

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
November 19, 2015**

A meeting of the Louisville Metro Planning Commission was held on November 19, 2015 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

David Proffitt, Vice Chair
Jeff Brown
Vince Jarboe
David Tomes
Marilyn Lewis
Rob Peterson
Clifford Turner

Commission members absent:

Donnie Blake, Chair
Robert Kirchdorfer
Chip White

Staff Members present:

Emily Liu, Director, Planning and Design Services
Steve Hendrix, Planning Supervisor
Brian Davis, Planning Supervisor
Joel Dock, Planner I
John G. Carroll, Legal Counsel
Jonathan Baker, Legal Counsel
Sue Reid, Management Assistant

The following matters were considered:

**PLANNING COMMISSION MINUTES
NOVEMBER 19, 2015**

APPROVAL OF MINUTES

OCTOBER 29, 2015 PLANNING COMMISSION PUBLIC HEARING MINUTES

On a motion by Commissioner Tomes, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the Planning Commission Public Hearing conducted on October 29, 2015.

The vote was as follows:

YES: Commissioners Tomes, Turner, Brown, Peterson and Lewis

NO: No one

NOT PRESENT: Commissioners Kirchdorfer, White and Chair Person Blake

ABSTAINING: Commissioner Jarboe and Vice Chair Proffitt

**PLANNING COMMISSION MINUTES
NOVEMBER 19, 2015**

APPROVAL OF MINUTES

OCTOBER 22, 2015 PLANNING COMMISSION NIGHT HEARING MINUTES

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the Planning Commission Night Hearing conducted on October 22, 2015.

The vote was as follows:

YES: Commissioners Jarboe, Turner, Brown and Vice Chair Proffitt

NO: No one

NOT PRESENT: Commissioners Kirchdorfer, White and Chair Person Blake

ABSTAINING: Commissioners Tomes, Peterson and Lewis

**PLANNING COMMISSION MINUTES
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CONSENT AGENDA

CASE NO. 15STREETS1019

Request: Street Name Change for Cedar Lane, Elm Drive, Evergreen Avenue, Lake Louisvilla Drive, Walnut Avenue, Wilson Avenue, Witlow Avenue and Woodland Avenue

Project Name: Park Springs Street Name Changes

Location: Various Locations within the Lake Louisvilla/Park Springs Subdivision

Applicant: Louisville Metro Planning Commission

Jurisdiction: Louisville Metro

Council District: 16 – Kelly Downard and 17 – Glen Stuckel

Case Manager: Brian Davis, AICP, Planning Supervisor

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.)

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:

00:05:58 Brian Davis presented the case (see recording and staff report for detailed presentation).

No discussion

00:10:58 On a motion by Commissioner Tomes, seconded by Commissioner Brown, the following resolution was adopted:

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CONSENT AGENDA

CASE NO. 15STREETS1019

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** this Consent Agenda item.

The vote was as follows:

YES: Commissioners Jarboe, Tomes, Turner, Brown, Peterson, Lewis and Vice Chair Proffitt

NO: No one

NOT PRESENT: Commissioners Kirchdorfer, White and Chair Person Blake

ABSTAINING: No one

**PLANNING COMMISSION MINUTES
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CONSENT AGENDA

CASE NO. 15STREETS1006

Request: Alley closure of the 12' wide alley bounded by W. Liberty Street and W. Muhammad Ali Boulevard and an alley closure of the 12' wide alley bounded by S. Third Street and a 12' wide unnamed alley

Project Name: Omni Hotel Alley Closures

Location: 435 S. Third Street

Applicant: Louisville Metro

Jurisdiction: Louisville Metro

Council District: 4 – David Tandy

Case Manager: Brian Davis, AICP, Planning Supervisor

Notices were not sent as the applicant owns 100 percent of the properties surrounding the proposed closing.

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.)

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:

00:08:04 Brian Davis presented the case (see recording and staff report for detailed presentation).

No discussion

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CONSENT AGENDA

CASE NO. 15STREETS1006

00:10:58 On a motion by Commissioner Tomes, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** this Consent Agenda item.

The vote was as follows:

YES: Commissioners Jarboe, Tomes, Turner, Brown, Peterson, Lewis and Vice Chair Proffitt

NO: No one

NOT PRESENT: Commissioners Kirchdorfer, White and Chair Person Blake

ABSTAINING: No one

**PLANNING COMMISSION MINUTES
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CONSENT AGENDA

CASE NO. 15STREETS1016

Request: Alley Closure

Project Name: 411 Iowa Ave

Location: North side of Iowa Avenue approximately located at 411 Iowa Ave

Owner: Louisville Metro

Applicant: Ryan Chanley – The ABF Group

Representative: Ryan Chanley – The ABF Group

Jurisdiction: Louisville Metro

Council District: 15 – Marianne Butler

Case Manager: Joel P. Dock, 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 part of the case file maintained in Planning and Design Services offices, 444 S. 5th 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:

00:09:36 Joel Dock presented the case (see recording and staff report for detailed presentation).

