

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
December 18, 2014**

A meeting of the Louisville Metro Planning Commission was held on Thursday, December 18, 2014 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Donnie Blake, Chair
David Proffitt, Vice Chair
Robert Peterson
Jeff Brown
Vince Jarboe
Robert Kirchdorfer (left at 3:00 p.m.)
Clifford Turner
Chip White
David Tomes (arrived at 1:10 p.m.)

Commission members absent:

Carrie Butler

Staff Members present:

Emily Liu, Director, Planning & Design Services
John G. Carroll, Legal Counsel
Jonathan Baker, Legal Counsel
Jessica Wethington, Planning Information Specialist
David Wagner, Planner II
Joseph Reverman, Planning Supervisor
Matthew Doyle, Planner I
Steve Hendrix, Planning & Design Supervisor
Tammy Markert, Transportation Planning
Chris Cestaro, Management Assistant (minutes)

Others:

The following matters were considered:

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Approval of Minutes

December 4, 2014 – 1:00 p.m. Planning Commission Regular Meeting

On a motion by Commissioner Proffitt, seconded by Commissioner Jarboe, the following resolution was adopted:

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on December 4, 2014.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Peterson, Brown, Jarboe, Kirchdorfer, Turner, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Butler and Tomes.

ABSTAINING: Commissioner White.

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Consent Agenda

Cons1 12.04.14

Request: Approval of the 2015 Meeting Dates
Case Manager: Joseph Reverman, AICP, Planning & Design Manager

Case No. 14STREETS1006

Request: Street Closure of Rosemont Avenue, running from Midland Avenue to the west approximately 445 feet
Project Name: Meredith Dunn Learning Center Street Closure
Location: 3023 Melbourne Avenue
Owner: Louisville Metro
Applicant: Meredith Dunn Learning Center
Representative: Alex Rosenberg
Jurisdiction: Louisville Metro
Council District: 26 – Brent Ackerson
Case Manager: **David B. Wagner, Planner II**

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.

On a motion by Commissioner Jarboe, seconded by Commissioner Turner, the following resolution was adopted:

RESOLVED, that the Planning Commission does hereby **APPROVE** Case No. Cons1_12.04.14 and does hereby **RECOMMEND** to the Louisville Metro Council that Case No. 14STREETS1006 be **APPROVED**.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Peterson, Brown, Jarboe, White, Kirchdorfer, and Turner.

NO: No one.

NOT PRESENT: Commissioners Butler and Tomes.

ABSTAINING: No one.

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Public Hearing

Case No. 14CELL1004

***NOTE: Commissioner Tomes arrived at 1:08 p.m.**

Request: Request to construct a 190-foot tall tower with a 5-foot tall lightning arrestor for a total height of 195 feet with a 5,625 square foot compound area.

Project Name: Verizon Cell Tower

Location: 5811 Lovers Lane with access from Billtown Road

Owner: Virginia M. and Joseph Bland
5811 Lovers Lane
Louisville, KY 40299

Applicant: Cellco Partnership d/b/a Verizon Wireless
Amy Harper – Contact
2421 Holloway Road
Louisville, KY 40299

Cellco Partnership d/b/a Verizon Wireless
One Verizon Way, Mailstop 4AW100
Basking Ridge, NJ 07920

Representative: Brent Rice
McBrayer Attorneys at Law
201 East Main Street Suite 900
Lexington, KY 40507

Engineers: Philip Heid
BTM Engineering
3001 Taylor Springs Drive
Louisville, KY 40220

FStan Land Surveyors & Consulting Engineers
933 South 3rd Street
Louisville, KY 40203

Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel

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Case Manager: Steve Hendrix, Planning Supervisor

Agency Testimony:

00:05:40 Steve Hendrix presented the case and showed a Power Point presentation (see recording and staff report for detailed presentation.)

00:17:41 In response to a question from Commissioner Brown, Mr. Hendrix stated tat the Kentucky Transportation Cabinet has addressed the access from Billtown Road but not with a Lovers Lane access.

