

**PLANNING COMMISSION MINUTES**  
**August 29, 2017**

Project Name: Prospect Cove Senior Residences  
Location: 6500 Forest Cove Lane and 7301 River Road  
Owner(s): Prospect Development LLC  
Applicant: LDG Multi-Family LLC  
Jurisdiction: Louisville Metro  
Council District: 16-Scott Reed  
**Case Manager: Julia Williams, RLA, AICP, Planning Supervisor**

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:**

00:05:36 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

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

Clifford H. Ashburner, 101 S. 5<sup>th</sup> St., Suite 2500, Louisville, Ky. 40202  
Kelli Jones, 608 S. 3<sup>rd</sup> St., Louisville, Ky. 40202  
Anthony Butler, Studio A Architecture, 2330 Frankfort Ave., Louisville, Ky. 40206  
Diane B. Zimmerman, 12803 High Meadows Pike, Prospect, Ky. 40059  
Cathy Hinko, P.O. Box 4533, Louisville, Ky. 40204  
Susan Miller, 6406 Transylvania Beach Rd., Prospect, Ky. 40059  
Michael Gross, 1469 South 4<sup>th</sup> Street, Louisville, Ky. 40208  
Michele Walters Barnett, 6606 Shirley Ave., Prospect, Ky. 40059

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

00:12:43 Mr. Ashburner gave a power point presentation.

Mr. Ashburner discussed building design, occupancy and the conservation easement. The treed area will be protected in the form of a Woodland Preserved Area. Appropriate inclusive housing should be dispersed throughout the entire community. The building design and increased trees to be planted are the major changes to the plan.

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00:30:55 Ms. Jones gave a power point presentation. Most of the changes deal with building design (very few site changes). The tree canopy was changed to a Woodland Preserved Area (WPA) and Tree Canopy Credit Area (TCCA).

00:33:13 Mr. Butler, architect for the project, stated he is attentive to the needs of his client as well as the concerns of the neighbors. The original design was more contemporary and is now more residential.

00:36:16 Ms. Zimmerman stated there were no changes to the traffic impact study since the January 2017 Planning Commission meeting.

00:36:43 Mr. Ashburner introduced a new binding element as follows: Occupancy of the subject property will be compliant with the Fair Housing Act and the Housing for Older Persons Act of 1995.

00:47:17 Ms. Hinko, Metropolitan Housing Coalition, stated we need to start housing projects (like this) now because seniors are living longer.

00:53:49 Ms. Miller said she was shocked to read in the Courier Journal that so many people are opposed to affordable housing for seniors.

00:58:37 Mr. Gross stated low income housing tax credit properties don't have any impact on the property value of nearby homes.

01:00:18 Ms. Barnett stated that the plan presented today is an improvement; however it would be better if it were 2-3 stories and more than one entrance for safety purposes.

**The following spoke in opposition to this request:**

Grover Potts, 2500 PNC Plaza, Louisville, Ky. 40202  
Mayor John Evans, 8101 Montero Dr., Prospect, Ky. 40059  
John "Herb" Shulhafer, 2 Autumn Hill Court, Prospect, Ky. 40059  
John P. Simpson, 8501 Harrods Bridge Way, Apt. 201, Prospect, Ky. 40059  
Fred Rosenblum, 8501 Harrods Bridge Way, Apt. 302, Prospect, Ky. 40059  
Jeffrey Goldberg, 7405 Wycliffe Dr., Prospect, Ky. 40059  
Linda Knox, 6606 Deep Creek Dr., Prospect, Ky. 40059  
Leroy Gough, 5004 , Louisville, Ky. 40218  
Michael M. Powers, 7106 Gunpowder Ct., Prospect, Ky. 40059  
Mike Thomas, 7207 River Rd., Prospect, Ky. 40059  
Roy Givens, 6520 Gunpowder Ln., Prospect, Ky. 40059  
Meme S. Runyon, 455 S. 4<sup>th</sup> St., Suite 990, Louisville, Ky. 40202  
Barry Weinshenker, 12009 Charlock Court, Prospect, Ky. 40059  
Frank Fulcher, 6914 Wythe Hill Circle, Prospect, Ky. 40059  
Clifford Kuhn, M.D., 7608 Endecott Place, Prospect, Ky. 40059

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Al Binsfield, 7609 Smithfield Greene Lane, Prospect, Ky. 40059  
Elsa Riggs, 6521 Harrods View Ct., Prospect, Ky. 40059  
Luke Schmidt, 6316 Inouk Brooke Dr., Prospect, Ky. 40059  
John Besore, 6510 Sedgwick Dr., Prospect, Ky. 40059  
Dr. Stuart Miles, 7302 Fox Harbor Rd., Prospect, Ky. 40059  
Moss Clore, 2319 Stone Leigh Ct., Louisville, Ky. 40222  
Linda Creech, 7217 Hunters Run Dr., Prospect, Ky. 40059

**Summary of testimony of those in opposition:**

01:10:05 Mr. Potts questioned the applicants/representatives. The building is massive and inappropriate for the neighborhood. There are approximately 1,000 in opposition because of compatibility issues. Also, none of the multi-family buildings in Prospect are over 2-stories.

01:37:54 Mayor Evans stated he would gladly support a smaller shorter building design. There's a possibility of 752 people living there and no jobs nearby to support them. Also, there's no public transportation available.

01:49:10 Mr. Shulhafer stated there's no binding element for a maximum number of units. The utility building is 12 feet away from a neighbor's living unit, making it an undesirable situation. The main concern is residents and their quality of life.

01:55:38 Mr. Simpson stated the site is 100 feet away from a gas station and the fumes inhaled over a period of time can cause some cancers and respiratory issues. This could lead to a legal liability issue for the city.

