

**Planning Commission Minutes
September 21, 2017**

Public Hearing

Case No. 17STREETS1008

Request: Street Name Change from Davenport Drive to
Malone Place

Project Name: Davenport Drive

Location: North/South Davenport Drive from Glen Lakes
Drive to its current terminus north of Vista Lake
Court

Owner: Louisville Metro

Applicant: Jim Obert, IH of KY, Inc.

Representative: Kelli Jones – Sabak Wilson & Lingo, Inc.

Jurisdiction: Louisville Metro

Council District: 19 – Julie Denton

Case Manager: Laura Mattingly, AICP, Planner II

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.)

An audio/visual recording of the Planning Commission public 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.

Agency Testimony:

00:53:32 Laura Mattingly presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Kelli Jones, Sabak Wilson & Lingo, 608 South Third Street, Louisville, KY 40202

Jim Obert, 4901 Hunt Road Suite 300, Cincinnati, OH 45242

Summary of testimony of those in favor of the request:

01:00:16 Kelli Jones, the applicant's representative, said the applicant is fine with the requested street name.

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The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

Deliberation:

01:01:30 Commissioners' deliberation

01:03:27 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution was adopted:

WHEREAS, the Commission further finds that, based on the staff report, the applicant's findings of fact, and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 and the Land Development Code are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested street name change from Davenport Drive to Malone Place on property described in the staff report be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Howard, Smith, Carlson, Peterson, Tomes, Lindsey, Lewis, and Jarboe.

NO: No one

NOT PRESENT: Commissioner Ferguson.

ABSTAIN: No one

**Planning Commission Minutes
August 3, 2017**

Public Hearing

Case No. 17SUBDIV1009 and Case No. 17STREETS1008

Case No. 17SUBDIV1009:

Request: Revised Preliminary Subdivision Plan
Project Name: Glen Lakes Section 4
Location: 408 Flat Rock Road
Owner: IH of KY, Inc.
Applicant: Jim Obert, IH of KY, Inc.
Representative: Kelli Jones - Sabak, Wilson & Lingo, Inc.
Jurisdiction: Louisville Metro
Council District: 19 – Julie Denton

Case Manager: Laura L. Mattingly, AICP, Planner II

Case No. 17STREETS1008:

Request: Street Name Change from Davenport Drive to
Treesdale Drive
Project Name: Davenport Drive
Location: North/South Davenport Drive from Glen Lakes
Drive to its current terminus north of Vista Lake
Court
Owner: Louisville Metro
Applicant: Jim Obert, IH of KY, Inc.
Representative: Kelli Jones - Sabak, Wilson & Lingo, Inc.
Jurisdiction: Louisville Metro
Council District: 19 – Julie Denton

Case Manager: Laura L. Mattingly, 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.)

An audio/visual recording of the Planning Commission public 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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Public Hearing

Case No. 17SUBDIV1009 and Case No. 17STREETS1008

Agency Testimony:

02:33:57 Laura Mattingly presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Kelli Jones, Sabak Wilson & Lingo Inc., 608 South Third Street, Louisville, KY 40202

Jim Obert, 4901 Hunt Road Suite 300, Cincinnati, OH 45242

Caitlin Bowman, 702 Davenport Drive, Louisville, KY 40245

Summary of testimony of those in support:

02:38:50 Kelli Jones, an applicant's representative, reviewed the case and presented new information, using a Power Point presentation (see recording for detailed presentation.)

02:42:57 Jim Obert, the applicant, discussed the request, particularly the cul-de-sac and the renaming of the street (see recording for detailed presentation.)

02:45:55 Caitlin Bowman said she is for the revised plan, specifically due to safety issues (see recording for detailed presentation.)

02:48:33 Ms. Mattingly added that, after the staff report was published, she received seven e-mails from citizens: six were in opposition, and one was in favor.

The following spoke in opposition to the request:

Ken Long, 914 Davenport Drive, Louisville, KY 40245

Julie Brooks, 405 Davenport Drive, Louisville, KY 40245

Beverly Weis, 601 Davenport Drive, Louisville, KY 40245

Summary of testimony of those in opposition:

02:48:55 Ken Long said he was speaking on behalf of homeowners, not the HOA. He said this is the original plan that was sold to buyers, and that the proposed cul-de-sac is about 60% smaller than the others in the subdivision – why not a full cul-de-sac? He explained his opposition to the proposed

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connection (see recording for detailed presentation.) He discussed two petitions, both for and against, regarding the new road design change, and said the majority of residents who signed the petition opposed the change.