00:18:27 In response to a question from Commissioner Proffitt, Mr. Hendrix discussed the proposed location of the cell tower to minimize the effect of the installation on the nearby land uses.

The following spoke in favor of the proposal:

Brent Rice, McBrayer Attorneys at Law, 201 East Main Street Suite 900,
Lexington, KY 40507

Gordon Snyder, Verizon Wireless engineer, 2421 Holloway Drive, Louisville, KY
40299

Joseph M. Bland, 5811 Lovers Lane, Louisville, KY 40299

Philip Heid, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

Bill Von Ohlen, 13608 Saddlecreek Drive, Louisville, KY 40245

Martin Brown, P.O. Box 120, Prospect, KY 40059

Summary of testimony of those in favor:

00:21:20 Brent Rice, the applicant's representative, presented the applicant's proposal and showed a Power Point presentation. He explained why this location was right to provide cell phone coverage.

00:25:51 Gordon Snyder, Verizon RF Design Engineer, discussed the network design and how it is related to the choice of this site.

00:28:27 Mike Bland, representing his mother who owns the property, described the site and the surrounding area/s and their uses. He discussed why

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access would be given to Verizon from Billtown Road rather than Lovers Lane. He stated that Verizon will be maintaining the site, including the access. He said he will be maintaining the remainder of the 22 acres.

00:32:14 Philip Heid, Project Manager, discussed the access road/easement from Billtown Road and the distance from the planned access road to nearby residences.

00:35:00 Bill Von Ohlen, a Construction Project Manager for Verizon, testified about the construction of a cell tower, specifically about trips made to a site for construction and maintenance.

00:36:25 Martin Brown, an associate with Galloway Appraisal, discussed neighborhood impact studies for cell tower projects.

00:38:10 Mr. Rice concluded his presentation.

The following spoke in opposition to the proposal:

Lee Walker on behalf of Deborah Bauer, 5808 Billtown Road, Louisville, KY 40299

Robin Heuke, 1101 Glenlake Way, Louisville, KY 40245

Summary of testimony of those in opposition:

00:41:16 Lee Walker spoke on behalf of Deborah Bauer (a Billtown Road resident). He specifically discussed the service access road for the cell tower. He suggested a privacy/security fence and landscaping along the Bauer property line; or moving the service road with its access off Lovers Lane.

00:47:44 Robin Heuke, a partner in GRH Properties (a nearby Lovers Lane property owner), said she is opposed to the project because it is in a residential area. She showed a Power Point presentation that included conceptual views of what the tower would look like in the neighborhood. She said nearby utility sites are adjacent to commercial properties, not residences, and that the chosen site is unsuitable.

The following spoke neither for nor against the proposal:

No one spoke.

Rebuttal:

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00:54:17 Mr. Rice answered questions from Commissioners, including adding a security gate to the service road entrance, adding a privacy fence along a portion of Ms. Bauer's property, the length of the lease, and what consideration had been given to other sites (or to moving the tower.)

01:08:38 Commissioners Proffitt and Tomes, and Mr. Rice and Mr. Snyder, discussed the possibility of other locations, including commercial sites for sale in the area.

Deliberation:

01:13:26 Commissioners' deliberation. Commissioner Blake (and others) requested a security gate and a privacy fence for the adjacent Bauer property.

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.

01:29:45 On a motion by Commissioner White, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the Lovers Lane cell site is necessary to achieve capacity needs in the Fern Creek area of Lovers Lane, Seatonville Rd and Billtown Rd. This site is necessary to provide this capacity that cannot be established in any other manner. Lovers Lane will provide new capacity to offload the S Hurstbourne and Billtown Rd sites. Both sites are currently operating at or near maximum capacity in this area of the Verizon Wireless Network, limiting the ability of customer access to the network. This new tower is required as there is no other means of providing this service in this area; and

WHEREAS, the Commission further finds that the site will provide the quality coverage customers rely on; Customers will experience access to mobile voice and wireless data services previously unavailable, and support Homeland Security through enhanced 911 services; and