01:59:53 Dr. Rosenblum stated gasoline gives off an aroma that can be absorbed through the lungs and skin. Instead of a structure being 100 feet away, it should be 100 meters away.

02:02:40 Dr. Goldberg is a cancer surgeon. He was interested in the public health aspect of this proposal. After the January 2017 hearing, he reviewed the medical literature related to the health impact of the development proposal. There will be a negative impact for potential residents living in this development. Some other issues included: no primary care services close by in the area; Medicaid and Medicare; no public transportation – TARC 3 not sufficient; no parks within walking distance; and increase in pedestrian accidents.

02:27:17 Ms. Knox mentioned the lack of public transportation and challenges the staff report where it indicates that the plan meets the code regarding Mobility and Transportation Guideline 9.

02:31:04 Mr. Goff spoke about the incompatibility of the size of the structure compared to its surroundings.

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02:33:15 Mr. Powers said his main concern is the impact. There are too many units being proposed.

02:39:00 Mr. Thomas stated he doesn't like the comparison of 56 units to 198 units – large impact. Also, a single entrance is an issue as well.

02:42:57 Mr. Givens stated the need for good housing and felt like the proposal was a slum.

02:46:42 Ms. Runyon, River Fields, mentioned the impact to the River Corridor. The proposal is not a managed development and it's out of character with the area. She also questioned why there was no conservation easement proposed.

02:51:51 Mr. Weinshenker spoke about response times to fires and explosions. Most people die from smoke inhalation.

02:54:04 Mr. Fulcher stated there's a potential for 400 young people living in the proposed facility.

02:55:55 Dr. Kuhn, a psychiatrist, stated there are mental health hazards as well.

02:57:08 Mr. Binsfield stated he'll probably be the most affected from this project. The size of the project is the main concern. It's just not compatible.

02:59:07 Ms. Riggs stated she's opposed to "warehousing" people. The landscaping will not be enough to shield the 4-story building year-round and there is no room for buffering the parking lot near Timber Ridge.

03:01:11 Mr. Schmidt, member of Prospect City Council, stated he's opposed to the proposal and asks that the committee vote no.

03:01:57 Mr. Besore stated that the traffic data provided by the Prospect police may be different now. Since school is back in, the numbers may be double.

Mr. Besore said he wants to see a distribution in the ages of the residents living in the proposed facility.

03:05:29 Dr. Miles, member of the Prospect City Council, stated there is a need for senior housing, but people in Prospect buy houses and downsize by moving into patio homes. The project is too dense.

03:08:28 Mr. Clore stated there will be issues with emergency personnel being able to get to the facility and access certain areas of the building.

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03:12:27 Ms. Creech stated, statistics/numbers can be manipulated to say whatever you want them to say. Also, there will be younger people living in these apartments.

**Rebuttal**

03:16:28 Mr. Ashburner discussed the following: traffic studies were the same; regarding health aspects and the gas station – Air Pollution Control District (APCD) reviews all plans and has approved this proposal; potential increase in crime; calling it a slum is a scare tactic; occupancy - not relevant; plan is in compliance; increased tree canopy; compatibility – being dealt with through building design, buffering and distance.

**Deliberation**

Commissioner Brown supports the zoning change and traffic study indicates that Timber Ridge has capacity to serve development.

Commissioner Peterson stated APCD has signed off on the proposal and the design has been greatly improved.

Commissioner Lindsey stated the proposal is compatible and there's adequate buffering by the existing mature trees. There is a need for this type of development in District 16 and the rest of Louisville Metro. The development will add diversity to the area.

Commissioner Howard stated that this plan is in compliance as low and high densities go together in Village Center.

Vice Chair Lewis stated the proposal is appropriate as it meets the intent of the Comprehensive Plan. The increased tree canopy is a plus. The building will mostly be visible from the Timber Ridge which is the short side of the building. The character along River Road will be kept.

Chair Jarboe stated that he agrees with his fellow Commissioners and indicated the design change is better than what was expected. 500 feet of the building is facing River Road but there is a large wooded area separating it from the road.

**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-5A, R-4 and OR-1 to R-7**

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

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**WHEREAS**, The Louisville Metro Planning Commission, having reviewed evidence submitted to its staff and heard in public hearings on January 31, 2017 and August 29, 2017 and having reviewed the staff report and testimony in the same public hearings, makes the following findings and takes the following action:

**WHEREAS**, the applicant, LDG Multifamily, LLC (the "Applicant") proposes to rezone the subject property from R-4 Single-family Residential R-5A Multi-family Residential and OR-1 Office Residential to R-7 Multi-family Residential. The subject property is approximately 9.61 acres and is located at the southeast corner of River Road and Timber Ridge Drive. The subject property is located in the Village Form District which may contain a small-scale village center with a mixture of uses, such as offices, shops, restaurants, services and a diversity of housing types that may be higher in density than the rest of the district.

**WHEREAS**, the proposed development complies with the Cornerstone 2020 Comprehensive Plan ("Cornerstone 2020") as set out below;

**WHEREAS**, the Planning Commission finds that the proposal complies with the intent and applicable Policies of **Guideline 1-Community Form** because it provides a different housing type than that which is available in the immediate area; because the subject property is adjacent to other zoning districts that allow high density residential development; because the proposed development will maintain a significant amount of wooded open space; and

**WHEREAS**, the Planning Commission finds that the proposal complies with the intent and applicable Policies of **Guideline 2-Centers** because the subject property is located adjacent to a Village center and will be supported by the commercial uses located there; because the proposed development is compact, using approximately half the site for building area and preserving the remainder; because the proposed development is compatible with the adjacent commercial, multi-family and institutional uses surrounding the subject property; because the applicant has offered to help design pedestrian improvements to improve accessibility between the subject property and the commercial properties across Timber Ridge Drive.

