

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
October 16, 2014**

A meeting of the Louisville Metro Planning Commission was held on October 16, 2014 at 1:00 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  
David Tomes  
Clifford Turner  
Lloyd "Chip" White  
Jeffery Brown  
Carrie Butler

**Commission members absent:**

Vince Jarboe  
Robert Kirchdorfer  
Robert Peterson

**Staff Members present:**

Joseph Reverman, Planning Manager  
Emily Liu, Planning Director  
Jon Baker, Legal Counsel  
John Carroll, Legal Counsel  
Christopher Brown, Planner II  
Julia Williams, Planner II  
Latondra Yates, Planner II  
Sharonda Duerson, Management Assistant (minutes)

The following matters were considered:

**PLANNING COMMISSION MINUTES**  
**October 16, 2014**

**APPROVAL OF MINUTES**

**OCTOBER 2, 2014 PLANNING COMMISSION REGULAR MEETING MINUTES**

On a motion by Commissioner Brown, seconded by Commissioner White, the following resolution was adopted.

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on October 2, 2014.

**The vote was as follows:**

**YES: Commissioners Blake, Proffitt, Tomes, Turner, White, Brown and Butler.**

**NO: No one.**

**NOT PRESENT FOR THIS CASE: Commissioners Jarboe, Kirchdorfer and Peterson.**

**ABSTAINING: No one.**

**PLANNING COMMISSION MINUTES**  
**October 16, 2014**

**CONSENT AGENDA**

**CASE NO. 10-6-04**

**Request:** Authorization to forfeit a subdivision bond

**Project Name:** Canfield Development

**Location:** Wolf Pen Springs 1 and 2

**Owner:** Canfield Development  
Same as above

**Jurisdiction:** Louisville Metro

**Council District:** 7-Ken Fleming

**Staff Case Manager:** Jon Baker, Assistant County Attorney

**Agency Testimony:**

00:04:34 Jon Baker prepared the staff report for this case and presented it to the Commission. He received two letters in July for subdivision approvals for Wolf Pen Springs 1 and 2. He also presented to the Commission, hand-outs regarding the case, among those hand-outs was a punch list outlining repairs and deadlines they hadn't been met.

**Discussion:**

00:07:17 Commissioner Brown said they expected progress from the developers and they hadn't seen it.

00:08:28 Commissioner Proffitt spoke about the punch list items and the memo from River Valley Financial Bank referencing \$3,000. He said it looked like the punch list items were going to exceed more than the \$3,000 referenced in the memo.

00:08:45 Commissioner Brown responded to the concern Commissioner Proffitt had regarding the memo.

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

Robert Towler, 9510 Hayden Creek Court, Prospect, KY 40059

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

**PLANNING COMMISSION MINUTES**  
**October 16, 2014**

**CONSENT AGENDA**

**CASE NO. 10-6-04**

00:10:12 Mr. Towler lives in Phase 1 of the Wolf Pen Springs Development and he had a concern with why the roads in Phase 1 weren't paved, but the roads in Phase 2 were paved. He wanted to know if there was a timeline associated with getting the pavement done in Phase 1.

00:11:02 Commissioner Brown responded to Mr. Towler's question and explained to him that there was more development in Phase 2 at the time and the developers were working their way out. He also said if the forfeiture goes through and they get all the approvals they will work with the developers to get it done quickly.

**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.**

On a motion by Commissioner Proffitt, seconded by Commissioner Butler, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Jefferson County Attorney's office to begin the forfeiture proceedings based on the evidence presented and the evidence from the Jefferson County Attorney's Office.