WHEREAS, the Commission further finds that this cell site has been designed, and will be constructed and operated in a manner that satisfies regulations and requirements of all applicable governmental agencies that have been charged with regulating tower specifications, operation, construction, at1d placement, including the FAA and FCC; and

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WHEREAS, the Commission further finds that RF emission readings at this site in the accessible areas would be well below the applicable limits for FCC Uncontrolled/General Population and FCC Controlled/Occupational environments as outlined in 47 CFR 1.1301 through 1.1319. The site would carry appropriate RF emission signage to the public entering the site area; and

WHEREAS, the Commission further finds that this site would transmit frequencies within the licensed frequency bands and the power limitations set by FCC regulatory authority. The site would go through the complete regulatory process before it comes on-air to provide service to customers; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the request to construct a 190-foot tall tower with a 5-foot tall lightning arrestor for a total height of 195 feet with a 5,625 square foot compound area, **ON CONDITION** that a security gate be added to the proposed driveway entrance; that the security gate be approved by the Kentucky State Transportation Cabinet; and that a six-foot tall wood or vinyl privacy fence be installed on the homeowner's side along approximately one-third to one-half the length of the Bauer property line (beginning at Billtown Road; exact length to be determined between the applicant and Ms. Bauer/her representative)

The vote was as follows:

YES: Commissioners Blake, Peterson, Jarboe, White, Kirchdorfer, and Turner.

NO: Commissioners Brown, Proffitt, and Tomes.

NOT PRESENT: Commissioner Butler.

ABSTAINING: No one.

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Public Hearing

Case No. 14SUBDIV1012

Request: Major Subdivision Plan to create 44 lots

Project Name: Notting Hills Section 3

Location: 310 Cranbury Way

Owner: S. Bradford Rives and Mary Klarer Rives
14509 Maple Glenn Place
Louisville, KY 40245

Applicant: Welch Developers, LLC
Scott Welch, Representative
301 Middletown Park Place Suite A
Louisville, KY 40243

Representative: William Bardenwerper
Bardenwerper, Talbott & Roberts PLLC
10000 North Hurstbourne Parkway
Louisville, KY 40223

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

Mindel Scott & Associates
5151 Jefferson Boulevard
Louisville, KY 40219

Jurisdiction: Louisville Metro

Council District: 19 – Jerry Miller

Case Manager: **Matthew R. Doyle – Planner I**

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.)

Agency Testimony:

01:34:33 Matthew Doyle presented the case and showed a Power Point presentation (see recording and staff report for detailed presentation.) He added that he received some inquiries about this case that he said did not seem applicable to this subdivision but they were opposed to it.

01:37:40 In response to a question from Commissioner Brown, Mr. Doyle said that 40 buildable sites were originally proposed for this section.

The following spoke in favor of the proposal:

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 10000 North Hurstbourne Parkway, Louisville, KY 40223

Kelli Jones, 608 South Third Street, Louisville, KY 40202

Scott Welch, Welch Developers, LLC, 301 Middletown Park Place Suite A, Louisville, KY 40243

Summary of testimony of those in favor of the proposal:

01:38:07 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation.

01:41:47 Mr. Bardenwerper discussed a lawsuit which was filed by residents.

01:45:13 Kelli Jones, an applicant's representative, used the site plan to discuss what was originally proposed in 2006 compared to what is being proposed today.

The following spoke in opposition to the proposal:

Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299

David Culligan, 18708 Westbourne Grove Drive, Louisville, KY 40245

Mary and Ken Antrobus, 18426 Standwick Drive, Louisville, KY 40245

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Rhonda Trass, 308 Redbud Drive, New Albany, IN 47150

Donnie Moore, 18328 Standwick Drive, Louisville, KY 40245

Cathy Stick, 109 Ladbrooke Grove Road, Louisville, KY 40245

Summary of testimony of those in opposition to the proposal:

01:49:45 Stephen Porter, representing the opposition, presented the oppositions' case. He said his citizen-clients, and any who represented them, were being sued by one of the developers and therefore could not speak at today's hearing without triggering a lawsuit.