**WHEREAS**, the Planning Commission finds that the proposed development complies with the intent and applicable Policies of **Guideline 3-Compatibility** because the subject property was previously approved for a medical office building, two 45-foot tall condominium buildings and a branch bank; because the site of the proposed branch bank has been developed as a Kroger fuel station, while the remainder has remained undeveloped; because the proposed 45-foot tall apartment building will be compatible with surrounding uses, as there are several multi-story buildings in the area; because the site will be landscaped to buffer the parking area nearest to Timber Ridge Drive, and the Applicant will use building materials compatible with those in the area; because the Applicant has redesigned the proposed building to include more suburban design elements, including a hipped roof and balconies; because the density of the proposed

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development is compatible with the office and commercial uses surrounding it, although it is higher than the surrounding single-family area; because the proposed development includes significant setbacks from both River Road and Timber Ridge Drive; because Policy 13 of Guideline 3 encourages the location of housing for the elderly near shopping and transit routes; because Policy 14 of Guideline 3 states that appropriate/inclusive housing should be provided throughout Jefferson County and that variable-priced housing should be dispersed throughout the community; because Policy 15 states that “[f]orm district standards should encourage the use of innovative methods to increase the production of appropriate/inclusive housing;” and because the proposed development providing appropriate/inclusive housing for the elderly in an area that is served by commercial and institutional uses.

**WHEREAS**, the Planning Commission finds that the proposal complies with the intent and Policies of **Guideline 4-Open Space** because approximately 40% of the land area of the subject property is and will remain green space, including a significant stand of trees along River Road; because the proposed development has been designed to limit the amount of the subject property being disturbed; because the Applicant has proposed to plant additional trees on the subject property to create a net increase in tree canopy on the subject property; because the Applicant proposes to create a courtyard, including a pool, for outdoor recreation; and because the subject property is located a short car ride from both Putney Pond and Hays Kennedy parks, providing residents significant opportunities to enjoy the outdoors on their own terms.

**WHEREAS**, the Planning Commission finds that the proposal complies with the intent and applicable Policies of **Guideline 5-Natural Areas and Scenic and Historic Resources** because, as shown on the plan, nearly all of the natural areas on the subject property are being preserved or enhanced with additional trees; because the portion of the subject property nearest River Road will be preserved as a Woodland Protection Area, preserving both the view along River Road and at the intersection of River Road and Timber Ridge Drive; and because there are no historical resources on the subject property to preserve.

**WHEREAS**, the Planning Commission finds that the proposal complies with the intent and applicable Policies of **Guideline 7-Circulation** because the proposed development includes 198 dwelling units restricted to residents over the age of 55; because the subject property is located on Timber Ridge Drive, which also serves office and retail centers in the heart of Prospect; because Louisville Metro Public Works has requested, and the Applicant has undertaken, a traffic study finding that there will be a negligible impact on area traffic; because residents of the proposed development will have access to many of the surrounding retail uses by using the sidewalk network in the commercial area; because the Applicant is dedicating right of way where necessary and will make a restricted payment in lieu of providing a sidewalk along River Road to enhance bicycle mobility in the River Road corridor; and because the proposed development includes parking that exceeds the minimum required in the Land Development Code.

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**WHEREAS**, the Planning Commission finds that the proposal complies with the intent and applicable Policies of **Guideline 9-Bicycle, Pedestrian and Transit** because the proposed development will provide funding for future bicycle improvements on River Road and will provide pedestrian connections to the sidewalk network along Timber Ridge Drive.

**WHEREAS**, the Planning Commission finds that the proposal complies with the intent and applicable Policies of **Guidelines 10-Flooding and Stormwater and 11-Water Quality** because the proposed development has been designed to minimize the disturbance of the floodplain area of the subject property and to minimize the impact on the intermittent stream that runs through the subject property; because the Applicant is providing a combination water quality/detention basin to slow the flow of and clean surface water coming from the building and site parking; because the proposed development is also minimizing the amount of impervious surface by building up, not out, and providing an appropriate, code-compliant level of parking; and because the Applicant will use best management practices to ensure that sediment from erosion does not impact the floodplain area of the subject property.

**WHEREAS**, the Planning Commission finds that the proposal complies with the intent and applicable Policies of **Guideline 12-Air Quality** because the proposed development is surrounded by services for residents, including restaurants, banking, a grocery, at least two pharmacies, offices, and other commercial uses; because all of these services are within an easy walk from the subject property; and because the location of the proposed development near so many services will limit car travel from the subject property and its attendant air quality issues.

**WHEREAS**, the Planning Commission finds that the proposal complies with the intent and applicable Policies of **Guideline 13-Landscape Character** because the proposal, through the preservation of a significant stand of trees along River Road, the planting of additional trees between the proposed building area and the existing trees along River Road, and the planting of significant buffers along its property lines, far exceeds the requirements for tree canopy and will result in a net increase in tree canopy; and because the Applicant proposes to leave the old driveway, gate the entrance onto River Road and not to have any signage or lighting on that portion of the subject property, retaining the existing rural character of that end of the subject property.

**WHEREAS**, the Planning Commission finds that the proposal complies with the intent of Cornerstone 2020 to "[p]romote the integration of appropriate housing units in all neighborhood, traditional neighborhood, and village form districts so that no form district can be employed as a means to exclude appropriate housing from residential neighborhoods."

**WHEREAS**, the Planning Commission finds that the proposal complies with the intent of Cornerstone 2020 "allow a variety of housing types . . . to provide housing choices for



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people of differing ages and incomes and should encourage the integration of appropriate housing.”

