

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
September 11, 2023**

A special meeting of the Louisville Metro Planning Commission was held on Monday, September 11, 2023 at 6:30 p.m. at Central Government Center, 7201 Outer Loop, Louisville, Kentucky.

Commission members present:

Marilyn Lewis, Chair
Rich Carlson
Patti Clare
Te'Andre Sistrunk
Suzanne Cheek
Jim Mims
Jennifer Kern
Bill Fischer
Michelle Pennix

Commission members absent:

Lula Howard

Staff Members present:

Brian Davis, Assistant Director
Julia Williams, Planning Manager
Jay Lockett, Planning Supervisor
Beth Stuber, Engineer Supervisor
Laura Ferguson, Assistant County Attorney

Others Present:

The following matters were considered:

PLANNING COMMISSION MINUTES
September 11, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0052

Request: Change in Zoning from R-4 to R-5 with a Detailed District Development Plan/Major Preliminary Subdivision Plan with Binding Elements

Project Name: Farmgate Crossings

Location: 8204, 8212, 8302 & 8306 Glaser Lane

Owner/Applicant: Leisure Development, LLC

Representative: Bardenwerper Talbott & Roberts, Sabak Wilson & Lingo

Jurisdiction: Louisville Metro

Council District: 23 – Jeff Hudson

Case Manager: Jay Lockett, 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:

00:03:45 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report (see video of PowerPoint presentation). The applicant is proposing to rezone the property from R-4 to R-5 for a proposed subdivision containing 43 single family lots on the property. The development would connect to an existing stub that runs into the property.

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper Talbott & Roberts, 1000 North Hurstbourne Parkway, 2nd Floor, Louisville, KY 40223

Kelli Jones, Sabak Wilson & Lingo, 608 South 3rd Street, Louisville, KY 40202

Summary of testimony of those in favor:

00:07:15 Nick Pregliasco spoke in support of the application and presented a PowerPoint presentation (see video). Pregliasco stated the original proposal was for a planned residential district with attached residential units, but the plan was amended after the initial neighborhood meeting. There are no waivers or variances being requested.

PLANNING COMMISSION MINUTES
September 11, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0052

Approximately 37 percent of the site will be preserved as open space. The proposed density is similar to that of the surrounding residential development.

00:23:50 Kelli Jones spoke in support of the application and discussed the drainage plan for the proposed plan. In summary, the applicant is proposing to detain water on site and the basin will be larger than is required in an effort to help with the overall drainage in the area.

00:26:29 Nick Pregliasco resumed testimony and reiterated that the drainage situation will be better than it is today. Pregliasco discussed the connection to the stub from Old Boundary Road, which was recorded and constructed to the property line.

00:33:50 Commissioner Carlson asked about the design of the drainage system. Kelli Jones provided a more detailed explanation. Commissioner Carlson also asked that the amount in Binding Element 11 be reconsidered. Pregliasco stated they will consider a new amount. Commissioner Carlson asked if the deed restrictions for the proposed subdivisions have been compared to the adjoining subdivisions. Pregliasco stated the values will be comparable to the homes in the adjoining developments.

00:43:23 Commissioner Mims asked about the proposed connection, particularly about how they foresee traffic moving through the area. Pregliasco stated he feels there will be traffic going both ways. Mims also asked about the design of Glaser Lane and whether it meets the current Public Works standards. Pregliasco said the agencies had never asked about improvements, and the applicant's party made pavement width measurements, as well as measured for site distance, to show the road is adequate. Beth Stuber said the crash data was pulled back to 2018. Commissioner Kern said there were no significant patterns or concerns identified from the crash data. In response to a question about drainage, Kelli Jones reviewed the drainage plan again and showed how the water will be collected and then retained until it is discharged into the creek that runs through the property.

The following spoke as neutral:

Jena Booker, 7507 Stonebrook Drive, Louisville, KY 40291

Lauren Redell, 7413 Fieldstone Way, Louisville, KY 40291

Summary of testimony of those who spoke as neutral:

00:57:58 Jena Booker said there are traffic problems in the area. Some of the traffic signals are backed up already and it takes several cycles to get through them. Glaser

PLANNING COMMISSION MINUTES
September 11, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0052

Lane is very narrow. The applicant has never reached out to the adjoining HOAs to discuss the deed restrictions. A development like this will disrupt the community feeling.

01:04:00 Lauren Redell said mailboxes are frequently hit along Glaser Lane. The neighbors would be interested in the installation of a fire gate at the stub.

The following spoke in opposition to this request:

Oscar Brohm, 8011 Huntsman Trail, Louisville, KY 40291

Frances Nicholson, 8302 Old Boundary Road, Louisville, KY 40291

Anne Milligan, 8009 Schroering Drive, Louisville, KY 40291

Stephen Brown, 8009 Schroering Drive, Louisville, KY 40291

Mark Tudor, 8104 Glaser Lane, Louisville, KY 40291

Summary of testimony of those in opposition:

01:06:55 Oscar Brohm spoke in opposition to the request. Brohm said Farmgate surrounds the proposed subdivision, but the applicant has not agreed to keep their development in keeping with the existing character. Brohm believes the houses should be similar to the Farmgate houses. The stub will be used as a cut-through to get to Beulah Church Road, so a gate should be put up to keep this from happening. Brohm believes the proposal is not in keeping with the Highview plan.