No discussion

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CONSENT AGENDA

CASE NO. 15STREETS1016

00:11:27 On a motion by Commissioner Brown, seconded by Commissioner Jarboe, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** this Consent Agenda item on **CONDITION** that the applicant posts an encroachment bond, supplies construction plans and obtains an encroachment permit to remove the existing vehicular alley access in front of the road closure and restore that sidewalk to ADA compliance.

The vote was as follows:

YES: Commissioners Jarboe, Tomes, Turner, Brown, Peterson, Lewis and Vice Chair Proffitt

NO: No one

NOT PRESENT: Commissioners Kirchdorfer, White and Chair Person Blake

ABSTAINING: No one

PLANNING COMMISSION MINUTES
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PUBLIC HEARING

CASE NO. 15STREETS1007

Request: Partial Street Closure of Emery Road from Riedling Dr. to its southeast terminus at Oaklawn Subdivision

Project Name: Emery Road Street Closure

Location: 2900 Riedling Dr.

Owner: Louisville Metro

Applicant: Robin & Linda McAdams

Representative: Kathy Matheny

Jurisdiction: Louisville Metro

Council District: 9 – Bill Hollander

Case Manager: David B. Wagner – Planner II (Presented by Brian Davis, AICP)

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.)

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:

00:14:35 Brian Davis presented the case and showed a Powerpoint presentation (see recording and staff report for detailed presentation).

The following spoke in favor of the request:

Kathy Matheny, 9009 Preston Highway, Louisville, KY
Robin McAdams, 2900 Riedling Drive, Louisville, KY

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Anne McMillan, 2921 Riedling Drive, Louisville, KY

Summary of testimony of those in favor:

00:19:10 Kathy Matheny spoke on behalf of the applicant. Ms. Matheny stated with her today are Robin and Linda McAdams who purchased the property a couple of years ago not knowing that the driveway was not on their property. Ms. Matheny stated this all started because the McAdams' just want to put a garage up and that's when they realized the driveway was over the line, and today they just want the partial closure so they can continue with that (see recording for detailed presentation).

00:20:40 Robin McAdams stated they are not changing anything and they have been maintaining that whole driveway area and the community has been maintaining that pocket park for decades.

00:21:58 Commissioner Brown stated these are illegal encroachments, they have structures in the public right of way that somebody could get hurt on and ultimately the city is liable, so if they're going through the process he's going to recommend they either fully close it to the right of way so it reverts back to the property owners or they deed it over to the association, they remove the obstructions or they enter into a license agreement so that Metro Government isn't liable should something happen because of the illegal encroachments.

00:23:44 Kathy Matheny stated all her clients want to do right now is get their driveway. She stated if somebody wants to work something out, which would take much more than what the Planning Commission needs to decide; this has been here for twenty years.

00:24:23 Vice Chair Proffitt asked if it would be appropriate to fashion the verbiage for the proposal to close that portion of the right of way that encompasses the residents' driveway only and stated such.

00:24:37 Kathy Matheny said yes.

00:24:51 Vice Chair Proffitt asked Brian Davis if that was satisfactory with staff to create that kind of language.

00:24:56 Brian Davis said yes.

00:25:12 Anne McMillan stated she is against the idea that there be a total closure, however, she is absolutely in support of a partial closure encompassing the driveway as has been represented.

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PUBLIC HEARING

CASE NO. 15STREETS1007

00:25:55 Commissioners' deliberation

00:29:21 On a motion by Commissioner Jarboe, seconded by Commissioner Tomes, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that adequate public facilities will be maintained as the area of closure and adjoining property will be consolidated into one lot. The right-of-way is unimproved and will never be extended through an existing subdivision, and

WHEREAS, the Commission further finds that any utility access necessary within the right of way to be closed will be maintained by agreement with the utilities, and

WHEREAS, the Commission further finds that the applicant will provide for the improvements, and

WHEREAS, the Commission further finds that the closure complies with the Goals, Objectives and Plan Elements of the Comprehensive Plan found in Guideline 7 (Circulation) and Guideline 8 (Transportation Facility Design). The physical improvements necessary for the closure will be completed by the applicant. The closure will allow for the consolidation of the property with adjoining parcels. A subdivision has been built to the southeast so the street will never be continued in that direction and the street is an unimproved right-of-way. Therefore, no adverse impacts on nearby communities will occur and the proposal will provide for an appropriate functional hierarchy of streets for the surrounding areas, and

WHEREAS, the Commission further finds that there are no other relevant matters; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission in Case Number 15STREETS1007 does hereby **APPROVE** the Partial Street Closure of Emery Road from Riedling Drive to its southeast terminus at Oaklawn Subdivision, based on the testimony heard today and the staff report.