03:00:45 Beverly Weis expressed concerns about safety, traffic flow, and subdivision design. She discussed the issues that school buses have had, and said residents should be able to leave the subdivision without using only one congested area. She opposes having two cul-de-sacs. (See recording for her detailed presentation.)

03:06:16 Julie Brooks discussed how the loop maintains a sense of community, and how more connections improve traffic. She discussed the street names and the confusion caused. She handed out pictures of certain street intersections which she said illustrated traffic problems at the front entrance on Flat Rock Road.

03:11:30 In response to some questions from Commissioner Peterson, Mr. Long said the statements he made reflected his opinion, and that no formal statement had been made by the HOA.

The following spoke neither for nor against the proposal ("Other"):

No one spoke.

Rebuttal:

03:21:00 Ms. Jones resumed the podium for rebuttal. She said subdivisions are revised "all the time"; sections of subdivisions come in for revision routinely. She discussed the LDC's requirements for connectivity, and exceptions to those requirements (usually due to geographical features and steep slopes.)

03:13:13 Mr. Obert spoke regarding saving trees, and what environmental regulations / procedures have changed between the original 2003 plan and today. He discussed the "life-safety issue" of having two streets with the same name crossing each other, and also delivery issues.

03:17:32 Mr. Obert, Mr. Long, and the Commission discussed street names other than Davenport Drive or Treesdale.

03:21:40 Commissioners' deliberation

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Case No. 17SUBDIV1009 and Case No. 17STREETS1008

Subdivision (Case No. 17SUBDIV1009)

03:30:03 On a motion by Commissioner Peterson, seconded by Commissioner Howard, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 and the Land Development Code are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Revised Major Preliminary Subdivision Plan, **SUBJECT** to the following Conditions of Approval:

1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
2. The applicant shall submit a plan for approval by the Planning Commission staff's landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by the Planning Commission staff's landscape architect if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.

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3. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
4. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the drip-line of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
5. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 - c. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
6. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
7. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
8. When limits of disturbance are shown on the plan. A note shall be placed on the preliminary plan, construction plan and the record plat that states,

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"Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

9. The **signature entrance** shall be submitted to the Planning Commission staff for review prior to recording the record plat.
10. A minor plat creating the proposed subdivision boundary will need to be recorded prior to recording of the record plat.
11. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
12. Trees will be preserved and/or provided on site as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
13. Prior to requesting certificates of occupancy, the developer shall post street signs and address numbers.
14. **Protection of Trees within the rear yard setback of certain lots.** (a) Within the rear setback area of lots 23 to 33 and 53 to 57 (the "Setback Lots") no hardwood or evergreen tree of 6-inch caliper or greater may be cut down unless prior written authorization of the Glen Lakes Community Association is obtained. Such authorization may be granted only if a tree presents a hazard or is diseased, dead or dying. Any tree removed in for utility purposes, including sanitary sewer and storm water runoff, shall not be required to be replaced. (b) Any such tree cut down in violation of this Binding Element must be replaced by the lot owner. Replacement trees shall be of similar species and shall be located within the same setback area.