01:51:30 Commissioner Blake called David Culligan, Mary and Ken Antrobus, Rhonda Trass, and Donnie Moore. All were present but declined to speak.

01:52:28 Cathy Stick (sp), a Notting Hill resident, spoke in opposition, on behalf of herself and some other neighbors. She expressed concern about losing tree canopy area, and adding open-space lots which the HOA will be financially responsible for. She said that, at a neighborhood meeting, the developer told residents that trees that were being cut down were dead; she said they were healthy and has video of live trees being bulldozed. She expressed concern about the smaller lot sizes. She expressed concern about the binding elements, specifically that they were not given to residents who bought or built in the subdivision.

The following spoke neither for nor against the proposal:

No one spoke.

Rebuttal:

02:01:27 Mr. Bardenwerper stated that no one was being threatened with a lawsuit for speaking against this proposal. He said the binding elements were always available for review. He addressed the removal of trees.

02:05:31 In response to a question from Commissioner Proffitt, Scott Welch discussed lot sizes and building types being proposed.

02:07:46 The Commissioners, Mr. Doyle, and Mr. Bardenwerper discussed whether the new section would be part of Notting Hill; and issues regarding binding elements and/or Conditions Of Approval.

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Deliberation:

02:11:58 Commissioners' deliberation.

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02:14:06 On a motion by Commissioner Proffitt, seconded by Commissioner White, the following resolution was adopted:

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Major Subdivision Plan to create 44 lots on property described in the attached legal description, **subject to the following Conditions of Approval:**

1. The development shall be in accordance with the approved Major Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
2. The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e., clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by the Planning Commission staff's landscape architect if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable)).

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- b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
3. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
4. A note shall be placed on the construction plan and record plat that states: "Construction fencing shall be erected prior to any grading or construction activities preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
5. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
6. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
7. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
8. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide approved by the Louisville Metro Health Department. Larvicides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.

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9. Trees will be preserved and/or provided on site as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
10. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
11. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 - c. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
12. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Peterson, Brown, Jarboe, White, Kirchdorfer, Tomes, and Turner.

NO: No one.

NOT PRESENT: Commissioner Butler.

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ABSTAINING: No one.

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Public Hearing

**Case No. 14DEVPLAN1036
AND Case No. 14STREETS 1004**

***NOTE: Commissioner Kirchdorfer left at approximately 3:00 P.M.**

Request (14DEVPLAN1036): Revised Detailed District Development Plan and Land Development Code Waivers for a proposed Wal-Mart Supercenter; Street Closure

Request (14STREETS1004): Street and Alley Closure for a portion of South 20th Street south of Anderson Street; a portion of Kendall Court south of Anderson Street; and an unnamed alley south of Anderson Street.

Project Name: Wal-Mart

Location: Multiple addresses on the southwest corner of West Broadway and Dixie Highway

Owner: Newbridge Development, LLC
Frank A. Bridgewaters, Representative
2350 New Millennium Drive
Louisville, KY 40216

Applicant: Wal-Mart Real Estate Business Trust
Kevin Thompson, Representative
1075 Broadripple Avenue #118
Indianapolis, IN 46033

Representative: Deborah Bilitski
Wyatt, Tarrant & Combs, LLP
500 West Jefferson Street Suite 2800
Louisville, KY 40202

Engineer/Designer: Pov Chin
Carlson Consulting Engineers, Inc.
7068 Ledgestone Commons
Bartlett, TN 38133

Jurisdiction: Louisville Metro

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Council District: 4 – David Tandy

**Case Manager: Joseph Reverman, AICP, Planning & Design
Manager**

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:

02:15:31 Joseph Reverman presented the case and showed a Power Point presentation (see recording and staff report for detailed presentation.) He added that some requested variances to exceed the setbacks along West Broadway and Dixie Highway will be heard by the Board of Zoning Adjustment (BOZA) at a later date.