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CASE NO. 15STREETS1007

The vote was as follows:

YES: Commissioners Jarboe, Tomes, Turner, Peterson, Lewis and Vice Chair Proffitt

NO: Commissioner Brown

NOT PRESENT: Commissioners Kirchdorfer, White and Chair Person Blake

ABSTAINING: No one

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PUBLIC HEARING

CASE NO. 15WAIVER1020

Note: This case was heard out of order following the Consent Agenda Items.

Request: Appeal of DRC's 9.16.15 decision denying the request to not require sidewalks along Collins Lane

Project Name: Ford - Kentucky Truck Plant

Location: 3001 Chamberlain Lane

Owner: Ford Motor Land Development Corp.

Applicant: Owner

Representative: Phil Gambrell, Luckett & Farley

Jurisdiction: Louisville Metro

Council District: 17 – Glen Stuckel

Case Manager: Steve Hendrix, Planning Supervisor

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.)

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:

00:12:51 Steve Hendrix requested this case be continued to the December 3, 2015 Planning Commission Public Hearing.

No discussion

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PUBLIC HEARING

CASE NO. 15WAIVER1020

00:13:29 On a motion by Commissioner Peterson, seconded by Commissioner Lewis, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** Case Number 15WAIVER1020 to the December 3, 2015 Planning Commission Public Hearing.

The vote was as follows:

YES: Commissioners Jarboe, Tomes, Turner, Brown, Peterson, Lewis and Vice Chair Proffitt

NO: No one

NOT PRESENT: Commissioners Kirchdorfer, White and Chair Person Blake

ABSTAINING: No one

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PUBLIC HEARING

CASE NO. 15MINORPLAT1089

Request: Amendment to Record Plat to create 2 lots from 1 lot

Project Name: 5466 Bruce Avenue

Location: 5466 Bruce Avenue

Owner: Two Studs, LLC

Applicant: Two Studs, LLC – Charlie Wendell Jr.

Representative: Two Studs, LLC – Charlie Wendell Jr.

Jurisdiction: Louisville Metro

Council District: 25 – David Yates

Case Manager: Joel P. Dock, 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 part of the case file maintained in Planning and Design Services offices, 444 S. 5th 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:

00:30:44 Joel Dock presented the case (see recording and staff report for detailed presentation).

The following spoke in favor of this request:

Charles Wendell, 314 Sage Road, Louisville, KY 40207
David Garber, 2249 Commerce Parkway, Lagrange, KY 40031

Summary of testimony of those in favor:

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CASE NO. 15MINORPLAT1089

00:36:37 David Garber spoke on behalf of the applicant. Mr. Garber stated the two houses that will be constructed will both face Bruce Avenue. Mr. Garber stated the front house will be pretty much in line with the other houses on Bruce, and the rear house will again be facing Bruce Avenue (see recording for detailed presentation).

00:38:48 Charles Wendell stated the houses will be built to sell, not rent.

The following spoke neither for nor against this request:

Tammy Markert, 444 S. 5th Street, Louisville, KY 40202

Summary of testimony of those neither for nor against:

00:40:49 Tammy Markert stated this is not the latest plan she has seen, which she approved, but there are just some little differences; it's supposed to show the tie-in to existing which isn't shown on this one, eight inches of concrete on a typical pavement, but for the most part it's fine, she just wanted to clarify that this wasn't the final one that was approved but it has been approved. Ms. Markert stated the permit was paid right before she walked over here. She stated she has not entered an encroachment permit because she was waiting to see if this is approved, which she explained to the applicant. Ms. Markert stated the bond was paid Monday.

The following spoke in opposition to this request:

Sally Ruckreigel, 7409 Paiute Road, Louisville, KY

Annette Doss, 5470 Bruce Avenue, Louisville, KY

Summary of testimony of those in opposition:

00:42:08 Sally Ruckreigel spoke in opposition to this request. She stated she lives on the back side of Bruce, so their back yard is in her back yard. Ms. Ruckreigel stated she is against this because it's all single family residences around there and she doesn't want two houses on one lot. She stated they also have problems with drainage around there. Ms. Ruckreigel stated there is a big ditch back there so they already have problems with the water around there (see recording for detailed presentation).

