

PLANNING COMMISSION MINUTES
March 5, 2020

PUBLIC HEARING

19-ZONE-1029

Request: Change in zoning from R-4 to R-6 with a Detailed District Development Plan and binding elements, and associated Waivers

Project Name: Hurstbourne Multi-Family

Location: 7000 Ridge Creek Road; 6601 Sunny Hill Road; 7191 South Hurstbourne Parkway

Owner: Hurstbourne Corporate Group; Bruce M. Plymale Revocable Trust

Applicant: Hurstbourne Corporate Group

Representative: Mindel Scott & Associates

Jurisdiction: Louisville Metro

Council District: 2 – Barbara Shanklin
24 – Madonna Flood

Case Manager: Dante St. Germain, 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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

05:31:52 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Using the site plan, she discussed the proposed connections for Quail Ridge and Ridge Creek Road.

05:42:53 Travis Fiechter, legal counsel for the Planning Commission, and Ms. St. Germain discussed binding element #6, which she said she wrote specifically for this development to address concerns.

The following spoke in support of this request:

Clay Barkley, Strobo Barkley, 239 S 5th St Suite 917, Louisville, KY 40202 (applicant's representative)

PLANNING COMMISSION MINUTES
March 5, 2020

PUBLIC HEARING

19-ZONE-1029

Kent Gootee and David Mindel, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Adam Kirk, 137 McClelland Springs Drive, Georgetown, Kentucky 40324

Tia Brown, 7216 Chestnut Tree Lane, Louisville, KY 40291

Susanne Cheek (sp), Duncan Commercial Real Estate, 150 Thierman Lane, Louisville, KY 40207

Summary of testimony of those in support:

05:43:45 Clay Barkley, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

05:49:47 David Mindel, an applicant's representative, described some of the technical issues involved with designing the site (see recording for detailed presentation.) His discussion centered on topography and grade.

05:51:31 Mr. Barkley resumed the presentation and explained the Alternative Connectivity Plan.

05:52:04 Kent Gootee, an applicant's representative, further discussed pedestrian connectivity.

05:53:09 Mr. Barkley resumed his presentation, showing transportation in the area.

05:56:16 Adam Kirk, an applicant's representative, presented the traffic analysis.

06:01:57 Mr. Barkley concluded his presentation.

06:02:56 Tia Brown, who lives in the subdivision behind this site, spoke in support. She wants to make sure the development will increase the property values for the surrounding areas. She also favors more connectivity, because right now her community only has one access onto Watterson Trail. She said this is dangerous, especially during the winter. There are no sidewalks once she leaves her community, either on Watterson Trail or Hurstbourne. She said she had hoped for a more mixed-use development, with both commercial and residential.

06:05:44 In response to some questions from Commissioner Carlson, Mr. Mindel and Mr. Gootee discussed different subdivisions and proposed subdivisions along

PLANNING COMMISSION MINUTES
March 5, 2020

PUBLIC HEARING

19-ZONE-1029

South Watterson Trail and in this area (see recording for detailed conversation.) Commissioner Carlson asked Mr. Kirk if these new/proposed projects would change his traffic analysis as presented today. Mr. Kirk said he understood that most of the residential units are to the south and most have a direct connection to Hurstbourne, Watterson Trail, and Stone Bluff. He said traffic on the north side would not be affected as much (see recording.)

The following spoke neither for nor against this request (“Other”):

James R. Owens, 6611 Sunny Hill Road, Louisville, KY 40228

Wanda Owens, 6611 Sunny Hill Road, Louisville, KY 40228

Summary of testimony of those neither for nor against:

06:11:45 James Owens asked if there is any plan to have traffic go down Sunny Hill Road. He said Sunny Hill Road is a one-lane, dead end road but it does have access to the south side. Ms. St. Germain said Sunny Hill is well south of the proposed development.

06:15:33 Wanda Owens was called but declined to speak.

The following spoke in opposition to this request:

Joseph N. Wahlen, 7107 Ridge Creek Road, Louisville, KY 40291

Lori Nagel, 7124 Quail Ridge Road, Louisville, KY 40291

Summary of testimony of those in opposition:

05:15:41 Joseph Whelen said his primary concern is that he and his neighbors do not want traffic from the planned apartments coming in to the Quail Run subdivision. He said the proposed widening of Watterson Trail “never happened”.

06:19:24 Lori Nagel discussed traffic issues; also, she said South Watterson Trail “desperately” needs to be repaved and repaired. She said she has no problem not being connected, and does not want to be connected. She said she and her husband deliberately chose a dead-end with no connection to Quail Ridge or Ridge Creek.

PLANNING COMMISSION MINUTES
March 5, 2020

PUBLIC HEARING

19-ZONE-1029

06:22:50 Commissioner Brown asked the applicant for more detail about the proposed nature trail. Mr. Gootee said it must be ADA-compliant and will be a hard durable surface.

Rebuttal

06:23:53 Mr. Barkley presented the applicant's rebuttal (see recording.)

06:25:16 In response to some questions from Commissioner Mims, Mr. Gootee discussed the proposed underground parking.

06:26:37 Commissioner Mims also asked about the compatibility of the design on the west side of Hurstbourne. Mr. Gootee discussed the waivers and why they were being requested (see recording for detailed discussion.) Susanne Cheek, with Duncan Commercial Real Estate, said this will be a separate development.

06:29:06 Commissioners' deliberation.