**WHEREAS**, the site is located in the Village Form District. Village Form is characterized by predominately low to medium density residential uses where the pattern of development is distinguished by open space such as parks, greenways, and farmland protected by conservation easements. The Village Form should have a small-scale village center with a mixture of uses such as offices, shops, restaurants, services and a diversity of housing types that may be higher in density than the rest of the district. The village center may be arranged around a village green. Low-density residential uses interspersed with open space may be encouraged at the edge of the Village. Village Form should be designed to encourage pedestrian, bicycle and transit use; and

**WHEREAS**, natural features on the site include the designated WPA along River Road and an intermittent stream that runs through the property which will not be disturbed. The development portion of the site is located on the flattest land with minimal disturbance to the existing canopy on the site. A floodplain compensation area will involve tree removal but will help with flooding in the area and run off from the development; and

**WHEREAS**, the proposal is not introducing low to medium residential to the area as the site is already zoned for low (R-4), medium (R-5A), and high density (OR-1). The proposal is not introducing a density that is not already permitted. Open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area. The area is being preserved as a Woodland Preserved Area (WPA). Open space is also being provided in the form of the compensation basin and pool amenity area. The open space on the plan would not be considered park or park-like or farm land since it is a wooded area. The sanitary sewer line and compensation area as well as the other open space areas on the site may not make the wooded area suitable for a greenway.

**WHEREAS**, the proposal is not located at the edge of the Village Form. The proposal is located in the Village Form Outlier just outside the Village Center where a diversity of housing types that may be higher in density is encouraged. The proposal is located adjacent to an existing activity center that has been created along Timber Ridge Drive. River Road is a major arterial and there is an established non-residential shopping center located across Timber Ridge Drive from the site. Established non-residential uses are also found on both sides of Timber Ridge to the intersection of US 42. High density has a lesser impact when located next to other high density or higher intensity uses because the infrastructure in those areas have been or are designed for high volumes. With the proposal being located across the street from higher intensity uses, the result is an efficient use of land and lower cost infrastructure. The proposal is utilizing only a portion of the site closest to adjacent developments and preserving the rest which makes the proposal compact. The existing strip centers in the area will be

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served by the high density residential proposed. Existing and proposed sidewalks on the site and around the adjacent area will encourage alternate modes of transportation; and

**WHEREAS**, the Louisville Metro Planning Commission further finds all other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby recommend to Metro Council for **APPROVAL** of Case No. 16ZONE1056, a change in zoning from R-5A, R-4 and OR-1 to R-7 based on the staff report, testimony heard today and at the January 31, 2017 Public Hearing, and the applicants proposed findings of fact.

**The vote was as follows:**

**YES: Commissioners Brown, Howard, Lewis, Lindsey, Peterson and Jarboe**  
**NOT PRESENT AND NOT VOTING: Commissioners Carlson, Ferguson, Smith and Tomes**

**Waiver from Chapter 10 to permit the encroachment of an easement into a LBA by more than 50%**

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

**WHEREAS**, the waiver will not adversely affect adjacent property owners since the screening and planting requirements will still be met; and

**WHEREAS**, Guideline 3, Policy 9 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and

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waterborne pollutants. The intent of the buffer area will still be met since the screening and planting requirements will still be met; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since accommodating the full buffer outside the easement would result in the building site being moved closer to the existing wooded area. The intent of the buffer area will still be met since the screening and planting requirements will still be met; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) since the proposal calls for a large wooded area between the building site and River Road to be preserved. Also the easement is an access easement where the buffer and planting requirements will still be met within the area.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the waiver from Chapter 10 to permit the encroachment of an easement into a LBA by more than 50% based on the staff report and testimony heard today and previous meetings.

**The vote was as follows:**

**YES: Commissioners Brown, Howard, Lewis, Lindsey, Peterson and Jarboe**  
**NOT PRESENT AND NOT VOTING: Commissioners Carlson, Ferguson, Smith and Tomes**

**Revised District Development Plan and Binding Elements**

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

**WHEREAS**, there do not appear to be any historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site. A wooded area and the intermittent stream that runs through it between the building site and River Road is being preserved in a Woodland Preserved Area; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

**WHEREAS**, open space is provided along River Road in the form of an existing wooded area where an intermittent stream runs through a portion of the area; and

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**WHEREAS**, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised District Development Plan with amendments to binding elements (binding elements to only be removed and replaced for the subject site only):

**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.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.

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- b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. 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 prior to obtaining 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.
5. 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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 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.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 29, 2017 Planning Commission meeting.
9. The applicant shall plant 35 deciduous Type A trees in the area of the subject property between River Road and the proposed water quality/detention basin.
10. The site shall be developed in accordance with the woodland protection areas delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.

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11. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission counsel. Deed Restrictions must be recorded prior to tree preservation approval. All plans setting out woodland protection areas must contain the following notes:
- A. Woodland Preserved Areas (WPAs) identified on this plan represent portions of the site on which all existing vegetation with the exception of invasive species and noxious plants such as poison ivy etc. shall be permanently preserved. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees are lost thru natural causes new trees shall be planted in order to maintain minimum tree canopy as specified in Chapter 10, Part 1 of the LDC and as shown on the approved Tree Canopy/Landscape Plan.
  - B. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
  - C. Tree protection fencing shall be erected adjacent to all WPAs prior to Site Disturbance Approval (Clearing & Grading) to protect the existing tree stands and their root systems. The fencing shall be located at least three (3) feet from the outside edge of the tree canopy and shall remain in place until all construction is completed.
  - D. No parking, material storage or construction activities are permitted within WPAs
  - E. During all construction activity (includes clearing, grading, building construction, and VUA construction) a copy of the approved Tree Preservation Plan shall be on-site.
  - F. The site shall be developed in accordance with the Woodland Protection Areas delineated on the site plan and related notes. Any modification of Woodland Preserved Areas requires notification of adjoining property owners and LD&T action.

