

PLANNING COMMISSION MINUTES
January 7, 2016

PUBLIC HEARING

CASE NO. 15ZONE1021

Request: Change in zoning from R-4 to PEC and C-1
Project Name: Hurstbourne Station
Location: 7300 South Hurstbourne Parkway and TB 636 Lot 155

Owner/Applicant: Hurstbourne Corporate Group, LLC
David A. Dries, Manager
15510 Champion Lakes Place
Louisville, Ky. 40245

Robert and Nancy Williamson

Representative: BTM Engineering Inc.
John Addington, RLA
3001 Taylor Springs Drive
Louisville, Ky. 40220

Frost Brown Todd LLC
Glenn A. Price, Jr.
400 West Market Street, 32nd floor
Louisville, Ky. 40202

Jurisdiction: Louisville Metro
Council District: 2 – Barbara Shanklin
Case Manager: Julia Williams, RLA, 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:

00:50:45 Mrs. Williams said the applicant is still working with the Councilwoman and legislative aids on this proposal. The applicant therefore, requests this case be continued to the January 21, 2016 Planning Commission meeting.

Deliberation

PLANNING COMMISSION MINUTES
January 7, 2016

PUBLIC HEARING

CASE NO. 15ZONE1021

00:51:56 Planning Commission 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.

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** Case No. 15ZONE1021 to the January 21, 2016 Planning Commission hearing.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioners Blake and White

**PLANNING COMMISSION MINUTES
DECEMBER 17, 2015**

PUBLIC HEARING

CASE NO. 15ZONE1021

Note: Commissioner Tomes arrived at approximately 1:45 p.m.

Case No: 15zone1021

Request: Change in zoning from R-4 to PEC and C-1

Project Name: Hurstbourne Station

Location: 7300 S. Hurstbourne Parkway and TB 636 Lot 155

Owner: Hurstbourne Corporate Group and Robert and Nancy Williamson

Applicant: Hurstbourne Corporate Group

Representative: BTM Engineering Inc.; Frost Brown Todd LLC

Jurisdiction: Louisville Metro

Council District: 2- Barbara Shanklin

Case Manager: Julia Williams, RLA, AICP, Planner II

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**PLANNING COMMISSION MINUTES
DECEMBER 17, 2015**

PUBLIC HEARING

CASE NO. 15ZONE1021

Agency Testimony:

00:25:18 Julia Williams presented the case and showed a Powerpoint presentation (see recording and staff report for detailed presentation).

The following spoke in favor of the request:

Glenn Price, 400 W. Market Street, Suite 3200, Louisville, KY 40202

David Dries, 15510 Champion Lakes Pl., Louisville, KY 40245

Summary of testimony of those in favor:

00:31:40 Glenn Price spoke on behalf of the applicant (see recording for detailed presentation).

00:38:14 David Dries stated he thinks there's some request from Ms. Shanklin's office that if this is rezoned there might be a Binding Element that if something isn't built in a certain amount of time that the rezoning revert back to the original zoning, and again, he might not have that exactly correct (see recording for detailed presentation).

00:38:40 Jon Baker stated that is something the law doesn't allow, but there is someone here that's bringing concerns from the Council Person's office and perhaps that person can put those concerns on the record and based on those concerns perhaps Mr. Price can respond on what the applicant is willing to do and not do.

The following spoke in opposition to this request:

Aaron Horner, 5100 U.S. Hwy. 42, #726, Louisville, KY 40241

Summary of testimony of those in opposition:

00:40:00 Aaron Horner spoke in representation of Council Woman Barbara Shanklin. Mr. Horner stated Ms. Shanklin had asked him to attend as her Legislative Aid was unable to attend. Mr. Horner stated one of the suggestions was whether or not the Planning Commission could put some Binding Elements to not allow anything more than R-4 density. Mr. Horner stated one of the other issues was to not allow any trucking receiving centers that are sometimes used in commercial districts, thinking that the infrastructure would not be suitable for semi-trucks, truck receiving type of center operations. Mr. Horner stated one final thing is that since many of the land uses surrounding this property in question have been reallocated similar to the retail center that was approved but not built, similar to the nursing home that was proposed and now it's going to be high density apartments, that any type of approval that is done today if

**PLANNING COMMISSION MINUTES
DECEMBER 17, 2015**

PUBLIC HEARING

CASE NO. 15ZONE1021

there were to be another Planning Commission meeting on this subject property that it would have to come back before Metro Council for approval and not just the Planning Commission itself similar to what was done with the nursing home that was proposed and now the high density apartment complex (see recording for detailed presentation).

00:42:36 Chair Person Blake stated he did not think the apartments came back to Metro Council, that was just a revised plan.

00:42:43 Mr. Horner stated that was correct, and he thinks that's the question of whether or not the Planning Commission could put some Binding Elements that said that if there was a change in how this property would be developed today, if the developer did come back with changes of plans then it would have to go through the lengthier process and not just Planning Commission approval (see recording for detailed presentation).

00:43:39 Jon Baker stated there are certain cases that whether the condition is placed here or at the Council level that does require Council review of a change in plan after a rezoning, that has been done before. As far as the other responses, Mr. Baker stated he thinks those are better addressed by the applicant especially with respect to capping density and what he would ask specifically as far as truck transfer, are you talking about a land use that's primarily a truck transfer station, or he wonders if the concern is if it's just the primary use being a truck transfer station or if this is going to PEC zoning typically those are uses that fit in PEC zoning; you're going to have to have some bays for drop off and pick up from semi-rigs, that's going to be a part of most industrial type and even commercial uses. Mr. Baker stated he was just wondering if the concern is the use itself not be a truck transfer station (see recording for detailed presentation).

