

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

January 25, 2018

New Business

Case No. 17ZONE1031

Request: Change in zoning from R-7 to R-8A Multi-Family Residential; sidewalk waiver; variances for height and private yard area, and a detailed district development Plan.

Project Name: Cherokee Springs
Location: 1576 Cherokee Road
Owner: Earl W. Reed III
Applicant: Cherokee Springs, LLC
Representative: Glenn Price – Frost Brown Todd, LLC
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan

Case Manager: **Joel Dock, 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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

01:12:04 Joel Dock presented the case (see staff report and recording for detailed presentation.) He also discussed proposed binding elements #9 and #10, which were requested by Metro Parks. He handed out copies to the Committee members of letters received, both in support and in opposition, which he received after the publication of the staff report.

01:18:51 Commissioner Carlson asked that, prior to the Planning Commission public hearing, the Commissioners would be able to access the Bonnycastle Neighborhood Plan. Mr. Dock said yes (*NOTE: this will be published online prior to the hearing.*)

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The following spoke in favor of the request:

Glenn Price, Frost Brown Todd LLC, 400 West Market Street, Louisville, KY 40202

W. Earl Reed, 1667 Spring Drive, Louisville, KY 40205

Ann Richard, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Cash Moter, Joseph & Joseph Architects, 550 South Fourth Street, Louisville, KY

Summary of testimony of those in favor:

01:19:40 Glenn Price, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:28:01 W. Earl Reed, the applicant, introduced himself and presented his case (see recording for detailed presentation.)

01:32:36 Mr. Price resumed the podium and continued his presentation.

01:39:42 Mr. Price submitted a written request asking that their public hearing presentation time be extended.

The following spoke neither for nor against:

Joshua White, 2134 Woodbourne Avenue, Louisville, KY 40205

Summary of testimony of those neither for nor against:

01:40:30 Joshua White asked that certain stipulations be made in order to grant the requested variances, namely: tree planting, drainage improvement / stormwater management, and improved mobility. He said he supports the sidewalk waiver, since installing a sidewalk here would require tree removal. He also discussed "cool roofing" as a means of addressing heat islands.

The following spoke in opposition to the request:

William Barth, 1572 Cherokee Road, Louisville, KY 40205

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Randy Strobo, 239 South Fifth Street Suite 917, Louisville, KY 40202

Ed Henson, 2535 Bonnycastle Avenue, Louisville, KY 40205

Rob Riley, 2101 Murray Avenue, Louisville, KY 40205

Stan Wetzel, 2304 Bonnycastle Avenue, Louisville, KY 40205

Debra Harlan, 1734 Chichester Avenue, Louisville, KY 40205

Linda Christopher, 1578 Cherokee Road #4, Louisville, KY 40205

Claudia Runge, 1578 Cherokee Road #5, Louisville, KY 40205

Ray Brundige, 1718 Edgeland, Louisville, KY 40204

Summary of testimony of those in opposition:

01:53:24 William Barth, an adjoining property owner, said a fourteen unit development will increase traffic hazards on the road. He said a seven-story building here will be out of character for the neighborhood.

01:55:24 Randy Strobo said he is an attorney representing three individuals who live in close proximity to this development. He said the development is incompatible with the area and is not in compliance with Comprehensive Plan or the neighborhood plan (see recording for detailed presentation.) He added that over 40 people have signed a petition opposing the project, and the Bonnycastle Homestead Association is also opposed. He requested a later date for the Planning Commission hearing, in order for the opposition to talk to the developer and possibly work out some issues.

01:58:44 Ed Henson said he represents a small group of neighbors who live in the immediate vicinity. He said his main concerns are the incompatible height and the bulk of the building. He is not opposed to development here, but said the proposed plan does not comply with several aspects of Cornerstone 2020 (see recording for detailed presentation.) He is concerned that granting the rezoning would set a precedent. He is also concerned that such a large building would be a barrier between people and Cherokee Park.

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02:03:13 Rob Riley discussed the reasons why the Bonnycastle Neighborhood Plan was created. He is also greatly concerned about setting a precedent.

02:07:01 Stan Wetzel, President of the Bonnycastle Homestead Association, said the Association is in opposition to this proposal. He said the basis for the objections is because the proposal goes against the Bonnycastle Neighborhood Plan.

02:10:13 Debra Harlan handed out photos of other buildings in the neighborhood, and discussed compatibility and the Bonnycastle Neighborhood Plan's role in maintaining that. She added that there is no R-8A zoning in the neighborhood. She emphasized the proposed height of 100 feet as being grossly out of character with anything else in the neighborhood.

02:19:59 Linda Christopher, an adjoining property owner, said she and many others in the neighborhood are opposed.

02:20:53 Claudia Runge said the Cherokee Road Corridor is a one-of-a-kind asset. She said that, of all the photos the applicant had shown of tall buildings in this area, only one (Park Grande) is on Cherokee Road. None of the others are on Cherokee Road. She is concerned that the building height and mass are incompatible.

02:22:59 Ray Brundige said the proposed project is too tall and does not meet the Bonnycastle Neighborhood Plan standards. Some of the taller buildings used by the applicant to justify the height were built before there was zoning or the Neighborhood Plan.

Rebuttal:

02:26:36 Mr. Price gave the rebuttal (see recording for detailed presentation.) He emphasized that this is an existing multi-family property that is proposed for re-development as a multi-family use and does not violate the Comprehensive Plan or the Bonnycastle Plan.

Commissioners' Discussion:

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02:33:10 Commissioner Carlson asked if the variance should not start at the roof of the penthouse, not the roof of the main portion of the building. Mr. Dock said elevator and utility roofs are not required to comply – they can exceed the height requirements. Cash Moter, the architect for the project, said it was his understanding that the height of the building is defined as the grade plane at the base of the building to the parapet of the building, so the stepped-back penthouse is not part of the height variance. The penthouse area will not be living space, but a mechanical area. There will be a rooftop garden.

An audio/visual recording of the Land Development and 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.

02:38:15 The Committee by general consensus scheduled this case to be heard at the **April 5, 2018** Planning Commission public hearing, with the following extended time for both sides:

Applicant and his representatives and others in favor of the application: 1 hour
Persons opposed to the application: 75 minutes
Applicant's rebuttal and summation: 15 minutes