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12. Occupancy of the subject property will be compliant with the Fair Housing Act and the Housing for Older Persons Act of 1995.

**The vote was as follows:**

**YES: Commissioners Brown, Howard, Lewis, Lindsey, Peterson and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Carlson, Ferguson, Smith and Tomes**

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
NIGHT HEARING  
January 31, 2017**

A meeting of the Louisville Metro Planning Commission was held on Tuesday, January 31, 2017 at 6:00 p.m. at the Springdale Community Church, located at 4601 Springdale Road, Louisville, Kentucky.

**Commission members present:**

Vince Jarboe, Chairman  
Jeff Brown  
Robert Peterson  
Lula Howard  
Richard Carlson  
Emma Smith

**Commission members absent:**

Marilyn Lewis, Vice Chair  
David Tomes  
Marshall Gazaway

**Staff Members present:**

Emily Liu, Director, Planning and Design Services  
Joseph Reverman, Assistant Director, Planning and Design Services  
Brian Davis, Planning & Design Manager  
Julia Williams, Planner II  
Paul Whitty, Legal Counsel  
Chris Cestaro, Management Assistant (minutes)

**Others:**

Tony Kelly, Metropolitan Sewer District (MSD)

The following matters were considered:



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**Public Hearing**

**Case No. 16ZONE1056**

**Request:** Change in zoning from R-5A, R-4, and OR-1 to R-7 on approximately 9.61 acres with a waiver, Revised District Development Plan and Amendments to Binding Elements.

**Project Name:** Prospect Cove

**Location:** 6500 Forest Cove Lane & 7301 River Road

**Owner:** Prospect Development LLC  
Jeff Perkins, Representative  
107 Emmett Avenue  
Bowling Green, KY 42101

**Applicant:** LDG Multi-Family, LLC  
Michael Gross – Representative  
1469 South Fourth Street  
Louisville, KY 40208

**Representatives:** Cliff Ashburner  
Dinsmore & Shohl LLP  
101 South Fifth Street Suite 2500  
Louisville, KY 40202

**Engineer/Designer:** Kelli Jones  
Sabak Wilson & Lingo  
608 South Third Street  
Louisville, KY 40202

**Jurisdiction:** Louisville Metro

**Council District:** 16 – Scott Reed

**Case Manager:** Julia Williams, RLA, 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

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part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**An audio/visual recording of the Louisville Metro Planning Commission meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Agency Testimony:**

Julia Williams presented the case and showed a Power Point presentation. See staff report, presentation, and transcript (all on file) for detailed presentation.

Grover Potts, attorney for the City of Prospect, asked Ms. Williams about zoning categories in the area. He said there is no "high density" housing on this property or in the surrounding area. Ms. Williams said no, but there is medium-density housing across the street. Commissioner Brown asked if the density the applicant is requesting could be satisfied in the OR-1 zone. Ms. Williams said yes, and explained why the applicant had requested the R-7 zoning category.

Mr. Potts asked Ms. Williams if the majority of the site is zoned R-4. Ms. Williams said yes.

**The following spoke in favor of the proposal:**

Cliff Ashburner (applicant's attorney),  
Dinsmore & Shohl  
101 South 5<sup>th</sup> Street Suite 2500  
Louisville, KY 40202

Kelli Jones  
Sabak Wilson & Lingo  
608 S. 3<sup>rd</sup> Street  
Louisville, KY 40202

Diane Zimmerman  
9420 Bunsen Parkway  
Louisville, KY 40220

David Mindel (was called but did not speak)  
Mindel Scott & Associates

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Cathy Hinko  
Metropolitan Housing Coalition  
P.O. Box 4533  
Louisville, KY 40204

Vadim Kaplan  
2330 Frankfort Avenue  
Louisville, KY 40206

John Johnson  
6108 Fox Cove Court  
Prospect, KY 40059

Michael Gross  
1469 S. 4<sup>th</sup> Street  
Louisville, KY 40208

Irv Martin  
2821 Biggin Court  
Louisville, KY 40220

Kevin Dunlap  
1535 West Broadway  
Louisville, KY 40203

Joyce Garner  
7300 Happy Hollow Lane  
Prospect, KY 40059

Sadiqua Reynolds  
Prospect, KY 40059

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

Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation. See presentation and transcript (on file) for detailed presentation. He emphasized that there will *not* be "750 people" in this proposed building.

Kelli Jones, an applicant's representative, explained the design process for this site. She said the applicant is providing double the parking required for senior housing, and is providing a net gain of tree canopy, particularly at tree maturity.

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The applicant is providing approximately 3 ½ times the required amount of open space.

She corrected the area of the landscape overlap waiver. She said there is a 10-foot utility easement that runs along the south property line. The applicant has a 15-foot landscape buffer, so that is also an area where there is a landscape easement overlap. Plantings will be provided in that area.

Vadim Kaplan, the architect, discussed the design of the buildings and their visibility from surrounding areas. Mr. Ashburner added the building will be largely obscured due to existing trees.

Diane Zimmerman, traffic engineer, discussed the traffic impact study (on file) and explained why this project would lessen traffic, compared to traditional multi-family housing. She said that no improvements are recommended for the affected intersections. She compared generated traffic of senior housing vs. un-age-restricted apartments.

Mr. Ashburner discussed pedestrian mobility, particularly regarding safe crosswalks and connecting to Kroger and other commercial developments in the area. He discussed the existing Brookstone senior housing project, its relationship to this project, and how much parking they have vs. how much is actually being used. He discussed Jefferson Crossings and their parking (a non-age-restricted project.) He talked about what the Village form district means, how it can be used, and compatibility of density.

