

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

**December 8, 2016**

**New Business**

**CASE NO. 16ZONE1032**

**Request:** Change in zoning from R-4 to R-5 on approximately 18 acres and a preliminary subdivision plan.

**Project Name:** Thomas Station Subdivision

**Location:** 3403 Stony Brook Drive and TB 45 Lot 927

**Owners:** A. Thomas Consulting LLC; AJ Thomas Jr; and Sarah Thomas

**Applicants:** A. Thomas Consulting LLC; AJ Thomas Jr; and Sarah Thomas

**Representative:** William Bardenwerper – Bardenwerper Talbott & Roberts PLLC  
Land Design & Development

**Jurisdiction:** Louisville Metro

**Council District:** 11 – Kevin Kramer

**Case Manager:** **Julia Williams, RLA (IN), AICP, Planning Supervisor**

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**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.**

**Agency Testimony:**

02:23:29 Julia Williams presented the case and showed the site plan (see staff report and recording for detailed presentation.) She added that a letter has been received from the Fire Marshall indicating that they do not want a gate at Sue Helen Drive. She handed out a copy of the Fire Marshall's letter to the Commissioners. Ms. Williams showed an aerial view of the site and the surrounding areas, and how the streets connect.

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

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

A.J. Thomas Jr., 3405 Stony Brook Drive, Louisville, KY 40299

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

02:27:42 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He said that the originally proposed gate has been removed from the plan.

02:31:51 Kevin Young, an applicant's representative, discussed stub street connections, landscaping, and drainage issues (see recording for detailed presentation.) He said that some of the older neighborhoods surrounding this parcel were built before detention requirements were in place; therefore this proposal has over-detention to compensate. He discussed the stub connection to Sue Helen Drive, and said the gate originally proposed will not be included in the plan.

02:34:37 Mr. Bardenwerper resumed his presentation by showing proposed elevations.

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

Charles M. Kays, 3411 Gonewind Drive, Louisville, KY 40299

H. Wesley Shanks, 8903 Spalago Court, Louisville, KY 40299

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

02:37:12 Wesley Shanks expressed concern that surface water from this property already drains onto his property/driveway, causing flooding. He is concerned that more impervious surface will increase flooding. He submitted a map which shows his property in relation to the subject site; also pictures of his

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flooded property (located to the south and west of the subject site.) He said that, if the developer can improve drainage and fix this problem, then he has no issue with the development. In response to a question from Commissioner Carlson, Mr. Shanks said he has not had any recent conversations with MSD about this issue. He said MSD came out last year and made changes in the drainage area, which did not help. He said the pipes are too small.

02:46:18 Charles Kays also discussed current flooding issues. He also has pictures of his flooded property (from 2015; photos are on file.) He said that retention basins fill up with silt over time and become less effective.

**The following spoke neither for nor against:**

No one spoke.

**Applicant's rebuttal:**

02:50:40 Mr. Young said MSD has requested the developer to "overdetain" (about 150% of runoff.) He explained how the applicant is planning to control stormwater.

02:52:29 Tony Kelly, representing MSD, discussed drainage concerns. He said MSD met with the developer, and that the developer's measures should improve flooding and drainage concerns downstream.

02:54:09 Commissioner Brown asked for clarification about what, exactly, the applicant is being required to detain (water from their own property only? Water from surrounding areas?) Mr. Kelly said that the developer is being required to detain 50% greater than the 100-year levels (see recording for detailed explanation.)

**02:58:06 The Committee by general consensus scheduled this case to be heard at the January 19, 2017 Planning Commission public hearing.**