01:14:14 Frances Nicholson spoke in opposition to the request. Nicholson has concerns about the increase in traffic and noise from the new traffic. There is very little safe space along the roads in the area now, so adding additional traffic would endanger residents. She would encourage a gate at the stub.

01:18:27 Ann Milligan spoke in opposition to the request. Milligan expressed concerns about developing this site and the impact the loss of trees will have on the community.

01:23:40 Stephen Brown spoke in opposition to the request. Every neighborhood on the Farmgate side is R-4, so this proposed development is out of character. Brown has concerns about the increase in traffic, especially the cars that will be cutting through Farmgate from the Old Boundary stub. Traffic congestion is prevalent at many different intersections in the immediate area. Brown believes the proposed homes will be smaller

PLANNING COMMISSION MINUTES
September 11, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0052

and of lower quality than the Farmgate homes. Stormwater is a problem in the area and Brown does not think the proposed improvements will fix that problem.

01:32:12 Mark Tudor spoke in opposition to the request. Tudor has concerns about the traffic on Glaser Lane. The area will not be able to handle this development plus a few others that have been approved but have not yet been constructed. This is a quiet neighborhood and that will be disrupted if this development is approved.

Rebuttal

01:36:10 Nick Pregliasco provided rebuttal to the opposing comments. Pregliasco stated the change from the 69-unit PRD development to the 43-unit R-5 subdivision was done in response to the original concerns from the neighborhood meeting. The change to R-5 is being requested in order to provide the open space. Upon review of the adjoining developments' deed restrictions, the proposal is very similar to the restrictions that are in place. In regards to the connection to the existing stub, Pregliasco said the stub was shown in order to meet the connectivity requirements in the comprehensive plan. Much of the existing tree canopy on the site will be preserved. R-4 and R-5 are both single family residential, so the proposal is not that much different than the abutting developments.

01:47:13 Commissioner Sistrunk asked Pregliasco to explain the difference between an R-4 development and an R-5 development on this site. Pregliasco and Jones explained the rationale for their earlier thoughts.

01:49:57 Commissioner Fischer asked what the proposed square footages are for the homes. Pregliasco stated the range is from 1,425 square feet to 2,200 square feet. Commissioner Carlson asked if they would be willing to include a binding element with a square footage range. Commissioner Carlson asked if the applicant would be willing to evaluate and/or construct speed calming devices (like speed humps or bumps) in the adjoining Farmgate subdivision. Commissioner Kern said speed humps currently cost about \$7,000 per pair. Pregliasco said they would not agree to that at this time.

01:55:10 Commissioner Lewis asked if sidewalks are proposed throughout the subdivision. Pregliasco said yes. Commissioner Clare asked if stop signs had been planned yet. Kelli Jones said they have not finalized that.

01:58:48 Jay Lockett said the Office of Planning has concerns about adding minimum square footage language in binding elements as it poses a housing equity issue.

01:59:29 Commissioner Pennix asked if the applicant would be willing to do a fire gate at the stub. Pregliasco stated they intend to construct to the stub. Jones stated if

PLANNING COMMISSION MINUTES
September 11, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0052

they were to request the alternative connection then they would need to make that request, send notice and have a hearing to discuss that request if it were approved by the fire department and Public Works.

02:01:51 Commissioner Cheek asked Pregliasco to discuss the proposed density and how it compares to other developments in the area.

Deliberation

02:06:15 Planning Commission deliberation. Commissioner Carlson has not been in favor of gates on stubs in the past. Connectivity helps build a sense of community.

Commissioner Mims believes the connection needs to be made and that the community is getting a better development because of the change in zoning.

Commissioner Sistrunk said the connection is a must, and the R-5 request is justified.

Commissioner Clare said the ability to save the existing trees is more valuable to the community than preventing the development of eight or so extra lots that comes with the zoning change. The sidewalks will be a great addition to the overall community.

Commissioner Fischer believes this proposed product is a good alternative for the area.