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15. **(a) Adjacent Fence Construction.** Prior to the issuance of any building permit for a residence to be constructed within a section or phase of the Subdivision which includes any Setback Lots (a "Setback Phase"), a metal farm field fence ("fence") shall be constructed parallel to the rear lot line of the Setback Lots within such Setback Phase and located approximately one (1) foot within the boundary of the off-site properties abutting such Setback Lots. Fence construction is conditioned upon permission of each affected abutting property owner being granted prior to commencement of fence construction, together with the prior granting of a temporary easement for construction of the fence having been granted to developer, its successors and assigns by each and all such abutting property owners. Following construction of the fence in each such Setback Section, the owners of the real property upon which the fence is constructed shall be responsible for maintenance. Provided that the permission and easements referred to in (a) above are granted the fence shall be constructed prior to issuance of any building permit for any residence in a Setback Section of the Subdivision.
16. **No Lot Subdivision.** No lot owner shall be permitted to subdivide any building lot into 2 or more building lots; however a lot owner shall be permitted to subdivide a lot to create one or more additional non-buildable lot(s).
17. **Pump Station Screening.** If a pump station is located on lot 190 it shall be screened with evergreen plantings and maintained by the homeowners association.
18. **Downward Street Lighting.** Street lighting shall be directed generally downward, but not upward.
19. **No dumping of construction debris.** (a) In the memoranda of understanding between Developer and its contractors, and in the Declaration of Covenants, Conditions and Restrictions for the Glen Lakes Subdivision, the Developer shall include provisions instructing lot purchasers construction workers, contractors and subcontractors, as applicable (i) to refrain from trespassing on neighboring properties, and (ii) not to place or allow construction-related debris to be dumped on neighboring properties.(b) Developer shall advise all lot purchasers, contractors and sub-contractors that they may be prosecuted by adjacent landowners for intentional or negligent off-site dumping of construction-related debris or for other violations of law.

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20. **No commercial logging.** Developer agrees that it shall not engage in commercial logging activities on the site prior to, during, or after construction. This Binding Element applies solely to Developer.
21. **No additional lakes.** No additional lakes than as generally shown on the preliminary subdivision plan shall be constructed.
22. **No higher density.** Developer shall not apply for a change in the subdivision which would result in a higher density than as approved by the Planning Commission at LD&T on October 9, 2003.
23. The Developer shall contribute a sum, not to exceed \$7500.00, as a sharing of cost for a signal to be erected at the intersection of Shelbyville Road and Flat Rock Road. Payment of the cost share shall be made upon request by the Louisville Metro Works Department.
24. Prior to issuance of a Certificate of Occupancy Developer shall widen Flat Rock Road to a width of 3-lanes from the present terminus of the 3-lane section of Flat Rock Road at Kilcott Way northward to the entrance of Glen Lakes Subdivision, including appropriate tapers, all as required by the Louisville Metro Department of Public Works.
25. Prior to recording the record plat, the existing access road off Flat Rock Road and serving adjacent property 17W shall be released as noted on the plan. Access to adjacent lot 17W shall be provided through the subdivision roads and the 30' access easement on lot 181 as shown on the plan. All costs related to releasing, removing and reestablishing this easement shall be borne by the developer. The developer shall also bear the costs of relocating the driveway to adjacent lot 25 to align with Street B of the subdivision.
26. Roadway improvements along Flat Rock Road shall include pavement widening of existing road from a point north of Shelbyville Road and the Flat Rock Road intersection where pavement tapers to two lanes to a point north of the proposed entrance of the proposed subdivision. Roadway design will be in accordance with the proposed Option B Plan submitted in September 2004 to Public Works. Construction of the Flat Rock Road improvement will be completed prior to approval of construction plans for the second section (the first section will not exceed 39 buildable lots).

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The vote was as follows:

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

NO: No one.

NOT PRESENT: Commissioners Smith and Ferguson.

ABSTAINING: No one.

Street Name Change (Case No. 17STREETS1008)

03:31:17 On a motion by Commissioner Peterson, seconded by Commissioner Howard, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 and the Land Development Code are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested street name change from Davenport Drive to Treesdale Drive, the portion to be renamed beginning at Glen Lakes Drive and running northeast /east, then veering north/northwest, as shown on the attached street name change plat, be **APPROVED**.

The vote was as follows:

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

NO: No one.

NOT PRESENT: Commissioners Smith and Ferguson.

ABSTAINING: No one.

PLANNING COMMISSION MINUTES
June 29, 2017

PUBLIC HEARING

CASE NUMBERS 17STREETS1008 & 17SUBDIV1009

NOTE: Case numbers 17STREETS1008 and 17SUBDIV1009 were heard together.