02:22:30 Mr. Reverman reviewed the additional binding elements that were requested by Metro Public Works and agreed to by the applicant this week, prior to today's hearing.

02:26:55 The Commissioners asked Mr. Reverman questions about what will happen to a corner parcel (developed, or left as greenspace); the YMCA and the Wal-Mart accesses; more details about the variance requests going to BOZA; the three alleys proposed for closure; and if staff had worked with the applicant to eliminate the waiver requests.

The following spoke in favor of the proposal:

Deborah Bilitski, Wyatt Tarrant & Combs, 500 West Jefferson Street, Louisville, KY 40202

Gary Roth, 500 West Jefferson Street Suite 1400, Louisville, KY 40202

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Kevin Thompson, Representative, 1075 Broadripple Avenue #118, Indianapolis, IN 46033

Teresa Bridgewaters, 2350 New Millenium Drive, Louisville, KY 40216

Frank A. Bridgewaters, 2350 New Millenium Drive, Louisville, KY 40216

James Bridgewaters, 5316 Regent Way, Louisville, KY 40218

Elizabeth Heiles, 7068 Ledgestone Commons, Bartlett, TN 38133

Dave Wilgus, Harrison French & Associates, 1408 NW K Street, Bentonville, AR 72712

Toni Rodriguez, 321 School Side Drive, Brandenburg, KY 40108

Reverend Charles Elliott, 1501 Wever Court, Louisville, KY 40211

Reverend Milton C. Seymore, 1807 ½ West Oak Street, Louisville, KY 40210

Reverend Clay Calloway, 801 South 45th Street, Louisville, KY 40211

Reverend Gerome Sutton, 335East St. Catherine Street, Louisville, KY 40203

Lawrence Bentley, 3629 Robin Drive, Louisville, KY 40216

Bishop Oliver LeGrant, 1515 _____, Louisville, KY

Mark Tarver, 5409 B Kingston Pike, Knoxville, TN 37919

Minister James A. Matthis, Sr., 1258 Catalpa Court #204, Louisville, KY 40211

Jeffrey Thompson, 1712 Magazine Street, Louisville, KY 40203

Michael Marsh, 2649 Algonquin Parkway, Louisville, KY 40210

Hartie Lee, 2705 Greenwood, Louisville, KY 40211

Thurman S. Cox, 2148 West Gaulbert Avenue, Louisville, KY 40210

Danelle Martin, 4317 Bayberry, Louisville, KY 40216

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Summary of testimony of those in favor of the proposal:

02:35:01 Deborah Bilitski, the applicant's representative, presented the applicant's case and showed a Power Point presentation.

02:40:15 Elizabeth Heiles, civil engineer and Project Manager for this site, discussed vehicular, pedestrian, and bike access, and other design issues.

02:44:57 Dave Wilgus, architect, showed and discussed renderings of the project, including the interior store layout.

02:51:25 Toni Rodriguez, a Market Manager for Wal-Mart, discussed operating a Wal-Mart facility and why this site design optimizes that. She said that changing the site design and layout would affect operations.

02:53:45 Teresa Bridgewaters, the owner, discussed the history and the goals of the redevelopment, particularly the economic benefits to West Louisville.

02:57:48 Pastor Elliott concurred with Ms. Bridegwaters and expressed strong support for the project.

02:59:02 Kevin Thompson was called but declined to speak.

02:59:06 Reverend Milton C. Seymore said the emphasized that this development would offer jobs and spur economic development in this area.

03:00:04 Reverend Clay Calloway was called but was not present.

03:00:19 Jerome Sutton said he was strongly in favor of the development, but felt that Wal-Mart would not lose money if the design was revised. He wanted it to get done, but wanted it done "the right way". He also said it was important for the jobs to be full-time, not part-time only.

03:05:19 Lawrence Bentley was called but was not present.

03:05:31 Bishop Oliver LeGrant was called but was not present.

03:05:44 Mark Tarver was called but was not present.