06:33:41 Commissioners Howard and Brown discussed how the topography might affect connectivity (see recording.)

06:38:23 In response to a question from Commissioner Howard, Commissioner Brown discussed the 16-foot depth which will require some filling and grading (see recording.)

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.

Alternative Plan for Connectivity

06:44:03 On a motion by Commissioner Howard, seconded by Commissioner Daniels, the following resolution, based on the evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the Alternative Plan for Connectivity be **APPROVED**.

PLANNING COMMISSION MINUTES
March 5, 2020

PUBLIC HEARING

19-ZONE-1029

The vote was as follows:

YES: Commissioners Howard, Peterson, Daniels, Mims, and Jarboe.

NO: Commissioners Brown and Carlson.

NOT PRESENT: Commissioners Tomes and Lewis.

Zoning

06:45:54 On a motion by Commissioner Howard, seconded by Commissioner Peterson, the following resolution, based on the Staff Plan 2040 Checklist, staff's Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Community Form: Goal 1** because the proposed zoning district would permit higher density and intensity uses. The site is located adjacent to an existing activity center and would expand the center; and the required LBAs and plantings will be provided; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Community Form: Goal 2** because the proposed zoning district change will permit residential uses; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Community Form: Goal 3** because proposed construction is not on wet or highly permeable soils, or severe, steep or unstable slopes; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Community Form: Goal 4** because the applicant proposes to preserve approximately 22% of the existing tree canopy on the Neighborhood portion of the site; and no historic assets are apparent on the site; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Mobility: Goal 1** because the proposed zoning district would permit higher density and intensity uses. The site is located near an existing activity center and will provide a transition between that activity center and the residential uses to the east; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Mobility: Goal 2** because Access to the site is from S Hurstbourne Parkway; and

PLANNING COMMISSION MINUTES
March 5, 2020

PUBLIC HEARING

19-ZONE-1029

WHEREAS, the Commission further finds that the proposal meets the intents of **Mobility: Goal 3** because the proposed zoning district would permit multi-family housing in an activity center, increasing the variety of compatible land uses in the vicinity. The proposal would permit housing to be constructed near an employment center; most traffic to and from the site will be on S Hurstbourne Parkway, which is a major arterial and equipped to handle the additional traffic; and no direct residential access to high-speed roadways is proposed; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Community Facilities: Goal 2** because the relevant utilities have approved the proposal; Louisville Water Company has provisionally approved the proposal; and MSD has approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Livability: Goal 1** because approximately 22% tree canopy is being preserved on the Neighborhood portion of the lot. The protected waterway buffer around Fern Creek and the floodplain are both being preserved; the site is located on karst topography and karst features are being mostly avoided by development. Development that takes place on top of karst features must mitigate hazards; and MSD has approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Housing: Goal 1** because the proposed zoning district would permit multi-family housing, increasing the variety of housing in the vicinity; and the proposal would promote aging in place by increasing the variety of housing options in the neighborhood; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Housing: Goal 2** because the proposed zoning district would permit inter-generational, mixed-income development. There is commercial zoning in the vicinity; and the subject site is not located along a transit corridor, but it is located immediately adjacent to an existing activity center; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Housing: Goal 3** because the proposal would increase the variety of ownership options throughout Louisville Metro, and expand opportunities for people to live in quality, variable priced housing in locations of their choice; no existing residents live on the subject site to be displaced; and the proposal would allow the use of innovative methods of housing; and

PLANNING COMMISSION MINUTES
March 5, 2020

PUBLIC HEARING

19-ZONE-1029

WHEREAS, the Commission further finds that the proposal meets the intents of **Community Form: Goal 1** because the proposed zoning district would permit higher density and intensity uses. The site is located adjacent to an existing activity center and would expand the center; and the required LBAs and plantings will be provided. The portion of the site that is located in the Suburban Workplace form district must comply with transition zone limitations; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Community Form: Goal 3** because development will avoid wet or highly permeable soils, and severe, steep or unstable slopes; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Community Form: Goal 4** because the applicant proposes to preserve approximately 58% of the existing tree canopy on the Suburban Workplace portion of the site; and no historic assets are apparent on the site; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Economic Development: Goal 1** because a small portion of the site is located in the Suburban Workplace form district, and will serve the workplace district employees by providing housing; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in zoning from R-4 Single Family Residential to R-6 Multi-Family Residential on property described in the attached legal description be **APPROVED**.

The vote was as follows:

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

NOT PRESENT: Commissioners Tomes and Lewis.

Waivers

Waiver #1 - Waiver from Table 10.3.1 to permit a building to encroach into the required 75' parkway setback (19-WAIVER-0078)

Waiver #2 - Waiver from Table 10.3.1 to permit parking and a dumpster to encroach into the required 50' parkway buffer area (19-WAIVER-0081)

PLANNING COMMISSION MINUTES
March 5, 2020

PUBLIC HEARING

19-ZONE-1029

06:46:47 On a motion by Commissioner Howard, seconded by Commissioner Peterson, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver #1 - Waiver from Table 10.3.1 to permit a building to encroach into the required 75' parkway setback (19-WAIVER-0078); **AND** the requested Waiver #2 - Waiver from Table 10.3.1 to permit parking and a dumpster to encroach into the required 50' parkway buffer area (19-WAIVER-0081).

The vote was as follows:

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

NOT PRESENT: Commissioners Tomes and Lewis.