Cathy Hinko, representing the Metropolitan Housing Coalition, discussed fair and affordable housing issues. She said that, according to one study's estimate, by 2040, Louisville Metro will have doubled our population of seniors. She emphasized the importance of affordability and accessibility, as well as the location of the site.

John Johnson spoke about the importance of open and fair housing, diversity, and affordable housing for seniors. He also said this site is an excellent place for senior housing.

Michael Gross was called by declined to speak.

Irv Martin said he is a Brookstone resident and loves it. He described all of the positive aspects about living at Brookstone to demonstrate what "senior housing" is like.

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Kevin Dunlap, Executive Director of Rebound, spoke as a non-profit housing developer. He also discussed the importance of fair and affordable housing across the community, and why it is needed in Prospect.

Joyce Garner discussed the importance of walkable access to convenient services.

Mike Thomas said he thinks the proposed design is ugly, institutional, and is not appropriate in Prospect (Mr. Thomas actually was in opposition; his testimony is continued under "Opposition".)

Sadiqa Reynolds emphasized the need for affordable housing in every part of the Metro community. She said that concentrating affordable housing in one area is "ghettoizing"; spreading out affordable housing in every part of the community "shares the load." She said the current infrastructure is designed for high volume. What will we do when our incomes change with age?

In response to a question from Mr. Potts, Mr. Ashburner defined the age restrictions as 55 years or older, no one under age 18, one person in each unit must be 55 or older and if there is one under age 55, they must be a spouse or a caretaker.

Mr. Potts discussed household size and how many people would be occupying these units.

In response to a question from Mr. Potts, Mr. Ashburner discussed how this project is compatible in an area that is primarily single-family residential. He and Ms. Jones discussed the enhanced buffer along River Road and the rate of tree growth; also compensation for floodplain building, and how this will preserve open space.

Mr. Potts and Mr. Ashburner discussed the meaning of density as per the Land Development Code/Cornerstone 2020. Mr. Ashburner said this is higher residential density; however, development *intensity* is less than commercial development. The current zoning of the site was discussed.

Mr. Potts cross-examined Ms. Zimmerman regarding Timber Ridge Drive and whether that is a "residential street" (thus affecting its speed limit.) She said Timber Ridge Drive is a collector level road that connects to arterial streets. The use of the street was discussed.

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In response to several questions from Commissioner Carlson, Mr. Ashburner said there are other higher-density developments in this area and towards Holiday Manor on U.S. 42. He talked about how visible this project will be to other homes in the area. He talked about the great need for affordable senior housing, nationwide as well as in Prospect. Mr. Ashburner described why this will remain senior housing, and not revert to non-age restricted (the number of parking spaces would not comply.) There is no place on the site to put an additional 90 parking spaces. He discussed the Land Use Restriction which binds the project to a certain use for a number of years.

In response to a question from Commissioner Howard, Mr. Ashburner showed the elevations of the building to point out the entrances.

In response to a question from Commissioner Jarboe, Ms. Williams said the site is in the Village form district, but it is in the "Village Outlying" district (the Kroger across the street in in the "Village Center" district.)

In response to a question from Commissioner Jarboe, Mr. Ashburner said this could have been developed using OR-1 zoning instead of R-7. He said the applicant thought that a residential classification would work better.

**\*\*\*\*The Commission recessed for 10 minutes\*\*\*\***

**The following spoke in opposition to the proposal:**

Grover Potts (attorney for City of Prospect)

Wyatt Tarrant & Combs

2500 PNC Plaza

Louisville, KY 40202

Harold Schewe

6912 Wythe Hill Circle

Prospect, KY 40059

Evan Comer

7011 Shallow Lake Road

Prospect, KY 40059

Matt Straub

6801 Fairway View Court

Prospect, KY 40059

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Rebecca Pendell  
4913 Olde Creek Way  
Prospect, KY 40059

Mike Haag  
6001 Timber Ridge Place  
Prospect, KY 40059

Cheryl Buckley  
Anthony Buckley  
8711 Lynnhall Court  
Prospect, KY 40059

John Simpson  
8501 Harrods Bridge Way  
Prospect, KY 40059

Lee Cory  
31 River Hill Road  
Louisville, KY 40207

Greg Huelsman  
7210 Hunters Run Drive  
Prospect, KY 40059

Rob Prince  
6923 Wythe Hill Circle  
Prospect, KY 40059

Elizabeth Padgett  
7013 Shallow Lake Road  
Prospect, KY 40059

Eric Michael  
6708 Gunpowder Lane  
Prospect, KY 40059

Mike Sowell  
6800 Transylvania Avenue  
Prospect, KY 40059

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John Shulhafer  
2 Autumn Hill Court  
Prospect, KY 40059

Paul Tayler  
(number unknown) Mayfair Avenue  
Prospect, KY 40059

Stacey Anderson  
7304 Fox Bluff Place  
Prospect, KY 40059

Stuart Miles  
7302 Fox Harbor Road  
Prospect, KY 40059

Mike Thomas  
7207 River Road  
Prospect, KY 40059

Rande Swann  
6701 John Hancock Place  
Prospect, KY 40059

Meme Runyon  
River Fields  
445 South 4<sup>th</sup> Street Suite 990  
Louisville, KY 40202

Al Binsfield  
7609 Smithfield Greene Lane  
Prospect, KY 40059

Elsa Riggs  
6521 Harrods View Circle  
Prospect, KY 40059

Barry Weinschenker  
12009 Charlock Court  
Prospect, KY 40059



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Fred Huecker  
Susan Huecker  
7413 Smithfield Greene Lane  
Louisville, KY