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-4 to R-5

02:25:35 On a motion by Commissioner Sistrunk, seconded by Commissioner Cheek, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard at today's hearing, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds the proposal meets Community Form Goal 1 because the subject site is located along Glaser Ln, a primary collector. Beulah Church Rd is the nearest arterial roadway approximately 3500 feet to the east. Outer Loop and Fegenbush Ln form a core intersection within the Hightview Planned Development District and is about 3700 feet to the west and south via Watterson Trl. Transit service as well as a wide variety of services and employment opportunities are available in the PD area. The proposal is for single-family housing and is compatible with adjacent development,

PLANNING COMMISSION MINUTES
September 11, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0052

WHEREAS, the proposal meets Community Form Goal 2 because the proposed zoning change would allow for additional housing options in the area,

WHEREAS, the proposal meets Community Form Goal 3 because the site does not have potential for wet or unstable soils. There is an intermittent stream and associated floodplain on the western portion of the site being preserved within open space,

WHEREAS, the proposal meets Community Form Goal 4 because the proposed development preserves approximately 37% of the site as open space, including a stream course, flood prone areas and a stand of mature tree canopy,

WHEREAS, the proposal meets Mobility Goal 1 because the site is approximately 1800 feet from the Highview Town Center Planned Development District, which contains a wide variety of services, amenities and employment opportunities. Transit service is available within a mile of the site in the PD area.,

WHEREAS, the proposal meets Mobility Goal 2 because the site proposes private access directly from Glaser Ln as well as extending the stub street for Old Boundary Road,

WHEREAS, the proposal meets Mobility Goal 3 because the proposed zoning district would allow for additional housing options within an area near employment opportunities and a commercial corridor. Transportation Planning has approved the preliminary development plan. All required roadway improvements, including extension of existing stub streets and sidewalks are being provided. The proposal includes a new public roadway network,

WHEREAS, the proposal meets Community Facilities Goal 2 because utility services will be coordinated. Water service will be coordinated with appropriate agencies. MSD has reviewed and approved the preliminary development plan,

WHEREAS, the proposal meets Livability Goal 1 because the proposal preserves approximately 37% of the site as open space, including a stream course, flood prone areas and a stand of mature tree canopy. A karst survey was performed on the subject site and no karst features were observed. MSD has reviewed and approved the preliminary development plan,

WHEREAS, the proposal meets Housing Goal 1 because the proposed zoning would allow for a variety of lotting patterns, clustering homes away from environmentally sensitive portions of the site. The development will fit within the residential development pattern of the district, which has a variety of residential zoning districts, densities and

PLANNING COMMISSION MINUTES
September 11, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0052

housing types. The proposed zoning district will help promote aging in place by providing additional housing options. The site is close to a variety of commercial uses and services,

WHEREAS, the proposal meets Housing Goal 2 because the proposed zoning district would promote mixed income and intergenerational development by allowing for additional housing options in an area with access to a variety of commercial services, amenities and employment opportunities,

WHEREAS, the proposal meets Housing Goal 3 because the proposed zoning encourages the provision of fair and affordable housing by allowing for a variety of housing types, ownership options, lotting patterns and unit sizes. No existing residents will be displaced. The proposed zoning would allow for a variety of lotting patterns, allowing for production of fair and affordable housing; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to Louisville Metro Council to **APPROVE** the change in zoning from R-4 to R-5.

The vote was as follows:

YES: Commissioners Fischer, Mims, Cheek, Carlson, Pennix, Clare, Kern, Sistrunk and Lewis

NOT PRESENT AND NOT VOTING: Commissioner Howard

ABSTAINING: No one.

Detailed District Development Plan/Major Preliminary Subdivision

02:26:30 On a motion by Commissioner Sistrunk, seconded by Commissioner Cheek, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard at today's hearing, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds an intermittent stream known as Little Cedar Creek flows along the western side of the site. The stream area, along with associated flood prone areas and some existing trees are being preserved in open space. Tree canopy requirements of the Land Development Code will be provided on the subject site,

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 and the Kentucky Transportation Cabinet have approved the preliminary development plan,

PLANNING COMMISSION MINUTES
September 11, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0052

WHEREAS, there are no open space requirements pertinent to the current proposal. Approximately 37 percent of the site is proposed as open space,

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,

WHEREAS, the overall site design and land uses are compatible with the existing and future development of the area. Buildings will meet all required setbacks, and

WHEREAS, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan/Major Preliminary Subdivision Plan **ON CONDITION** the loop lane shall be increased to 20 feet roadway width as presented at the September 11, 2023 Planning Commission public hearing, and **SUBJECT** to the following 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. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
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. 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

PLANNING COMMISSION MINUTES
September 11, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0052

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.

5. 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.
6. 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.
7. 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.
8. Trees will be preserved and/or provided on site and maintained thereafter 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.
9. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
10. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.

PLANNING COMMISSION MINUTES
September 11, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0052

2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.

11. 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.

12. If proposed, the signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.

13. Open space areas at Glaser Lane entrance shall be planted with three-foot hedge and street trees.

The vote was as follows:

YES: Commissioners Fischer, Mims, Cheek, Carlson, Pennix, Clare, Kern, Sistrunk and Lewis

NOT PRESENT AND NOT VOTING: Commissioner Howard

ABSTAINING: No one.

PLANNING COMMISSION MINUTES
September 11, 2023

ADJOURNMENT

The meeting adjourned at approximately 9:13 p.m.

Chair

Planning Director