

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Special Night Hearing
May 10, 2021**

A meeting of the Louisville Metro Planning Commission was held on May 10, 2021 at 6:00 p.m. via Cisco Webex Video Teleconferencing and in person at the Jefferson County Government Center, 7201 Outer Loop, Louisville, KY 40228.

Commission members present:

Marilyn Lewis
Lula Howard
Jeff Brown
Rich Carlson
Jim Mims
Patricia Clare
Te'Andrea Sistrunk
Ruth Daniels

Commission members absent:

Pat Seitz
Robert Peterson

Staff Members present:

Emily Liu, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning and Design Manager
Julia Williams, Planning Supervisor
Joel Dock, Planner II
Beth Stuber, Engineering Supervisor
Tony Kelly, MSD
Travis Fiechter, Legal Counsel

The following matters were considered:

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PUBLIC HEARING

CASE NO. 20-ZONE-0117

Request: Change in Zoning from PRD, planned residential development to R-6, multi-family residential with revised detailed plan and waiver

Project Name: 9418 Pirouette Avenue

Location: 9418 Pirouette Avenue

Owner: Corcoran Home Building & Remodeling, LLC

Applicant: Corcoran Home Building & Remodeling, LLC

Representative: Bardenwerper, Talbott, & Roberts, PLLC - Nick Pregliasco

Jurisdiction: Louisville Metro

Council District: 13 - Mark Fox

Case Manager: Joel Dock, AICP, Planner II

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:11:04 Joel Dock showed a Power Point presentation and discussed the case summary, standard of review and staff analysis from the staff report.

00:19:29 In response to a question from Commissioner Carlson, Travis Fiechter, County Attorney's Office, discussed the binding elements that were amended and/or added by the Metro Council during their hearing of this case.

00:22:20 Commissioner Carlson and Mr. Fiechter discussed the amount of land that is within the Fairdale Neighborhood Plan and its zoning categories. In response to another question from Commissioner Carlson, Mr. Dock discussed various zoning categories and their uses (R-5B is two family, etc.)

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper Talbott & Roberts, 1000 North Hurstbourne Parkway, Louisville, KY 40223

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Kevin Young, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Nicky Corcoran, Corcoran Home Building and Development,

Summary of testimony of those in favor:

00:25:30 Nick Pregliasco presented the applicant's case and showed a Power Point presentation (See recording for detailed presentation.)

00:36:32 Kevin Young addressed the layout of the buildings, screening, and buffering.

00:41:07 Mr. Pregliasco resumed and concluded the presentation.

00:56:21 Mr. Pregliasco showed and read into the record the applicant's proposed binding elements (see recording for verbatim presentation.)

01:07:30 Mr. Pregliasco concluded the presentation.

01:07:39 Commissioner Mims and Mr. Young discussed parking.

01:08:44 Commissioner Mims and Mr. Young discussed the size of the units.

01:10:01 Commissioner Mims and Mr. Dock discussed how connectivity is determined to be required; and also private access easements.

01:14:16 Mr. Dock briefly reviewed the history of this land parcel (see recording.)

01:15:35 Mr. Dock asked Mr. Young about the landscaping exhibit and specifically binding element #8 regarding an 8-foot privacy fence. He asked if the applicant and/or the Commission would like to replace binding element #8 with the following:

Landscaping shall be provided as shown on the Landscape exhibit presented to the Planning Commission at its public hearing held on May 10, 2021.

Mr. Young said that would be preferable and acceptable.

01:17:32 In response to a question from Commissioner Carlson, Mr. Pregliasco said only one building would be three-story, the others would be two-story, and there are no elevators being proposed. They also discussed developer-funded speed humps, four-way stop signs, and other traffic devices (see recording.)

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01:22:15 In response to a question from Commissioner Carlson, Mr. Pregliasco said he was not aware if there were any other townhome-style developments in the area. Mr. Young also discussed infrastructure costs; he said this is a more sustainable, viable construction plan.

01:28:00 Commissioner Howard asked if this project was being proposed as living for aging/senior citizens. Mr. Pregliasco said yes, although no deed restriction/s are being proposed. Commissioner Howard said that all developers of multi-family developments should think about the number of stories, stairs, and accessibility.

01:30:06 In response to a question from Commissioner Lewis, Tony Kelly, representing MSD, discussed the proposed access point over an MSD easement. Mr. Pregliasco said the applicant is proposing a stub connection; the only thing they are requesting to be waived is not the construction of the road, but to not have it as a publicly-dedicated right-of-way.

The following spoke neither for nor against the request:

No one spoke.

The following spoke in opposition to this request:

Jessica Norris, 411 Eschappe Lane, Louisville, KY 40118

Harold Davis, 9319 Sissone Drive, Louisville, KY 40118

Rebecca Clinard, 9502 Pirouette Avenue, Louisville, KY 40118

Floyd Garr, 9315 Pirouette Avenue, Louisville, KY 40118

James Norris, 411 Eschappe Lane, Louisville, KY 40118

Lori Hollis, 9311 Pirouette Avenue, Louisville, KY 40118

Jacqueline Taylor, 9410 Sissone Drive, Louisville, KY 40118

Debra Davis, 9319 Sissone Drive, Louisville, KY 40228

Donna Ruhl, 420 Eschappe Lane, Louisville, KY 40118

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Summary of testimony of those in opposition:

01:36:01 Jessica Norris said these apartments will back directly to her backyard and is very concerned about her loss of privacy. She said the traffic study was done before another set of apartments were built on the other side of this neighborhood and therefore does not accurately reflect traffic issues. She is concerned about flooding and drainage issues, since she already has flooding in her backyard. She said she does not understand how the builder will afford infrastructure improvements for apartments, but cannot afford infrastructure improvements for patio homes. She said she does not want a stub access that brings traffic onto her street.