Clifford Kuhn  
7608 Endecott Place  
Prospect, KY 40059

Susan Nicholson  
6801 Gunpowder Lane  
Prospect, KY 40059

Sean Verdi  
6915 Wythe Hill Circle  
Prospect, KY 40059

Mike Grannan  
7109 Cannonade Court  
Prospect, KY 40059

Margaret Adams Collier  
7211 River Road  
Prospect, KY 40059

Roberta Wasserstrom  
7407 Smithfield Greene Lane  
Prospect, KY 40059

Sandra Leonard  
7302 Edgemore Place  
Prospect, KY 40059

Frank Fulcher  
6914 Wythe Hill Circle  
Prospect, KY 40059

Michele Walters Barnett  
6606 Shirley Avenue  
Prospect, KY 40059

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Mike Powers  
7106 Gunpowder Court  
Prospect, KY 40059

John Evans  
8101 Montero  
Prospect, KY 40059

**Summary of testimony of those in opposition to the proposal:**

Grover Potts, attorney for the City of Prospect, discussed the age restrictions. He asked that there be a binding element that would require 100% of the units to be occupied by at least one person of at least 55 years of age. He said the City of Prospect is not opposed to affordable housing, but rather the "magnitude" of this proposal. He submitted petitions opposing the project, and showed a Power Point presentation.

He reviewed "Compatibility" from the Comprehensive Plan, and expressed concern about the high-density use in a low-density, R-4 residential area. He said higher density zoning has been used for commercial uses, not residential. There is concern about the scale of the building and the intensity of use. He said the square footage is "huge" for a Village form district. This is an "urban, institutional" design with an industrial design, scale, and mass. He said this will be a "visual intrusion", not only to nearby residences, but to the River Road corridor (you can't hide a 45-foot building.)

Regarding compatibility, Mr. Potts identified other multi-family projects in and around Prospect and the Hunting Creek areas. He showed photos of 1 ½ - 2 story buildings and reviewed the zoning classifications for each site. He said there is only one other R-7 site in these areas.

He added that Timber Ridge is a local road, not a collector.

He further discussed the "industrial, urban" design, height, mass, scale, and the open space/unbuildable area on the property. He showed a photo of a recently-constructed building in Nulu, which bore a resemblance to the proposed design.

John Evans, Mayor of the City of Prospect, gave a brief history of the City – a "home-rule City". He said this project would cause a big impact in residential growth. He said Prospect does have low-income housing (the Hunting Hills condominiums) and is racially diverse. He discussed the neighborhood meeting

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held by the applicant in November of 2016, and disputed the “affordability” issue – he said he himself could not afford to live in these new apartments.

Mike Powers said he is a proponent of affordable housing. He said this project is incompatible and is too dense for such a small parcel of land, with too many units. He supports “deconcentration”, or scattered-site housing.

Michelle Walters Barnett said the proposed design will not give the residents a good quality of life. She said the project is too dense, with only two elevators and no balconies. She said this is not like the Brookstone project, and overcrowding could become an adverse issue. She said a similar, smaller design could be welcomed; also, rent with an option to buy. She said it is not true that all these residents will be sitting at home and not driving. She said the applicant said there will only be four employees – two to manage rental issues, and two for maintenance. Are there enough employees to handle residents’ needs? She asked about amenities, parking for visitors, fitness areas, and if the sidewalks were walkable.

Frank Fulcher discussed increasing the number of seniors in Prospect by about 35%. He said Prospect does not have a hospital, and asked if medical facilities and police protection are adequate.

Sandra Leonard, a member of the Prospect City Council, expressed concern about compatibility, and that residents would not have access to services or public transportation.

Roberta Wasserstrom said this is a HUD “80/20” building. It is the wrong building in the wrong place, due to parking, mass, size, and scale. She said only half of the parcel is buildable. She asked how the income level of the residents will be monitored? She expressed concern that there will be no amenities.

Margaret Adams Collier owns property immediately adjacent to the site. She agreed that at least half of this site is not buildable (steep hillside, boggy bottom land, and a protected treed area.) She said the creek is not an “intermittent stream”, it is a year-round creek. She said there is no adjacent “activity center” there; only 1-2 story homes. She is concerned about height, density, and dumpsters on the property.

Mike Grannan discussed the lack of “easily accessible” public transportation and healthcare services.

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Sean Verdi spoke in opposition. He said he has never seen any impact study done regarding the ability of police or emergency services to serve these potential residents.

Susan Nicholson discussed the traffic study. She said Timber Ridge Drive is maintained by the City of Prospect road and is not a Metro Louisville road. She also said that 25-mph speed-limit signs are posted on Timber Ridge Drive. She disputed the traffic impact conclusions, and also addressed the impact the development could have on the Prospect police force.

Clifford Kuhn said the greenspace is an unusable, swampy floodplain. It produces a large area of deep ponded water.

Susan Huecker said that, if 754 people will be living in this building, then 313 parking spaces would be needed.

Fred Huecker said the project would have an adverse impact of the scenic corridor of River Road.

Barry Weinshenker said only two elevators serving so many residents on multiple floors are unsafe.

Elsa Riggs said the building design is "terrible" and does not fit in with the village. She said the property is "swampy".

Al Binsfield discussed flooding and asked if the drainage swale would create additional flooding. He discussed the density of the project and expressed concerns about a loss of privacy for current residents.

Meme Runyon, Director of River Fields, said they had asked developer to lower the building and reduce number of units but developer didn't offer to make any changes. She said she feels this is "spot zoning". Not compatible with character of the neighborhood or the Scenic Byway. She went through the staff report and disagreed with some check marks for some of the elements (see transcript for detailed presentation).

Rande Swann talked about lack of potential jobs for people that may want to work there. She said there is no public transportation to get people to jobs located outside of Prospect.