00:45:54 David Garber stated they have plans to carry the water from the back and go out to Bruce. Mr. Garber referred to the plan and pointed out where a new pipe will be installed under the driveway to get the water out to the roadside ditch along Bruce before it goes out into Bruce Avenue (see recording for detailed presentation).

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00:47:57 Ms. Ruckreigel asked what if it doesn't do like they've said and they get flooded (see recording for detailed presentation).

00:49:15 Mr. Garber stated the other issue, as far as having somebody right in your back yard, the house on that back lot is very close to the front of that lot so there will be a very large rear yard for that second lot back there (see recording for detailed presentation).

00:57:00 Annette Doss spoke in opposition to this request. Ms. Doss stated she has lived there for thirty years and would like to keep it single family. She stated they have worked with MSD a lot, so her concern is the water. She stated right now it looks like a lake over there. Ms. Doss stated there are three trees out front which need to be trimmed.

01:00:30 Charles Wendell stated it was absolutely their intent to leave the three trees on the front of the property. Mr. Wendell stated he had a neighbor across the street that came over and wanted the trees down. Mr. Wendell stated he can't appease everybody but as of right now they have no intentions of moving the trees. Mr. Wendell stated they have no intention of putting any fence up as of yet.

01:06:30 Commissioners' deliberation

01:25:44 On a motion by Commissioner Tones, seconded by Commissioner Jarboe, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Case Number 15MINORPLAT1089 Amendment to Record Plat to create 2 lots from 1 lot, based on the staff report and testimony heard today, on **CONDITION** of four self-imposed **CONDITIONS OF APPROVAL** as follows:

- 1) The three trees on the front of the property are not to be disturbed, except for normal pruning and maintenance work that needs to be done
- 2) Limits of disturbance for lot 18-B shall be 75' from front property line
- 3) Orientation of the houses are to face Bruce Avenue
- 4) The drainage pattern will not be altered on the property, and the property will drain from the back of the lot toward Bruce Avenue

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PUBLIC HEARING

CASE NO. 15MINORPLAT1089

The vote was as follows:

**YES: Commissioners Jarboe, Tomes, Turner, Brown, Peterson, Lewis and Vice
Chair Proffitt**

NO: No one

NOT PRESENT: Commissioners Kirchdorfer, White and Chair Person Blake

ABSTAINING: No one

PLANNING COMMISSION MINUTES
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PUBLIC HEARING

CASE NO. 9-036-96

Request: Binding Element Citation Appeal

Location: 9609 National Turnpike
Fairdale, KY 40118-9767

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.)

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:

01:29:44 Jonathan Baker, Legal Counsel presented the case. Mr. Baker stated the appellant, Mr. Daniel Nelson, did not appear to be present, and asked Vice Chair Proffitt to call the appellant's name for the record to see if he was present (see recording for detailed presentation).

01:30:02 Vice Chair Proffitt called for Mr. Daniel Nelson. Mr. Nelson was not present.

01:33:11 Mr. Baker advised that Mr. Nelson was given proper notice of the Appeal Hearing. Mr. Baker provided the sequence of events that led to this Appeal (see recording for detailed presentation).

01:51:42 April Robbins provided background information on this case (see recording for detailed presentation).

02:04:30 Commissioners' deliberation

02:19:40 Jonathan Baker stated he was currently on the telephone with his office and is being advised that the appellant, Mr. Nelson, came here today and someone told him that his hearing was tomorrow in front of Code Enforcement Board and there was no hearing today. Mr. Baker asked the Commission at this time to continue this case to a date uncertain.

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PUBLIC HEARING

CASE NO. 9-036-96

02:21:30 On a motion by Commissioner Jarboe, seconded by Commissioner Turner, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** Case Number 9-036-96 to a date uncertain.

The vote was as follows:

YES: Commissioners Jarboe, Tomes, Turner, Brown, Peterson, Lewis and Vice Chair Proffitt

NO: No one

NOT PRESENT: Commissioners Kirchdorfer, White and Chair Person Blake

ABSTAINING: No one

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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Site Inspection Committee

No report given.

Planning Committee

No report given.

Development Review Committee

No report given.

Policy and Procedures Committee

No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given.

ADJOURNMENT

The meeting adjourned at approximately 3:35 p.m.

Chair

Planning Director