

**MINUTES OF THE SPECIAL MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
February 25, 2015**

A special meeting of the Louisville Metro Planning Commission was held on Thursday, February 25, 2015 at 6:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Donnie Blake, Chair
David Proffitt, Vice Chair
Jeff Brown
Vince Jarboe
Robert Kirchdorfer
Clifford Turner
David Tomes
Chip White

Commission members absent:

Carrie Butler
Robert Peterson

Staff Members present:

Emily Liu, Director, Planning and Design Services
Joseph Reverman, Planning Supervisor
Joe Haberman, Planning & Design Manager
Jessica Wethington, Public Information Specialist
Brian Davis, Planning & Design Supervisor
Jonathan Baker, Legal Counsel
Julia Williams, Planner II
Chris Cestaro, Management Assistant (minutes)

Others:

The following matters were considered:

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Public Hearing

Case No. 17822

Request: District Development Plan with Waivers and Variances

Project Name: Willow Grande

Location: 1418 and 1426 Willow Avenue; also TB 77A Lot 58

Owner: Kevin Cogan
Willow Grande, LLC
9505 Williamsburg Plaza Suite 200
Louisville, KY 40222

Applicant: Brian Evans
Willow Grande, LLC
9505 Williamsburg Plaza Suite 200
Louisville, KY 40222

Representative: Tim Martin
Frost Brown Todd, LLC
400 West Market Street Suite 3200
Louisville, KY 40202

Jurisdiction: Louisville Metro
Council District: 8 – Tom Owen

Case Manager: Julia Williams, AICP, Planner II

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.)

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Agency Testimony:

00:08:31 Julia Williams presented the case and showed a Power Point presentation (for full presentation, see video recording and staff report.) She added that, even though this is a District Development Plan, any recommendation (approve or deny) must be forwarded to the Louisville Metro Council for final approval.

00:14:03 Ms. Williams explained why Variance request #5 (see staff report) is now no longer needed and is no longer being requested.

The following spoke in favor of the proposal:

Timothy Martin, Frost Brown Todd, LLC, 400 West Market Street Suite 3200, Louisville, KY 40202

Sheryl Snyder, Frost Brown Todd, LLC, 400 West Market Street Suite 3200, Louisville, KY 40202

Glenn Price Jr., Frost Brown Todd, LLC, 400 West Market Street Suite 3200, Louisville, KY 40202

Kevin Cogan, Jefferson Development Group, 9505 Williamsburg Plaza Suite 200, Louisville, KY 40222

Merrill Moter, 550 South 4th St., Louisville, KY 40202

Gant Hill, 2122 Edgehill Road, Louisville, KY 40205

Peter Thurman, 1855 Douglass Boulevard, Louisville, KY 40205

Mike Ward, 1905 Deer Park Avenue, Louisville, KY 40205

Wayne Jenkins, 1416 Willow Avenue 9-A, Louisville, KY 40204

Ben Botkins, 1377 Bardstown Road, Louisville, KY 40204

Dan Borsch, 1284 Everett Avenue, Louisville, KY 40204

Scott Howe, 1633 Windsor Place, Louisville, KY 40204

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Summary of testimony of those in favor:

00:22:30 Timothy Martin presented the applicant's case and showed a Power Point presentation.

00:24:21 Mr. Martin reviewed the applicant's booklet, which was sent to the Commissioners in advance of today's hearing.

01:07:30 Mr. Martin read some letters of support into the record.

01:11:22 Peter Thurman said he felt the proposal is compatible with the neighborhood and is conducive to neighborhood growth.

01:16:25 Mike Ward spoke in support and showed a binder of letters of support from neighborhood residents.

01:19:06 Wayne Jenkins spoke in support.

01:19:58 Ben Botkins, a Highlands business owner, spoke in support.

01:23:06 Dan Borsch spoke in support. He said he is in favor of this project particularly because of the location, and the compatibility of the design. He said he has no concerns about setting a precedent.

01:26:39 Scott Howe spoke in support.

01:28:43 Gant Hill spoke in support and said there is demand for this project.

01:30:08 In response to questions from Commissioner Proffitt, Merrill Moter and Mr. Martin discussed the 7-foot height difference between the alley and the proposed entrance to the garage. They also discussed the proposed building height reduction and how that was achieved.

01:33:00 In response to a question from Commission Proffitt, Mr. Martin discussed the 7-foot wall along the alley. Mr. Martin said that wall completely encloses the rear yard of the property.

01:33:55 Commissioner Proffitt asked Mr. Martin if the applicant would be willing to make 4, 5, 6, 10, and 11 binding elements. Mr. Martin said yes.

01:34:27 Commissioner Proffitt and Mr. Martin discussed the landscape plan. Commissioner Proffitt asked if the applicant would be willing to add a binding

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element stating that changes discussed at today's hearing would be included in an approved landscape plan. Mr. Martin said yes.

01:36:16 The Commission went into recess before hearing those in opposition to the proposal.