Mike Thomas said he doesn't like design of the building and is concerned that it will have a visible impact on his property. He discussed the project from a law

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enforcement perspective (crime, responding to calls, traffic concentrated on Timber Ridge.) He said this is an "undue burden on the area."

Stuart Miles, a member of the Prospect City Council, said the developer could do a similar project but follow the Cornerstone 2020 Guidelines.

Stacey Anderson was called but did not speak.

Paul Tayler was called but did not speak.

John Shulhafer said he is opposed to the density. He said he was the architect for two of the projects that were shown in the Prospect presentation. He said this is a good location for multi-family housing but that this project is out of character.

Mike Sowell was called but did not speak.

Eric Michael was called but did not speak.

Elizabeth Padgett feels the proposed building is completely out of character. She also discussed how easily Timber Ridge Drive can get backed up. She said safe, affordable housing is badly needed, but this is not the right place.

John Simpson discussed the Kroger gas station and why it is located just outside of the Prospect city limits. He said residents here would be exposed to harmful fumes.

Mike Haag asked why only ten units are handicap accessible. He said he does not like the building height and expressed concerns about getting people out in case of an emergency/fire.

Evan Comer expressed concern about drainage/water runoff to the gully.

Rebecca Pendell said she does not think age 55 is appropriate for a "senior" and that the applicant has underestimated the traffic generation numbers.

Harold Schewe, a firefighter for Harrods Creek, said Harrods Creek does not have a ladder truck and he is concerned about the building height.

Matt Straub says cost of living is higher in Prospect than other parts of city.

\*The Committee took a 10-minute recess\*

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**Planning Commission Questions for the Opposition.**

Commissioner Brown asked if Prospect had a traffic study completed. Mr. Potts said Qk4 did an analysis of the study that was completed. Commissioner Brown asked for clarification about "overcrowding of Timber Ridge Drive" on the petition.

**Rebuttal:**

Mr. Ashburner said concerns about crime have been addressed. He mentioned Tarc3 is available to senior/disabled people in all parts of the community, is an on-demand service, and would be a potential option for this development.

The building will be built to fire code standards, including sprinklers. He noted that this is not an "assisted living" facility. He discussed low- and lower-income housing throughout Metro, apartment capacity, project occupancy, density, parking, height, and compliance with the Land Development Code. He said 100% of the units are convertible to full handicapped-accessible and all are ADA compliant.

He said the applicant could offer some kind of conservation easement; could also offer enhanced tree planting to provide a net increase in trees.

Commissioner Jarboe told Mr. Ashburner the residents have expressed doubt about whether the project will come to fruition. Asked him to explain a little more about the securities that are in place to guarantee what it will be, how it will operate, the age of the occupants, etc.

Mr. Ashburner discussed tax credits and why they guarantee this project. Commissioner Carlson asked about putting in binding elements regarding financing, and restricted units.

Commissioner Peterson asked a couple of questions regarding the number of elevators in the project, and the building design.

Mr. Potts wrote a binding element for the applicants to consider. Mr. Ashburner read the binding element into the record, as follows:

"The development shall be restricted to Senior Living occupancy. At least one occupant in each Apartment Development shall be 55 years old or older. Other occupants in each apartment shall be limited to a spouse

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and/or caregiver. No Occupant shall be under the age of 18 years old.  
No more than 230 people shall occupy the Development.”

Mr. Ashburner has some issues with some of the language, specifically the cap on the number of occupants in the building. Ms. Williams talked about the need to make it a BE that is enforceable.

Paul Whitty, legal counsel for the Planning Commission, raised some issues regarding complications about “matrimony”, defining family, etc. when it comes to affordable housing. Mr. Ashburner said ongoing reports must be filed with HUD; he said the applicant would be willing to share some of that information with the City of Prospect.

There was additional discussion about the occupancy, income information, fair housing laws, and binding element enforcement (see transcript for verbatim discussion.)

**Commissioners’ Deliberation:**

Commissioner Carlson said he understands there is a need for affordable senior housing in all areas of the community. Thinks there needs to be some work on the design, mass, scale, density, and compatibility.

Commissioner Brown said he likes the density and thinks the area can support it, but doesn't think the design is compatible with the area.

Commissioner Howard thinks the land use meets the intent of the comp plan but thinks the size and scale on the buildable portion of the site are not compatible. Design isn't compatible with other buildings in or near the village form district.

Commissioner Smith likes the concept of the proposal but also doesn't like the design.

Commissioner Peterson agreed with the other Commissioners regarding the incompatibility of the design, Would prefer three stories to four stories. Otherwise, supports the need for affordable housing in this area.

Commissioner Jarboe talked about the unique situation where the project is in Metro but heavily affects Prospect. Thinks the zoning request is warranted, likes the buffer along River Road.

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The Commissioners discussed the appropriateness of the proposed zoning for the site.

Commissioner Carlson asked if the applicant would be willing to revisit the compatibility of the design. Mr. Ashburner said there will definitely be some changes made to the design.

On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to a date uncertain LD&T meeting to allow the applicant to submit additional information regarding occupancy of building, conservation easement binding element, and building design.

**The vote was as follows:**

**YES: Carlson, Brown, Jarboe, Howard, Smith, Peterson.**

**NO: No one.**

**NOT PRESENT: Commissioners Lewis, Tomes, and Gazaway.**

**ABSTAINING: No one.**



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**STANDING COMMITTEE REPORTS**

**Land Development and Transportation Committee**

No report given.

**Legal Review Committee**

No report given.

**Planning Committee**

No report given.

**Policy and Procedures Committee**


No report given

**Site Inspection Committee**

No report given.

**ADJOURNMENT**

The meeting adjourned at approximately 12:05 A.M., February 1, 2017.

  
\_\_\_\_\_  
**Chairman**

  
\_\_\_\_\_  
**Division Director**