

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

November 14, 2013

New Cases

CASE NO. 13ZONE1015

Project Name:	Spring Villa
Location:	Multiple addresses along South Watterson Trail, Villa Spring Drive, Parker Grant Court, and Brett Frazier Drive
Owners:	Citizens Union Bank
Applicant:	Citizens Union Bank
Representative:	William Bardenwerper – Bardenwerper, Talbott & Roberts PLLC
Project Area/Size:	36.9 acres
Existing Zoning District:	R-5A
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Joseph Reverman, 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. 5th Street.)

Request:

Change in zoning from R-5A Multi-Family Residential to PRD Planned Residential development, on property located at multiple addresses along South Watterson Trail, Villa Spring Drive, Parker Grant Court, and Brett Frazier Drive (Tax block 0637, Lot 0004) containing 36.9 acres and being in Louisville Metro. A Revised Detailed District Development Plan, Major Preliminary Subdivision Plan, and a Sidewalk Waiver are also being requested.

The following spoke on behalf of Case No. 13ZONE1015:

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway Suite 200, Louisville, KY 40223

Kathy Linares, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

David Mindel, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

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John Torsky, Legislative Aide for Councilman James Peden, 600 West Jefferson Street, Louisville, KY 40202

Roger Costello, 6612 Casey Springs Way, Louisville, KY 40291

Bud Harbsmeier, 6606 Casey Springs Way, Louisville, KY 40291

Roger Goodin, 6604 Casey Springs Way, Louisville, KY 40291

Theresa McCarthy, 6408 South Watterson Trail, Louisville, KY 40291

DISCUSSION:

05:54:05 Joseph Reverman presented the case (see staff report for detailed presentation.) He said this plan, which was submitted last week, has some differences but is relatively similar to that which was proposed in 2001. However, it is to subdivide each of the units onto their own lot. He said there are some stub streets being proposed that were not proposed on the previous plan. The roads being shown on the current plan would be public right-of-way. He said the applicant is proposing a 30-foot LBA instead of the 50-foot LBA which was agreed to with the previous plan. He said part of the applicant's justification for that is that there are property lines now, and the applicant does not want the LBAs to encroach into residents' private property. The applicant wants to maintain the LBA on the common property.

06:02:02 William Bardenwerper, the applicant's representative, gave a brief history of the proposal, particularly the financial history. He said the applicant has spent much time working with the current residents to make the conversion from a condominium regime to a subdivision. He discussed the proposed Declaration of Covenants, Conditions and Restrictions for the new subdivision.

06:07:43 Using the site plan, he pointed out and discussed the homes that are already built on the site. He said the applicant wanted to end up with the same number of home lots as they had condominium units.

06:08:17 Kathy Linares, an applicant's representative, discussed the existing road as well as the planned roads and stub streets. There are similar open

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spaces; she discussed the spaces between the proposed homes. Using the site plan, she pointed out the areas where a 50-foot buffer and tree preservation/woodland protection areas would be provided. She said the Land Development Code states that, for an R-5A site, the maximum requirement for a buffer is 20 feet when that site is adjacent to single-family residential property (15 feet if there are additional trees in that area.) She also noted that, in that same R-5A zoning, there are no buffer requirements if it is developed as single-family residential. She added that the applicant is not pushing the proposed homes any closer to the adjacent property lines. Mr. Bardenwerper said the lotting pattern was already established with the original development.

06:13:49 In response to a question from Commissioner Turner, David Mindel discussed the sidewalk waiver. He discussed the sidewalk issues along Watterson Trail and in various places in the Fegenbush area, and said there had been discussions with the bank representatives and Councilman James Peden regarding this topic. He said the Councilman's office and the applicant agreed that sidewalks could be built where they would be used. John Torsky, representing Councilman Peden's office, said this was correct. He said the Councilman did not want to *waive* the sidewalks, but instead build them somewhere else. Areas suggested included by the Outer Loop Government Center. Mr. Mindel said the applicant would provide the funds, based on what the cost of the sidewalk would be.

06:15:42 Mr. Bardenwerper said the legal issues could be worked out, but he had advised the applicant to wait until the case had gone through the planning process.

06:16:29 Roger Costello, a resident of the Spring Villa Community, said he also spoke for the majority of the residents in Spring Villa. He said he and the residents are strongly in favor of this proposal. In response to a question from Commissioner Turner, Mr. Costello said the current units are about 7-8 years old. Another resident, Bud Harbsmeier, said it had been about three years since there was any construction in the neighborhood.

06:18:42 Roger Goodin, a Casey Springs Way resident, said he was opposed to this proposal. He said the neighbors were told that the new units would look like the older units, but they do not. He said there are currently three units under construction, and are priced about \$35,000 less than the older units.

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He said he has already lost about \$60,000 in his home's value. He said he wanted to rescind his consent to the rezoning. John Carroll, legal counsel for the Planning Commission, explained to Mr. Goodin that he would have to do that in writing and submit that to staff.

06:20:22 Theresa McCarthy said she spoke at previous public hearings on behalf of neighbors who border this development (specifically, at the public hearing when this property was rezoned from R-4 to R-5A.) She said the 50-foot perimeter buffer and the woodland protection area are very important to what the adjacent neighbors want. She discussed the encroaching decks and the sewer easement issues and said the decks were built without permission. She said the neighbors *do* want the sidewalk out front. She said the reason this got passed at the original public hearing was because it was decided that a condominium development would produce less traffic than an R-4 zoned development.

06:24:52 Regarding traffic, Mr. Reverman said there were some comments from Transportation Planning that should be addressed. Commissioner Brown said there were still some unresolved issues; however, there was no anticipation that this development would generate appreciably more trips than was planned for in the original traffic study. The overall number of units will remain the same. Mr. Mindel said one of the original conditions of the original rezoning was to build a turning lane across the frontage of the site; this has been done. He said there were some traffic counts taken recently that have been submitted to Transportation Planning.

06:26:49 Ms. McCarthy asked that the binding elements remain intact and that the applicant request a waiver/s for whatever is needed to keep it a PRD. She said these binding elements, originally applied to the property when it became R-5A, would resolve a lot of problems.

The Committee by general consensus placed Case No. 13ZONE1015 on the agenda for the December 19, 2013 Planning Commission public hearing.