The following spoke in opposition to the proposal:

Bill Seiller, Seiller Waterman, 462 South 4th Street, Louisville, KY 40202

Tim Holz, 1044 Everett Avenue, Louisville, KY 40204

John P. Fendig, 1274 Bassett Avenue, Louisville, KY 40204

Peggie Elgin, 1050 Everett Avenue, Louisville, KY 40204

Paul and Rhonda Petra, 1439 Willow Avenue, Louisville, KY 40204

Janet and Richard Rosenbaum, 309 East Market Street #501, Louisville, KY 40202

Ann Zimmerman, 1400 Willow, Louisville, KY 40204

Suzanne M. Warner, 1265 Bassett Avenue, Louisville, KY 40204

John Downard, 2526 Glenmary, Louisville, KY 40204

Ann Bickel, 2212 Dearing Court, Louisville, KY 40204

Lauri Esposito, 1416 Cherokee Road, Louisville, KY 40204

Jeanne James and Dennis Hesthoven, 2025 Baringer Avenue, Louisville, KY 40204

Mary Ann McDonald, 2063 Eastern Parkway, Louisville, KY 40204

Deanna O'Daniel, 2211 Dearing Court, Louisville, KY 40204

Margaret C. Adams, 2107 Edgeland Avenue, Louisville, KY 40204

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Jeannette Westbrook, 1827 Edenside Avenue, Louisville, KY 40204

Pete Kirven, 1277 Willow Avenue, Louisville, KY 40204

Maie Klaphaak, 1215 Cherokee Road, Louisville, KY 40204

Callie McCrocklin, 2101 Cherokee Parkway, Louisville, KY 40204

Todd Scott, 1314 Cherokee Road, Louisville, KY 40204

Summary of testimony of those in opposition:

01:36:34 Bill Seiller, attorney for the Cherokee Triangle Association, presented the opposition's case.

01:37:49 Mr. Seiller discussed the binder of letters of support which was re-submitted by the applicant at today's hearing, and why he thought those letters should be stricken from the record.

01:44:05 Tim Holz, president of the Cherokee Triangle Association, spoke in opposition and specifically discussed how the proposal relates to the Cherokee Triangle Neighborhood Plan.

01:54:41 John Fendig specifically spoke about the height variance request.

02:01:01 Peggy Elgin said the size and height of the proposed structure was out of character with the neighborhood. She said the proposal does not follow the Cherokee Neighborhood plan.

02:06:40 Paul and Rhonda Petra spoke in opposition. Ms. Petra read a letter of opposition from a neighbor into the record.

02:12:37 Mr. Seiller resumed the podium for his concluding remarks.

02:14:29 Janet and Richard Rosenbaum were called but were not present.

02:14:54 Ann Zimmerman's concerns were the size, scale, and traffic.

02:15:58 Suzanne Warner said the cost of the proposed condominiums do not encourage economic diversity of the neighborhood.

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- 02:17:54 John Donner was called but declined to speak.
- 02:18:07 Anne Bickel discussed the importance of preservation.
- 02:20:55 Lauri Esposito spoke in opposition (price point of condominiums are too high; traffic, parking.) She was greatly concerned about the number of waivers being requested.
- 02:25:50 Jeanne James and Dennis Hesthoven spoke in opposition.
- 02:27:43 Mary Ann McDonald expressed concerns about blasting and infrastructure issues.
- 02:29:23 Deanna O'Daniel was called but was not present.
- 02:29:36 Margaret Adams spoke in opposition.
- 02:31:06 Jeannette Westbrook spoke in opposition.
- 02:36:33 Pete Kirven spoke in opposition.
- 02:41:40 Maie Klaphaak spoke in opposition.
- 02:46:05 Callie McCrocklin spoke in opposition.
- 02:49:16 Todd Scott spoke in opposition. He expressed concerns about whether the new project would have the same craftsmanship and quality of the existing structures in the area.
- 02:50:51 Commissioner Tomes asked Mr. Seiller if any progress had been made with a "compromise" between the applicant and the opposition. Mr. Seiller discussed the negotiations that had taken place with the applicant, particularly regarding the building height.
- 02:58:30 Commissioner Jarboe asked Mr. Seiller what number of stories the opposition wanted and if the Floor Area Ratio would work with reduced stories.
- 03:02:25 Commissioner Proffitt and Mr. Seiller discussed the letters of support submitted by the applicant.

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03:05:30 Mr. Seiller discussed the requested variances and waivers.

03:06:27 Commissioner Tomes and Mr. Seiller discussed the makeup of the surrounding area (single-family homes vs. apartments, etc.)

03:10:56 Commissioner Brown asked about the Certificate of Appropriateness.

03:12:41 Commissioner Turner asked Mr. Holtz if this development might actually increase property values in the area.

03:16:56 Commissioner Kirchdorfer and Mr. Holtz discussed how the preservation district and the Land Development Code may have affected property values in the neighborhood.

Rebuttal:

03:21:54 Sheryl Snyder, Mr. Martin's legal partner, took the podium for rebuttal.

03:35:38 Mr. Seiller and Mr. Snyder discussed the market for condominium units in the neighborhood.

03:42:12 Kevin Cogan, the developer, answered questions from the Commissioners.

The Meeting was recessed for approximately 10 minutes before the Commissioners' deliberation.

Deliberation:

03:47:19 Commissioners' deliberation.

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.

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04:37:27 On a motion by Commissioner Tomes, seconded by Commissioner White, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the March 19, 2015 Planning Commission public hearing to allow the applicant time to submit the additional justification statements.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Brown, Kirchdorfer, Jarboe, White, Tomes, and Turner.

NO: No one.

NOT PRESENT: Commissioners Butler and Peterson.

ABSTAINING: No one.

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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Legal Review Committee

No report given.

Planning Committee

No report given.

Policy and Procedures Committee

No report given

Site Inspection Committee

No report given.

ADJOURNMENT

The meeting adjourned at approximately 11:35 p.m.



Chairman



Division Director