

PLANNING COMMISSION MINUTES
November 21, 2019

PUBLIC HEARING

CASE NO. 19ZONE1001

Request: Change in zoning from R-4 to R-5 with associated rear yard Waiver and Major Preliminary Subdivision – CONTINUED from 10/31/19 PC

Project Name: Shepherdsville Road Subdivision

Location: 8809 Shepherdsville Road

Owner: Linda Sue Goodwin Neubeck

Applicant: Superior Builders

Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 23 – James Peden

Case Manager: Dante St. Germain, AICP, Planner II

NOTE: Commissioner Mims arrived at 1:26 and voted on this case.

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:

00:23:53 Ms. St. Germain stated the applicant would like to request another continuance to allow them additional time to gather information requested by the Planning Commission.

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:24:24 Mr. Pregliasco stated, at the last meeting, he committed to providing a detailed estimate from LG&E for moving and relocating the telephone poles. There hasn't been any opposition at the other hearings.

00:25:38 Commissioner Carlson said he has thought it over since the last hearing and is not sure that cost should be a factor in making a determination on a case.

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00:26:46 Chair Jarboe said it was not a main factor for this case, but just something to consider.

00:27:17 Commissioner Mims asked Commissioner Brown if the traffic study warranted a signal. Commissioner Brown said the Ky. Transportation Cabinet guidelines were used and, while not a definitive yes or no, it was very close to the auxiliary turn threshold based on traffic projections of growth for the next 2 years.

00:28:07 Commissioner Mims suggests putting language into a bond or surety to let the subdivision get started and generating sales before incurring costs. Also, it will allow time for other developments to contribute as well.

Deliberation

00:32:10 Planning Commission 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.

On a motion by Commissioner Howard, seconded by Commissioner Tomes, the following resolution based on the testimony from the applicant was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the December 5, 2019 Planning Commission meeting as requested.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Howard, Mims, Tomes and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Lewis and Peterson

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Agency Testimony:

00:23:27 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report. Commissioner Mims asked which mobility standards are not being met. Ms. St. Germain listed them.

00:33:12 Commissioner Tomes said the existing home doesn't appear to be architecturally significant. Is it strictly the age that makes it eligible for the national registry? Ms. St. Germain said yes. The Comprehensive Plan makes a distinction between sites that are of cultural significance versus sites that are eligible for the registry, but states that it should be encouraged that structures eligible for the National Registry of Historic Places, even if not on the national register at this time, should be preserved.

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
David Mindel, 5151 Jefferson Boulevard, Suite 101, Louisville, Ky. 40219
Kathy Linares, 5151 Jefferson Boulevard, Suite 101, Louisville, Ky. 40219
Diane Zimmerman, 12803 High Meadows Pike, Prospect, Ky. 40059

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Summary of testimony of those in favor:

00:34:31 Mr. Pregliasco gave a power point presentation. The density will be increased from 4.84 to 4.9 (existing R-4 zoning) and the number of lots will increase from 26 to 34 (existing R-4 zoning). A turn lane would be cost-prohibitive. There are some existing utility poles that will need to be relocated and reworked. A left turn analysis was performed and deemed unwarranted. The lots are smaller with brand new construction, which is a different housing type for the area (seniors particularly).

00:46:09 Mr. Mindel stated that moving the utility poles will be very expensive. The people that attended the neighborhood meeting had no issues with the elevations of the houses. It's an infill area and compatible with the neighborhood. The improvements for the left turn lanes goes off the frontage.

00:49:57 Commissioner Mims asked if the estimate included relocation of the water line. Mr. Mindel said no.

Mr. Mindel said this site is not appropriate for assisted living.

00:51:47 Commissioner Carlson asked what other developments on Shepherdsville Rd. did not have to widen the roads. Ms. Linares said the places that did require center turn lanes were Savannah Springs and Unity Place. The developments that did not require a center turn lane were Shepherds Crossing and Mt. Vernon.

00:54:40 Chair Jarboe asked why the applicant doesn't want to provide the left turn lane if Public Works says it is warranted. Ms. Zimmerman explained her report but doesn't know where the discrepancy lies. Commissioner Brown asked if they looked at additional lots being added off the stub roads that would generate more left turn trips. Ms. Zimmerman said no. Commissioner Brown said that would move the threshold.

00:59:06 Commissioner Carlson asked if the applicant would be willing to widen the shoulder. Mr. Mindel said it would be very difficult.

01:01:44 Commissioner Mims asked Commissioner Brown if there's a possibility of some form of surety or type of funding mechanism being put in place (proportional) when the left turn lane is needed. Commissioner Brown said Public Works doesn't like to take contributions unless there's already a project in place and ready to move forward.

Deliberation

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01:05:42 Commissioner Tomes stated the cost is too excessive for the number of lots being developed. If other properties are developed, all can contribute to a fund.

01:08:10 Commissioner Peterson said he agrees with Commissioner Tomes. The applicant wants to provide lots that are appropriate for the market.

01:08:59 Commissioner Mims said the difference between R-4 and the proposal is not a large number of lots.

01:09:40 Commissioner Daniels said she has an issue with the mobility of this plan.

01:10:38 Commissioner Brown said he can't support the request without the turn lane requirement being fulfilled.

01:11:52 Commissioner Howard said the design is appropriate but mobility is an issue.

01:13:02 Commissioner Carlson said there's a lot of vacant land in the area and the need for the left turn lane will be great in the future. Shepherdsville Rd. is a very heavily travelled road and the emergency vehicles need to be able to get through.

01:15:57 Chair Jarboe stated safety is a major issue.

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Zoning Change from R-4 Single Family Residential to R-5 Single Family Residential

On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution based on the Plan 2040 Staff Analysis was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-4, Single Family Residential to R-5, Single Family Residential on property described in the attached legal description be **DENIED**.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels and Jarboe

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NO: Commissioners Howard, Mims, Peterson and Tomes
NOT PRESENT AND NOT VOTING: Commissioner Lewis

The motion failed.

01:28:20 Commissioner Tomes asked if there was a motion to approve and another tie vote, could it go to the Metro Council without a recommendation?

Mr. Davis said the policies state it would need to be brought back in 30 days and take another vote. After 30 days and it's still a tie vote, it can then go to Metro Council without a recommendation.

01:30:00 Chair Jarboe said the applicant requests a continuance.

On a motion by Commissioner Tomes, seconded by Commissioner Peterson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the November 21, 2019 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Howard, Mims, Peterson, Tomes and Jarboe

NOT PRESENT AND NOT VOTING: Commissioner Lewis

PLANNING COMMISSION MINUTES
October 3, 2019

PUBLIC HEARING

CASE NO. 19ZONE1001

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Agency Testimony:

01:49:52 Ms. St. Germain stated the applicant requests a continuance.

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, 2nd floor, Louisville, Ky. 40223

Summary of testimony of those in favor:

01:50:10 Mr. Pregliasco stated he will reschedule for the next available date. Ms. Williams said that will be October 31, 2019.

Deliberation

01:50:26 Planning Commission deliberation.

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PUBLIC HEARING

CASE NO. 19ZONE1001

On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case for the October 31, 2019 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Peterson, Tomes and Jarboe

NOT PRESENT AND NOT VOTING: Commissioner Smith