03:05:45 Gary Roth spoke in support.

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- 03:06:26 Minister James A. Matthis was called but was not present.
- 03:06:36 Jeffrey Thompson was called but was not present.
- 03:06:43 Frank A. Bridgewaters was called but declined to speak.
- 03:06:57 Michael Marsh was called but was not present.
- 03:07:03 James Bridgewaters was called but was either not present or declined to speak.
- 03:07:12 Hartie Lee was called but was either not present or declined to speak.
- 03:07:15 Thurman S. Cox was called but was either not present or declined to speak.
- 03:07:23 Ms. Bilitski resumed the podium to summarize.

03:10:38 through 03:44:34 – The Commissioners and the applicant’s representatives discussed the following: "predominant building pattern" on this section of Broadway; design issues; pedestrian transit (particularly a walkway from West Broadway, TARC stop/s, etc.); and drainage. Ms. Bridgewaters spoke regarding the process they have gone through to get a good retail use on this site.

***The meeting went into brief recess and reconvened before the opposition was heard.**

The following spoke in opposition to the proposal:

Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299

Chanelle Helm, 2238 Farnsley Road, Louisville, KY 40216

Ron Schneider, 3619 Johnston Way, Louisville, KY 40220

Debra Harlan, 1734 Chichester Avenue, Louisville, KY 40205

Edith Bingham, 4310 Glenview Avenue, Glenview, KY 40025

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Summary of testimony of those in opposition to the proposal:

03:45:15 Stephen Porter said he spoke in opposition to the *plan*, not to Wal-Mart or to Wal-Mart building on this site. He addressed the Wal-Mart store site specifically, but also discussed the entire development. His points were: too much parking in a heavily pedestrian area; making pedestrians cross a large parking lot (safety issue); the vital importance of economic development here; and the argument that the requested waivers are not needed. He added that the YMCA next door is conforming to the Land Development Code and there is no reason Wal-Mart can't.

04:06:45 Debra Harlan stated that she had given a comment from Edith Bingham to Mr. Reverman (Ms. Bingham had to leave) and that this comment should be part of the record. She spoke in strong opposition to the design and explained why this is not a sustainable, urban design.

04:12:09 Ron Schneider discussed transit issues and reiterated that a suburban design is not appropriate for an urban location.

04:21:15 After Reverend Gregory Wright spoke neither for nor against, Chanelle Helm spoke in opposition. Her emphasis was on economic justice, her concerns about gentrification, and her issues with the site plan.

The following spoke neither for nor against the proposal:

Reverend Gregory Wright, 2412 West Chestnut Street, Louisville, KY 40211

Summary of testimony of those in neither for nor against the proposal:

04:15:19 Reverend Gregory Wright said he is not opposed to Wal-Mart, but is concerned about the precedent this design will set. He also expressed concern that the Land Development Code is not being enforced equally for all projects. He said an alternative has been offered.

04:24:15 Mr. Reverman read a letter of opposition into the record from Martina Kunnecke, President of the Neighborhood Planning and Preservation, which was e-mailed to him this morning, before this hearing.

04:27:06 Commissioner Proffitt asked Ms. Bilitski if her client would be willing to consider Mr. Porter's suggestion to work with architects about some design changes.

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Rebuttal:

04:28:09 Ms. Bilitski presented the rebuttal.

04:30:04 Kevin Thompson addressed some issues on behalf of Wal-Mart.

04:30:57 Ms. Bridgewaters made a closing statement.

Deliberation

04:33:08 Commissioners' deliberation.

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.