**The vote was as follows:**

**YES: Commissioners Blake, Proffitt, Tomes, Turner, White, Brown and Butler.**

**NO: No one.**

**NOT PRESENT AND NOT VOTING: Commissioners Jarboe, Kirchdorfer and Peterson.**

**ABSTAINING: No one.**

**PLANNING COMMISSION MINUTES**  
**October 16, 2014**

**CONSENT AGENDA**

**CASE NO. 14STREETS1010**

**Request:** Alley closure between Camden and Strader Streets

**Project Name:** Jacob School Senior Apartments

**Location:** 3670 and 3670 R Wheeler Avenue

**Owner:** LEED Properties, LLC  
13425 Eastpoint Centre Drive, Suite 125  
Louisville, KY 40223

**Applicant:** Bywater Development Group  
8 Church Street  
Saint Louis, MO 63135

**Representative:** Mindel Scott and Associates, Inc.  
5151 Jefferson Blvd, Suite 101  
Louisville, KY 40219  
Wyatt Tarrant and Combs, PLLC  
500 W. Jefferson Street, Suite 2800  
Louisville, KY 40202

**Jurisdiction:** Louisville Metro

**Council District:** 15-Marianne Butler

**Staff Case Manager:** Julia Williams, AICP, 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:**

00:12:51 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report.

**PLANNING COMMISSION MINUTES**  
**October 16, 2014**

**CONSENT AGENDA**

**CASE NO. 14STREETS1010**

**Discussion:**

Commissioners had no discussion on this case.

**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.**

On a motion by Commissioner White, seconded by Commissioner Turner, the following resolution was adopted.

**WHEREAS**, the Louisville Metro Planning Commission finds, Public facilities will not be affected by the alley closure as the alley was unimproved and never utilized as an alley.

**WHEREAS**, the Louisville Metro Planning Commission further finds, The applicant is responsible for the cost of the alley closure.

**WHEREAS**, the Louisville Metro Planning Commission further finds, As indicated in the attached Comprehensive Plan checklist, the proposal meets the guidelines of Cornerstone 2020.

**WHEREAS**, the Louisville Metro Planning Commission further finds, No other matters were brought up by the Planning Commissioners seated on the LD&T committee.

**WHEREAS**, the Louisville Metro Planning Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the legislative body of Louisville Metro Government that the requested alley closure between Camden and Strader Streets at the Craig and Wheeler block and otherwise described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Blake, Proffitt, Tomes, Turner, White, Brown and Butler.**

**NO: No one.**

**NOT PRESENT AND NOT VOTING: Commissioners Jarboe, Kirchdorfer and Peterson.**

**ABSTAINING: No one.**

**PLANNING COMMISSION MINUTES**  
**October 16, 2014**

**PUBLIC HEARING**

**CASE NO. 14ZONE1031**

**Request:** Change in zoning from R-5 to R-7 with waivers

**Project Name:** Jacob School Senior Apartments

**Location:** 3670 and 3670 R Wheeler Avenue

**Owner:** LEED Properties, LLC  
13425 Eastpoint Centre Drive, Suite 125  
Louisville, KY 40223

**Applicant:** Bywater Development Group  
8 Church Street  
Saint Louis, MO 63135

**Representative:** Mindel Scott and Associates, Inc.  
5151 Jefferson Blvd, Suite 101  
Louisville, KY 40219  
Wyatt Tarrant and Combs, PLLC  
500 W. Jefferson Street, Suite 2800  
Louisville, KY 40202

**Jurisdiction:** Louisville Metro

**Council District:** 15-Marianne Butler

**Staff Case Manager:** Julia Williams, AICP, 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:**

00:15:23 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report.

**PLANNING COMMISSION MINUTES**  
**October 16, 2014**

**PUBLIC HEARING**

**CASE NO. 14ZONE1031**

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

Cliff Ashburner, 500 W. Jefferson Street, Ste 2800, Louisville, KY 40202  
J. David Dodson, #8 Church Street, Saint Louis, MO 63135

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

00:25:06 Cliff Ashburner presented a power point regarding the Bywater Development which was a former school, a historic structure being reused as Senior housing apartments.

00:31:26 David Dodson thanked the staff and all those that were involved in this project. He said that he was very excited to be able to bring this development to this historic structure and the neighborhood.

**Deliberation:**

00:34:17 Planning Commissioners all agreed that it was a great reuse of the structure and agreed with the development of this project.

**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.**

**Zoning Change from R-5 to R-7**

On a motion by Commissioner Proffitt, seconded by Commissioner Turner, the following resolution was adopted.

