want Blowing Tree to remain a frontage street (narrow dead end); Blowing Tree extends and is gravel. There should be no gravel access from the entrance to the apartment project.

**Deliberation**

01:44:00 Planning Commission deliberation.

**An audio/visual recording of the Land Development & Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**The Committee by general consensus placed this case on the March 19, 2015 Planning Commission public hearing at the Old Jail Building.**