Jurisdiction: Louisville Metro
Council District: 19 – Julie Denton
Case Manager: Laura L. Mattingly, Planner II

17STREETS1008:

Request: Street name change from Davenport Drive to Davenport Place
Project Name: Davenport Drive
Location: North/South Davenport Drive from Glen Lakes Drive to its current terminus north of Vista Lake Court
Owner: Louisville Metro
Applicant: Jim Obert, IH of KY, Inc
Representative: Sabak, Wilson, & Lingo, Inc

17SUBDIV1009:

Project Name: Glen Lakes, Section 4
Location: 408 Flat Rock Rd
Owners: IH of KY, Inc.
Applicant: IH of KY, Inc – Jim Obert
Representative(s): Sabak, Wilson, & Lingo, Inc. – Kelli Jones
Project Area/Size: 42.87 Acres
Existing Zoning District: R-4, Single-Family Residential
Existing Form District: N, Neighborhood

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 reports prepared for these cases were incorporated into the record. The Commissioners received the reports in advance of the hearing, and the reports were available to any interested party prior to the public hearing. (Staff reports are part of the case files maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Planning Commission meeting related to these cases 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.

Agency Testimony:

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PUBLIC HEARING

CASE NUMBERS 17STREETS1008 & 17SUBDIV1009

02:50:20 Laura Mattingly presented the cases. The Commissioners were provided with a list of streets that had similar names such as Davenport Drive and Davenport Place (see Staff Reports and recording for detailed presentation).

The following spoke in favor of the request:

Kelli Jones, 608 S 3rd Street, Louisville, KY 40202

Jim Obert, 4901 Hunt Road, Suite 300, Cincinnati, OH 45242

Caitlin Bowman, 702 Davenport Drive, Louisville, KY 40245

John Keeling, 701 Davenport Drive, Louisville, KY 40245

Summary of testimony of those in favor:

03:02:11 Kelli Jones spoke on behalf of the applicant and gave an overview of the requests. She showed which portion of Davenport Drive would be changed to Davenport Place. In the proposed preliminary subdivision plan, they do not connect the existing portion of Davenport Drive to the new development. One reason the connection is no longer a part of the request is the environmental impact on the stream that flows through the area.

03:05:54 Jim Obert spoke about his work to mitigate the environmental impact of this project. He stated that the name can be changed to something other than Davenport Place, if the Commissioners prefer this.

03:07:57 Ms. Jones showed photographs of the existing stub off Davenport Drive and stated that another reason for these requests is to make this area safer. She provided letters from the Eastwood Fire Department and Emergency Services supporting the name change request.

03:12:20 Mr. Obert stated that having two streets with the exact same name is not only inconvenient, but can be a safety issue.

03:15:12 Caitlin Bowman is a resident of Davenport Drive. She is in support of the revised plan because of her safety concerns. She stated that Davenport Drive ends in a sharp, blind curve that poses a threat to children and adults and she does not want to see a connection built. She is also in support of the street name change.

03:18:18 John Keeling owns the home at the end of Davenport Drive that creates the blind curve. Drivers frequently speed past his house and slam on their breaks when they realize the street is a dead end. He stated that if connection is constructed, it would have to be a bridge because of the existing stream, which could be dangerous if children try to play in the area. He stated that he and other neighbors are willing to work on the landscaping of the stub to make it more aesthetically pleasing, and he noted that they have tried to do this in the past, but were told by property management they could

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PUBLIC HEARING

CASE NUMBERS 17STREETS1008 & 17SUBDIV1009

not. He stated that residents who would be affected by the name change (he would not) were offered \$1,000 for their inconvenience.

The following spoke in opposition to the request:
Kenneth Long, 914 Davenport Drive, Louisville, KY 40245

Summary of testimony of those in opposition:

03:27:32 Kenneth Long is a resident of Davenport Drive. When he moved to this area, he was told that the Glen Lakes subdivision would have a "loop-around" design. He does not understand why this design was abandoned when the project was restarted. He provided a diagram to the Commissioners of what the subdivision was supposed to look like according to the original development plan. He stated there is a petition in the record of 82 signatures of homeowners who are opposed to the plan.

Rebuttal:

03:42:00 Mr. Obert spoke in rebuttal. He confirmed the developers did offer the affected parties \$1,000 for the inconvenience of the name change. He does not feel a connection will have that much of an impact on safety, but the name change will be beneficial to the community. In response to Commissioner Carlson, Mr. Obert stated he would be willing to work with the city to come up with a reasonable solution to the speed issues at the end of Davenport Drive. He reiterated that there is no preference for the new street name.