**WHEREAS**, the Louisville Metro Planning Commission finds, after reviewing testimony from the October 16, 2014 public hearing and examining the record, hereby makes the following findings.

**WHEREAS**, the applicant, Bywater Development Group, LLC, is proposing to redevelop the old Jacob School campus into 62 apartments and associated common areas for an affordable senior housing development; the subject property is in the Jacob neighborhood and faces Wheeler Avenue; the subject property is bounded on the west by Craig Avenue, on the south by Strader Avenue, on the north by Camden Avenue and

**PLANNING COMMISSION MINUTES**  
**October 16, 2014**

**PUBLIC HEARING**

**CASE NO. 14ZONE1031**

on the east by Wheeler Avenue; the applicant is proposing to maintain and reuse almost the entirety of the existing school building; and the applicant will also reconfigure the parking area along Craig Avenue by reducing the overall amount of pavement and creating a parking area for passenger vehicles; and

**WHEREAS**, the proposed development complies with the intent of Guideline 1 because it will not disturb the grid pattern in the area and it will preserve and redevelop the existing school building as senior housing as encouraged by the Traditional Neighborhood Form District; and

**WHEREAS**, the proposed development complies with this Guideline and its applicable Policies because the proposed development will use the existing structure on the subject property and will maintain the open space along Wheeler Avenue; because the proposed development will add useable open space along Craig Avenue where there is currently pavement; because there will be sufficient off-street parking provided behind the existing school building with appropriate buffers along Craig Avenue; because the proposed development should not generate a significant amount of traffic, especially when compared with the former school; and because the proposed development will provide an alternative housing arrangement to seniors and , thus, will be designed with accessibility in mind; and

**WHEREAS**, proposed development complies with the intent of both Guideline 4 and Guideline 5 and their applicable Policies because the subject property contains the historic Jacob School building and associated grounds; because much of the rear of the school was paved over some time ago but will be reclaimed as open space as part of the project; and because the applicant is seeking tax credits to help with the historic renovation of the school building, which mandate that the character of the building be preserved; and

**WHEREAS**, the proposed development complies with the intent of both Guideline 7 and Guideline 9 and their respective applicable Policies because the proposed development will contain entrances that match the existing alley system that runs north and south through the neighborhood and will provide sufficient off street parking; because the proposed development will also preserve sidewalks and will contain pedestrian connections to the accessible entrances of the renovated building to allow for those with accessibility issues to visit the property; and because transit is not available on Wheeler Avenue but is available on Taylor Boulevard, a few blocks away; and

**WHEREAS**, the proposed development complies with the intent of Guideline 10 and Guideline 11 and their respective Policies because the subject property is not in the floodplain; because the proposed development will increase the amount of open space

**PLANNING COMMISSION MINUTES**  
**October 16, 2014**

**PUBLIC HEARING**

**CASE NO. 14ZONE1031**

on the subject property and control stormwater runoff in a way that it is not currently controlled; because the proposed development is not near any streams; and because the proposed redevelopment will allow for the re-use of a site and building in an established area, reducing the need to build on more sensitive sites elsewhere; and

**WHEREAS**, the proposed development complies with the intent of Guideline 12 and its Policies because the proposed development will use existing infrastructure and will generate very little traffic, as many of the residents do not own cars and because the proposed rezoning should have little impact on air quality in the area; and

**WHEREAS**, the proposed development complies with the intent of Guideline 13 and its Policies because the proposal will increase landscaping along Craig Avenue and will clean up that which is on the Wheeler Avenue side of the building and because the applicant will plant trees necessary to comply with tree canopy requirements and will reduce the overall amount of impervious surface on the site;

**RESOLVED**, that the Louisville Metro Planning Commission does hereby recommends to the Louisville Metro Council that is **APPROVE** the requested change in zoning from R-5 Single Family Residential to R-7 Multi-Family Residential.