Case No. 14STREETS1004 ONLY

05:15:02 On a motion by Commissioner Brown, seconded by Commissioner Proffitt, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the request to close the southern terminus of S. 20th Street, Kendall Court, and an unnamed alley running south from Anderson Street between S. 20th Street and Kendall Court complies with the Cornerstone 2020 Comprehensive Plan because the subject property lies within the Traditional Workplace Form District, which allows a mixture of industrial, commercial and office uses. In order to encourage reinvestment, rehabilitation and redevelopment in Traditional Workplaces, the Comprehensive Plan encourages flexible and creative site design along with a respect for the traditional pattern of development in the surrounding area. The proposed development represents a significant investment in the redevelopment and rehabilitation of an older and declining neighborhood in a manner that is consistent with the Traditional Workplace Form District. The proposed development is consistent with the historical development pattern on the subject property, and is compatible with development in the surrounding area, which does not follow a predominant pattern; and

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AND Case No. 14STREETS 1004**

WHEREAS, the Commission further finds that all of the lots surrounding the rights-of-way to be closed are under common ownership and will be reconfigured as shown on the proposed development plan, therefore, the streets and alley proposed to be closed are no longer required for access; the owner of 100% of the property adjacent to the rights-of-way to be closed agrees to the proposed closure and has submitted a notarized consent; the property surrounding the rights-of-way to be closed will continue to have direct vehicular and pedestrian access to West Broadway (via S. 20th Street), Anderson Street, Dr. J. W. Hodges Street, and Dixie Highway; the subject property is adequately served by public transportation, incorporates sidewalks and walkways throughout the proposed development, and bicycle parking will be provided in accordance with the Land Development Code requirements; therefore, the proposed development will adequately accommodate all modes of transportation; and

WHEREAS, the Commission further finds that the requested street and alley closures will not result in a demand on public facilities and services that exceeds the capacity of such facilities; the unimproved roadways are no longer needed for any public or private purpose, nor is a future need for these roads anticipated; therefore, the proposed closure of these roads will not interfere with or exceed the capacity of the existing roadway infrastructure;

WHEREAS, the Commission further finds that the properties surrounding the rights-of-way to be closed are under common ownership and will be consolidated and re-subdivided as shown on the proposed development plan, therefore there is no need to reserve utility easements within the existing right-of-way areas to serve the existing lots; and to the extent determined necessary by affected utilities, easements will be reserved within the rights-of-way to be closed or will be provided in alternate locations on the site as needed to serve the proposed development; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the staff report, and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Street and Alley Closure for a portion of S 20th St, south of Anderson St, a portion of Kendall Ct, south of Anderson St, and an unnamed alley south of Anderson St. on property described in the attached legal description.

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The vote was as follows:

YES: Commissioners Blake, Proffitt, Peterson, Brown, Jarboe, White, Tomes, and Turner.

NO: No one.

NOT PRESENT: Commissioners Butler and Kirchdorfer.

ABSTAINING: No one.

05:16:22 Commissioner Brown made a motion to approve Waiver #3, a Waiver of section 5.6.1.C.1 to waive the requirement to have 50% of the wall surfaces at street-level consisting of clear windows and doors along W Broadway and Dixie Hwy. The motion died for lack of a second.

05:17:38 Commissioner Tomes made a motion to approve Waiver #1, a Waiver of section 5.5.1.A.3.a to allow a parking lot to be located in front of the building along W Broadway and Dixie Hwy. The motion died for lack of a second.

05:19:45 On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **January 29, 2015** Planning Commission public hearing in order for the applicant to address Waivers #1 and #2, to investigate these pedestrian-orientation issues and possibly provide options for a more direct connectivity to both Dixie Highway and Broadway. The Commissioners asked for a clear justification from the applicant if this connectivity would not be provided.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Peterson, Brown, Jarboe, White, Tomes, and Turner.

NO: No one.

NOT PRESENT: Commissioners Butler and Kirchdorfer.

ABSTAINING: No one.

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Public Hearing

Case No. 14AMEND1003_trans

NOTE: This case was continued from the November 6, 2014 Planning Commission public hearing.

Request: LDC Round Two Text Amendments –
Transportation

Case Manager: **Julia Williams, Planner II**

05:24:12 On a motion by Commissioner Proffitt, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **February 5, 2015** Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Blake, Proffitt, Peterson, Brown, Jarboe, Turner, White, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Butler and Kirchdorfer.

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 6:50 p.m.

Chairman

Division Director