03:48:08 Mr. Long stated that buying a home is a big decision. Home buyers should sufficiently research what they're buying. It is his understanding that Public Works is generally not in favor of speed bumps in neighborhoods like this one.

03:51:50 Commissioners' deliberation

Commissioner Tomes feels the subdivision changes are appropriate and suggested that signage be posted in the front of the street and ahead of the curve to reduce incidents of speeding.

Commissioner Brown favors connectivity over the use of cul-de-sacs, however, if a cul-de-sac is constructed, he feels it should be a full cul-de-sac with a 50' right-of-way radius. He does not buy the argument that the connection was removed from the plan due to concerns for environmental effects. He feels the street name change is warranted, but would like the street name to be changed to something different from Davenport Place to avoid any more confusion in the future. Public Works would support installation of speed bumps if the need meets their criteria.

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Commissioner Ferguson can see both sides of the argument, but sees that a lot of the people who would be affected by this are in favor. She agrees with Commissioner Brown that the street name should be completely different and that a connection is preferred, but overall, the project is appropriate.

Commissioner Lindsey also feels that the name change should be different from Davenport Place. She respects the decision of the applicant to protect the environment and does not think it is necessary to build a connection. But she does feel that there needs to be a better terminus at the end of Davenport Drive than what is there currently.

Commissioner Carlson is not convinced that removing the connection from the plan is due to concern for the environmental conditions. As a former fire chief, he is supportive of the name change to avoid any confusion for fire and emergency services.

Chair pro tem Lewis also does not feel that environmental concerns are a factor in the decision to remove the connection from the plan, and that this decision was probably made for financial reasons. If a connection is not made, a cul-de-sac should be constructed at the end of the stub street. She feels that signage is warranted and that it would be appropriate for the developer to contribute to the cost of signage considering what is being saved by not creating a connection. The street name change is needed.

04:05:40 The Commissioners discussed the option to construct a cul-de-sac at the end of Davenport Drive.

04:07:00 Ms. Jones stated that it would be difficult to construct a full regulation size cul-de-sac at the stub end without getting into the environmental impacts they were trying to avoid. If this was not the case, they would have included a cul-de-sac in the plan.

04:08:45 Mr. Obert stated he would be happy to work with the neighbors and Transportation to come up with something that could be constructed at the dead end.

04:11:44 Mr. Long stated that a full cul-de-sac would probably cost the same as a connection.

04:12:44 Ms. Jones stated that she would like the case to be continued so that some of the questions that have come up during the hearing can be answered and to see if a full cul-de-sac is feasible. This will also allow more time for another name to be decided upon and brought back to the Commission.

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CASE NUMBERS 17STREETS1008 & 17SUBDIV1009

17STREETS1008

04:15:01 On a motion by Commissioner Carlson, seconded by Commissioner Ferguson, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** case number 17STREETS1008 to the August 3, 2017 meeting of the Planning Commission.

The vote was as follows:

Yes: Brown, Carlson, Lewis, Ferguson, Tomes and Lindsey

Absent: Howard, Peterson, Jarboe, and Smith

Abstain: None

No: None

17SUBDIV1009

04:15:55 On a motion by Commissioner Carlson, seconded by Commissioner Ferguson, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** case number 17SUBDIV1009 to the August 3, 2017 meeting of the Planning Commission.

The vote was as follows:

Yes: Brown, Carlson, Lewis, Ferguson, Tomes and Lindsey

Absent: Howard, Peterson, Jarboe, and Smith

Abstain: None

No: None

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

June 8, 2017

New Business

Case No. 17STREETS1008 (this case is associated with Case No. 17SUBDIV1009)

The following spoke in favor of the request:

Kelli Jones, Sabak Wilson & Lingo, 608 South 3rd Street, Louisville, KY 40202

Jim Obert, 4901 Hunt Road Suite 300, Cincinnati, OH 45242

Summary of testimony of those in favor:

00:38:53 Kelli Jones, the applicant's representative, said she was presenting BOTH cases together (combined both the street closure and the subdivision plan into her Power Point presentation.) She read two letters of support from EMS and the Eastwood Fire Department into the record [letters on file], and added that homeowners affected by the street name change will each be reimbursed \$1000 to cover expenses.