**The vote was as follows:**

**YES: Commissioners Blake, Proffitt, Tomes, Turner, White, Brown and Butler.**

**NO: No one.**

**NOT PRESENT AND NOT VOTING: Commissioners Jarboe, Kirchdorfer and Peterson.**

**ABSTAINING: No one.**

**PLANNING COMMISSION MINUTES**  
**October 16, 2014**

**PUBLIC HEARING**

**CASE NO. 14ZONE1031**

**Waivers**

On a motion by Commissioner Proffitt, seconded by Commissioner Turner, the following resolution was adopted.

**WHEREAS**, the proposal includes a new parking area and new open space; because the property is in the Traditional Neighborhood Form District, certain site design requirements apply, including the private yard and accessory structure area concepts; Section 5.4.1 governs residential site design and prohibits parking in the private yard area and parking access in the accessory structure area; and

**WHEREAS**, the applicant is seeking to waive these two site design requirements in order to allow for the parking to be located close to the existing building and the yard and buffer area to be located nearest the residents on Craig Avenue; and

**WHEREAS**, the requested waivers will not adversely affect any adjacent property owners because of the subject property was used as a school before closing several years ago; because the area of the property now at issue is largely paved, so parking in that area will not create any adverse impact on adjoining property owners; because having the parking close to the building is essential for many of the likely residents, seniors that are more likely to be handicapped or need mobility assistance; and because flipping the yard and parking area will also provide an attractive buffer to the homes across Craig Avenue; and

**WHEREAS**, the requested waivers will not violate the Cornerstone 2020 Comprehensive Plan because the site design standards contemplate several structures facing a street with alley access; because, in the present case, the alley that crosses the property has never been built and is covered partially with the school building therefore, the site design standards cannot be met, and because the applicant has designed access to the parking area to match the alley to the north and south of the subject property to provide for safe traffic movement in the area; and

**WHEREAS**, the extent of the waivers is the minimum necessary to afford relief to the applicant because the planned population requires placing the parking close to the building and because this will allow for a better functioning site and an attractive buffer between the parking area and the residences on Craig Avenue; and

**WHEREAS**, the strict application of the site design standards would deprive the applicant of the reasonable use of the subject property because the Jacob School has

**PLANNING COMMISSION MINUTES**  
**October 16, 2014**

**PUBLIC HEARING**

**CASE NO. 14ZONE1031**

been vacant for many years and has become a detriment to the surrounding neighborhood; because the applicant will completely renovate the school into senior apartments; because the site design standards were not written for the redevelopment of an entire city block as is being undertaken here, and because the applicant should be granted the requested waivers and allowed to develop the subject property as proposed.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver from Chapter 5.4.1.D.1 to permit off street parking in the private yard area and Waiver from Chapter 5.4.1.E.3 to permit parking outside the accessory structure based on the applicants findings of fact, staff's presentation and testimony and applicants testimony.

**The vote was as follows:**

**YES: Commissioners Blake, Proffitt, Tomes, Turner, White, Brown and Butler.**

**NO: No one.**

**NOT PRESENT AND NOT VOTING: Commissioners Jarboe, Kirchdorfer and Peterson.**

**ABSTAINING: No one.**

**PLANNING COMMISSION MINUTES**  
**October 16, 2014**

**PUBLIC HEARING**

**CASE NO. 14ZONE1031**

**District Development Plan and Binding Elements**

On a motion by Commissioner Proffitt, seconded by Commissioner Butler, the following resolution was adopted.

**WHEREAS**, the Louisville Metro Planning Commission finds, There are no significant natural features evident on the site with the exception of some existing street trees and two trees located at the front entrance of the site. These trees have the potential for preservation due to the lack of construction occurring in the area

**WHEREAS**, the Louisville Metro Planning Commission further finds, Pedestrians are provided for with the existing sidewalks along the existing roadways. Off street parking is provided behind the building.

**WHEREAS**, the Louisville Metro Planning Commission further finds, Open space is provided on the site in front of the building and at the rear of the building between the parking lot and Craig Avenue. The open space can be used actively and passively.

**WHEREAS**, the Louisville Metro Planning Commission further finds, MSD has preliminarily approved the proposal.

**WHEREAS**, the Louisville Metro Planning Commission further finds, The site design is consistent with the existing conditions with the parking being located behind the existing structure.