01:38:54 Harold Davis said that the traffic count is inaccurate – the traffic count was done in 2007 and the data is now very outdated and is not accurate. He asked that the new traffic from the proposed 136 units be counted as well, to determine the need for speed humps and other traffic control devices. He asked if there is a requirement to provide a certain number of handicapped-accessible apartments, especially if this development will be marketed to older adults. He said old-growth trees will be lost for grading and infrastructure, to be replaced with a four-foot evergreen.

01:44:43 Rebecca Clinard said she lives at the corner of the development and said traffic has greatly increased here, to the point that she has trouble exiting her driveway. She said the neighborhood is opposed to the project because it does not fit here – she said putting apartments in the middle of a neighborhood “does not make sense” because this proposed development is completely surrounded by single-family homes. She is concerned about street/traffic safety issues because the neighborhood is full of children.

01:47:52 James Norris elaborated on the traffic issue, specifically regarding children’s safety. He objected that the apartments will back up to his backyard and he will lose privacy.

01:53:01 Lori Hollis said she agreed with the previous speakers in opposition. She said speeders and heavy traffic are already a concern.

01:54:50 Jacqueline Taylor said her main concern is children’s safety when catching the school bus. She agreed that speeders and heavy traffic are already a concern. She said residents have been trying to get speed humps and other traffic-calming devices with no success; the current traffic study is 17 years old.

01:59:09 Floyd Garr concurred that he has great concern for childrens’ safety with speeders, reckless drivers, and heavy traffic.

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02:01:36 Debra Davis gave recent examples (happened Friday) of car accidents and reckless driving in this neighborhood. She explained why she feels that seniors will not be attracted to this development.

02:04:35 Mr. Norris asked what would happen to the current homeowners/residents if the applicant decides to sell this property.

02:07:14 Donna Ruhl said standing water, traffic issues, and compatibility are major issues. She said kids are afraid to play outside or use the streets. She asked if a road was going to be built right by her house, because she lives at the very end of Eschappe Lane. She is directly across from the sump pump.

02:09:10 Ms. Hollis added that crime is a concern.

02:10:47 Mr. Garr reiterated that cars get hit in this neighborhood regularly. He said he agrees about the possibility of increased crime.

02:12:58 Commissioner Mims asked if a traffic study had been done for the intersection of New Cut and Pirouette. Mr. Dock said trip generation numbers were provided; the trip generation numbers did not meet warrants for a stop sign; the project as a whole did not meet threshold for requiring a traffic study. The traffic study that has been referenced several times was done in 2007 and was unrelated to a development proposal. He said he was unsure if speed humps were evaluated.

02:16:07 Beth Stuber, with Louisville Metro Transportation, discussed the stop signs. She noted that speed hump studies are done by a different division. She said Transportation has not yet looked into using traffic calming designs or devices.

Rebuttal

02:19:14 Mr. Pregliasco delivered rebuttal. He addressed traffic and other concerns that were raised (see recording for detailed presentation and discussion.)

02:24:44 Mr. Young addressed the Norris property to the rear of the proposed development, and what steps have been taken regarding buffering and drainage.

02:27:31 Commissioner Clare asked Ms. Stuber if there were any plans to do something about the speeding and traffic issues in this immediate area. Ms. Stuber said she was not aware of any.

***NOTE: The Commission went into a 10 minutes recess before reconvening for deliberation.**

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Deliberation

02:32:33 Planning Commission deliberation.

The Commissioners, legal counsel, staff, and the applicant discussed the applicant's proposed additional Binding Elements from the applicant's presentation.

Mr. Dock said revisions have been made to binding element #8 in the staff report.

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.

Change-in-Zoning from PRD, Planned Residential Development to R-6, Multi-family Residential

03:03:36 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

The vote was paused until legal procedural issues could be addressed. See discussion from 03:03:06 to 03:12:22.

03:12:22 Commissioner Brown withdrew his motion.

03:12:31 The Commission came out of Business Session and allowed Mr Pregliasco to speak and answer questions. He said the applicant would like to request a Continuance in order to address the waiver request and the development plan.

03:22:46 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the Land Development and Transportation Committee on May 27, 2021 at 1:00 p.m. and does hereby **CONTINUE** the case to the June 3, 2021 regular meeting of

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the Louisville Metro Planning Commission, **to be heard no earlier than 6:00 p.m.** at the Planning Commission hearing.

The vote was as follows:

YES: Commissioners Clare, Sistrunk, Howard, Mims, Daniels, Brown, and Lewis.

NOT PRESENT: Commissioners Seitz and Peterson.

ABSTAIN: Commissioner Carlson.

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ADJOURNMENT

The meeting adjourned at approximately 9:25:p.m.

Chair

Planning Director