00:48:20 Commissioner Carlson asked about the stream that was already on the property before the subdivision was designed. Ms. Jones briefly described some of the history on the property, and added that Sabak Wilson & Lingo did not get involved in this development until this last portion of the development. Commissioner Carlson asked for further research from the applicant about what the original plans were for the blue-line stream.

00:50:03 Commissioner Carlson suggested a completely different street name, which would make directions more clear for emergency responders. He and Ms. Jones discussed that issue.

00:52:10 Commissioner Lewis asked if a permit was required for a street to cross a stream. Ms. Jones said an ACOE permit is required. See recording for detailed presentation. She also pointed out and discussed some ephemeral streams on the site.

00:54:20 Paul Whitty, attorney for the Planning Commission, asked Ms. Jones if she/the applicant had informed agencies that the applicant was proposing to create two dead-end streets. Ms. Jones said yes. Mr. Whitty and Ms. Jones discussed the two agency letters supporting the street name change/s and whether or not they also supported the street plan.

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

June 8, 2017

New Business

Case No. 17STREETS1008 (this case is associated with Case No. 17SUBDIV1009)

00:56:10 In response to a question from Commissioner Carlson, Ms. Jones pointed out locations for garbage trucks/fire trucks/large vehicles to turn around without having a cul-de-sac, which could impact the stream.

00:58:13 Commissioner Lewis asked if there plans for connections for pedestrian and/or bicycle traffic. Ms. Jones said that had been considered. She added that there is a sidewalk which would enable pedestrians/bicyclists to make a connection by using the sidewalk.

00:59:35 Jim Obert, an applicant's representative, discussed various issues (mostly about crossing the stream with a road, preserving trees, and the importance of not impacting the stream.) He discussed the reasoning behind the street name change proposal/s.

01:06:38 Ms. Mattingly addressed Commissioner Carlson's concerns about notifications to, and approvals from, fire departments/emergency services regarding the street name changes.

The following spoke in opposition to the request:

Kathy Storm, 908 Davenport Drive, Louisville, KY 40245

Kenneth Long, 914 Davenport Drive, Louisville, KY 40245

Summary of testimony of those in opposition:

01:07:54 Kathy Storm was called to speak but ceded her time to Kenneth Long.

01:08:12 Kenneth Long spoke in opposition (see recording for detailed presentation.) He said that 25 of 47 residents abutting Davenport Drive had signed an agreement to rename Davenport Drive. He said that 10 of those 25 are homeowners. He presented a petition from the neighbors stating their opposition to the current proposed street design for Davenport Drive. His reasons for opposition include: this subdivision was originally proposed for a "loop-around" design road plan; the end of Davenport Drive will remain a stub street with only one way to exit; and his concern that emergency vehicles will

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have only one-way-in, one-way-out. He read a letter which was sent out to homeowners in April of this year regarding the promise of the issuance of \$1000 to each qualified homeowner, along with a follow-up (clarification) letter (on file).

01:19:47 Mr. Long said the "intermittent stream" is actually a drainage ditch for water runoff, not a stream.

The following spoke neither for nor against:

No one spoke.

Rebuttal:

01:21:39 Ms. Jones presented the applicant's rebuttal (see recording for detailed presentation.) She discussed the classification of the stream as "intermittent", and the length of cul-de-sacs as defined by the Land Development Code.

01:23:36 Mr. Long resumed the podium and expressed concern about potential delays in emergency response if the streets aren't connected. He described his conversation with Lt. Commander Sutz (sp). He also requested that, if the street name has to change, make it something that differentiates it from "Davenport Drive" (not "Davenport Place").

01:25:32 Commissioner Lewis outlined possible actions to be taken on these two cases by LD&T and/or the Planning Commission.

01:26:31 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby schedule Case No. 17STREETS1008 to be heard at the **June 29, 2017** Planning Commission public hearing.

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The vote was as follows:

YES: Commissioners Carlson, Peterson, and Lewis.

NO: No one.

NOT PRESENT: Commissioner Brown.

ABSTAINING: No one.