**WHEREAS**, the Louisville Metro Planning Commission further finds, With the exception of the waivers, the proposal meets the requirements of the LDC and guidelines of the Comprehensive Plan.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan based on the staff report, staff testimony and justifications **SUBJECT** to the following binding elements.

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

**PLANNING COMMISSION MINUTES**  
**October 16, 2014**

**PUBLIC HEARING**

**CASE NO. 14ZONE1031**

2. The development shall not exceed 69,798 square feet of gross floor area.
3. No pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to obtaining any permits. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - d. An alley closure approval for the interior unnamed alley shall be approved prior to requesting a building permit.
  - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and

**PLANNING COMMISSION MINUTES**  
**October 16, 2014**

**PUBLIC HEARING**

**CASE NO. 14ZONE1031**

developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

**PLANNING COMMISSION MINUTES**

**October 16, 2014**

**PUBLIC HEARING**

**CASE NO. 14DEVPLAN1091**

**Request:** **Appeal of DRC action approving a Revised Category 3 Plan at the August 20<sup>th</sup> meeting**

**Project Name:** Candlewood Suites

**Location:** 1041 Zorn Avenue  
Louisville, KY 40207

**Owner:** Quadrant Hospitality, LLC  
1041 Zorn Avenue  
Louisville, KY 40207

**Jurisdiction:** Louisville Metro

**Council District:** 9-Tina Ward-Pugh

**Staff Case Manager:** Latondra Yates, 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.)

**Agency Testimony:**

00:42:29 Latondra Yates discussed the case summary, standard of review and staff analysis from the staff report.

**Discussion:**

00:48:30 Commissioner White asked Mrs. Yates if the peak hours would be different since the development would be sharing the parking lot with other surrounding properties.

Mrs. Yates responded that the applicant should address peak-hour usage, but that the compliance with the parking standards was based on the excess parking, both lots could meet the minimum requirements should the 38 spaces in dispute be lost.

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

**PLANNING COMMISSION MINUTES**  
**October 16, 2014**

**PUBLIC HEARING**

**CASE NO. 14DEVPLAN1091**

Michael Tigue, 401 S. Fourth Street, Louisville, KY 40202

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

00:49:36 Mr. Tigue spoke on behalf of First Capital Reality, Zorn1, LLC and Zorn Hotel, Inc. and gave the Commission some background of the DRC meeting that was held on August 20, 2014. He also stated that the issue that his client is having is the overflow of parking from the client next door. The availability of parking is the problem which led to the appeal. He also states there are 3 spaces that are insufficient and in order to count the space it should be considered a legal space. He then says within their findings the spaces aren't legal and do not meet or satisfy the Land Development Code dimensional requirements.

**Discussion:**

01:05:33 Following Mr. Tigue's presentation several Commissioners had questions.

Commissioner Butler asked about property connection. Mr. Tigue showed Commissioner Butler the connection on the site plan on the power point.

Commissioner Proffitt asked Mr. Tigue if he was in agreement with the parking count that staff came up with in terms of what is been required and what has been provided. Mr. Tigue answered Commissioner Proffitt's question stating he agreed all but one space. Commissioner Proffitt using staff's number count asked again about the spaces that he came up with. Mr. Tigue followed up by saying that the count that Commissioner Proffitt came up with was inaccurate and then explained how they came up with their count.

Several questions went back and forth between Commissioner Proffitt and Mr. Tigue regarding parking spaces and counts.

Commissioner White spoke about the non-compliance of the turning radius according to the Land Development Code.

Commissioner Tomes asked about the access easement and where it was located on the site plan.

Commissioner Butler asked about the access agreement with the Ramada Inn and the third party shared parking agreement.

Commissioner Brown asked Mr. Tigue about spaces on his client's site.

## PLANNING COMMISSION MINUTES

October 16, 2014

### PUBLIC HEARING

#### CASE NO. 14DEVPLAN1091

01:26:48 Commissioner Proffitt asked Mrs. Yates about the parking spaces and how they came up with the numbers. Mrs. Yates stated that she would have to look at the plan to answer the question. Commissioner Blake asked Mr. Bardenwerper to give some clarity on the number count.