00:44:53 Mr. Horner stated he thinks that is the concern itself, with residential on the south - you're going to have apartment buildings, and of course the Mercy Academy on the north side of the territory and that that would just be out of character for the district (see recording for detailed presentation).

00:45:10 Mr. Baker stated he thinks this also stems from a concern that there was a property in the district that was a Category 3 type property that was originally designated to be developed something else, but then what went in there was a full-on truck transfer station surrounded by neighborhoods, and he thinks that's where that concern is stemming from, so that's what made him believe the concern was the primary use of the property being a truck transfer station because he knows that was very controversial without much discretion on the part of the Planning Commission to approve or disapprove of a pre-plan certain property and the zoning was in line; the property owner in that case just put a full-on 24 hour truck transfer station in almost in

**PLANNING COMMISSION MINUTES
DECEMBER 17, 2015**

PUBLIC HEARING

CASE NO. 15ZONE1021

the middle of a neighborhood, so he thinks that's where that comes from (see recording for detailed presentation).

The following spoke neither for nor against this request:

Michael Johnson, Mercy Academy, 5801 Fegenbush Lane, Louisville, KY 40228

Summary of testimony of those neither for nor against:

00:46:51 Michael Johnson stated obviously this is right next to their lovely school and they just want to make sure that as it's developed that the particulars fit in with the nature and character of the school in particular and then just schools in general and that's their concern (see recording for detailed presentation).

REBUTTAL:

00:48:37 Glenn Price stated that Jared Dearing, who is Ms. Shanklin's representative, attended two of their three neighborhood meetings. Mr. Price stated the first time he has heard of any questions like this was just now. Mr. Price stated he does not think it's fair to bomb the applicant at a public hearing with a request like that. Mr. Price stated if that was going to be requested of the applicant somebody should have come to them before they walked into this hearing (see recording for detailed presentation).

00:50:40 Commissioners, staff, the applicant, Mr. Horner and Legal Counsel discussed the request presented by Mr. Horner, as well as the appropriate uses for the change in zoning (see recording for detailed presentation).

01:09:51 Chair Person Blake called a short recess to allow Mr. Price the opportunity to speak with his client.

01:10:13 Chair Person Blake advised that the Commissioners were going to continue on to items number 5 and 6 on the agenda, and then return to this case.

01:37:23 Chair Person Blake reconvened this case.

01:37:48 Glenn Price stated there are two issues remaining; one is whether or not the applicant would agree to a Binding Element that would, if the C-1 portions of the development ended up being residential, limit the density. Mr. Price stated at this point the applicant could limit it to an R-6 density but the Council Representative would like to limit it to an R-4 density, which is the current zoning. Mr. Price stated the second issue is that the Council Representative is suggesting that the applicant not use this property

**PLANNING COMMISSION MINUTES
DECEMBER 17, 2015**

PUBLIC HEARING

CASE NO. 15ZONE1021

for a truck transfer station. Mr. Price stated that is a little bit problematic because that's one of the uses that PEC would allow (see recording for detailed presentation).

01:39:46 Commissioners, Legal Counsel, Mr. Price and Mr. Horner discussed continuing the case (see recording for detailed presentation).

01:48:34 Commissioners' deliberation

01:52:27 On a motion by Commissioner Tomes, seconded by Commissioner Turner, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** Case Number 15ZONE1021 to the January 7, 2016 Planning Commission Public Hearing.

The vote was as follows:

YES: Commissioners Lewis, Turner, Brown, Peterson, Tomes and Chair Person Blake

NO: No one

NOT PRESENT: Commissioners Jarboe, White, Kirchdorfer and Vice Chair Proffitt

ABSTAINING: No one

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

November 12, 2015

New Cases

CASE NO. 15ZONE1021

Request:	Change in zoning from R-4 to PEC and C-1
Project Name:	Hurstbourne Station
Location:	7300 S. Hurstbourne Parkway and TB 636 Lot 155
Owner:	Hurstbourne Corporate Group and Robert & Nancy Williamson
Applicant:	Hurstbourne Corporate Group
Representative:	BTM Engineering – John Addington Frost Brown Todd LLC - Glenn Price
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Julia Williams, RLA, AICP, Planner II

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.)

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

02:43:48 Julia Williams presented the case (see staff report and recording for detailed presentation.)

02:46:41 In response to a question from Commissioner Brown, Ms. Williams said there will be pedestrian connections on the internal access roads. She said the applicant can give more details about that. Also, a new public right of way is being created through the site (called "Patriots Crossing Trail") which will be required to have sidewalks. This plan does not show the individual sidewalks; however, as each individual plan comes in it will be required to have sidewalks. She pointed out the locations of the internal access on the plan.

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

November 12, 2015

New Cases

CASE NO. 15ZONE1021

The following spoke in favor of the request:

Glenn Price, Frost Brown Todd, 400 West Market Street, Louisville, KY 40202

John Addington, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

David Dries, 15510 Champion Lakes, Louisville, KY 40245

Summary of testimony of those in favor:

02:48:03 Glenn Price, the applicants' representative, presented the applicants' case and showed a Power Point presentation (see recording for detailed presentation.)

02:52:59 Commissioner Brown asked about note #24 regarding prohibiting access to Hurstbourne from some of the lots. He asked if Lot #11 should be included in that note. Mr. Price said that would be checked.

02:53:27 John Addington discussed note #25 on the development plan regarding sidewalks. Commissioner Brown said he would also like to see a note restricting access from Lots #4 and #5 directly to Fegenbush Lane.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

02:54:30 The Committee by general consensus scheduled this case to be heard at the December 17, 2015 Planning Commission public hearing.