#### The following spoke in opposition to this appeal:

Bill Bardenwerper, 1000 N. Hurstbourne Pkwy, Louisville, KY 40223

Mark Madison, 108 Daventry Lane Ste 300, Louisville, KY 40223

Nicholas Pregliasco, 1000 N. Hurstbourne Pkwy, Louisville, KY 40223

#### Summary of testimony of those in opposition of this appeal:

01:29:24 Mr. Bardenwerper gave a power point presentation. He explained that part of the Ramada Inn is being torn down to develop Candlewood Suites. He also explained that the shared parking has 38 spaces on each side and on the approved plan they utilized the parking to count towards the minimum. He then showed the current plan as approved with the new landscape islands and parking spaces.

01:47: 26 Mr. Bardenwerper also said their contingent remains that they have a right to utilize the parking spaces because of the shared agreement; otherwise, they are just surplus spaces.

01:53:52 Commissioner Tomes asked about the shared parking agreement between the two property owners.

Commissioner White asked about the patio area.

Commissioner Proffitt also asked about parking spaces and John Carroll asked about the ground area.

02:04:02 Mark Madison answered the question about the parking calculations and then explained to the Commission about Tract 1 and Tract 2 on the site plan.

#### Rebuttal

02:07:11 Mr. Tigie asked Mr. Madison if he agreed with Mr. Bardenwerper's statement regarding Mr. Madison's firm's competency on evaluating the spaces. Mr. Madison answered and stated he agreed with the statement. Mr. Tigie then asked Mr. Madison if he personally or did anyone in his firm scale off the parking spaces, take dimensions or measure the ILA's that are in question. Mr. Madison answered by saying he did not personally, however, someone within his firm did the survey.

**PLANNING COMMISSION MINUTES**  
**October 16, 2014**

**PUBLIC HEARING**

**CASE NO. 14DEVPLAN1091**

Mr. Tigie also asked Mr. Madison if the 38 spaces are removed, what would be the requirement of being short on Tract 2. Mr. Tigie then said that he believes what was trying to be explained by Mr. Madison would be if they got rid of the shared spaces between Tracts 1 & 2 you would have the correct amount of spaces.

02:18:07 Mr. Bardenwerper crossed examined Mr. Tigie regarding the doubts he had with the survey done by Mr. Madison's firm.

**Deliberation**

02:24:52 Several of the Commissioners had different opinions on what the outcome should be today regarding the decision. Some thought it should be deferred while others felt there was not enough evidence to base their decision.

**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.**

**Appeal**

On a motion by Commissioner Brown, seconded by Commissioner Butler, the following resolution was adopted.

**WHEREAS**, the Louisville Metro Planning Commission finds, that the Development Review Committee decision be upheld from the August 20, 2014 meeting.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **DENY** the appeal, based on staff report, evidence and testimony given today.

**The vote was as follows:**

**YES: Commissioners Blake, Proffitt, Turner, Brown and Butler.**

**NO: No one.**

**NOT PRESENT AND NOT VOTING: Commissioners Jarboe, Kirchdorfer and Peterson.**

**ABSTAINING: Commissioner White and Tomes.**

**PLANNING COMMISSION MINUTES**  
**October 16, 2014**

**PUBLIC HEARING**

**CASE NO. 14DEVPLAN1091**

**PLANNING COMMISSION MINUTES**  
**October 16, 2014**

**PUBLIC HEARING**

**CASE NO. 14DEVPLAN1091**

**STANDING COMMITTEE REPORTS**

**Land Development and Transportation Committee**

No report given.

**Site Inspection Committee**

No report given.

**Planning Committee**

No report given.

**Development Review Committee**

No report given.

**Policy and Procedures Committee**

No report given

**CHAIRPERSON/DIRECTOR'S REPORT**

No report given

**ADJOURNMENT**

The meeting adjourned at approximately 3:48 p.m.

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**Chair**

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**Planning Director**