

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
September 16, 2010 EVENING**

A meeting of the Louisville Metro Planning Commission was held on Thursday, September 16, 2010 at 6:30 p.m. at St. Michaels Church, located at 3705 Stone Lakes Drive, Louisville, Kentucky.

Commission members present:

Donnie Blake, Acting Chairman
Yvonne Wells Hatfield
Rick Storm, County Engineer, Public Works
Susan Hamilton
Lula Howard
David Proffitt
David Tomes
Tom Stockton

Commission members absent:

Chief Richard Carlson, Chairman
Marshall Abstain

Staff Members present:

James L. Mims, Director, Codes and Regulations
Dawn Warrick, Assistant Director, Planning and Design Services
Theresa Senninger, Legal Counsel
Jonathan Baker, Legal Counsel
Chris French, Planning Coordinator
Mike Hill, Planner II
Sherie Long, Planner
Bob Keesaer, Architect
Connie Ewing, Public Information Specialist
Chris Cestaro, Management Assistant (minutes)

Others Present:

Paula Wahl, Engineer Manager, Public Works
Angela Webster, Legislative Assistant to Councilman Stuart Benson
Councilman Stuart Benson (District 20)

Court Reporter:

Rosemary Kithcart

The following matters were considered:

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**Public Hearing
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Case No. 12427 & 12428

Project Name: Tyler Town Center
(Taylorsville Road / Urton Lane Town Center
and PDD)

Location: Taylorsville Rd, I-265, Urton Lane, Stone
Lakes Dr, and Tucker Station Rd

Owners: Multiple property owners (Represented by Bill
Bardenwerper, Bardenwerper, Talbott &
Roberts, PLLC, and Deborah Bilitski, Wyatt,
Tarrant & Combs, LLP)

Applicant: Planning Commission/Planning & Design
Services

Form District: Neighborhood (NFD) to Town Center (TC)

Exist. Zoning/use: R-4, C-1 & C-2 / residential, commercial and
institutional (St. Michaels Church)

Proposed zone/use: PDD / Mixed use commercial development and
institutional

Jurisdiction: Louisville Metro

Council District: 20 – Stuart Benson

Case Manager: **Chris French, Planning Coordinator**

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.)

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Request

- Change from Neighborhood Form District to Town Center Form District as directed by Metro Council Ordinance No. 148, Series 2007, to initiate Form District amendment process.
- Area wide rezoning from R-4, Single-family Residential, and C-2, Commercial, to Planned Development District as requested by the Louisville Metro Planning Commission at the recommendation of the Planning Committee.
- Approval of a PDD zoning regulations for future town center: including PD Land Use Map, PD Design Guidelines, and PD Concept Mobility Plan.
- Amendment to Core Graphics # 10 of the Comprehensive Plan with Urton Lane corridor as shown on the PD Concept Mobility Plan.

Agency Speakers:

Christopher French, Planning Coordinator, Planning and Design Services
Paula Wahl, Public Works
Dawn Warrick, Assistant Director, Planning and Design Services

Pre-hearing business:

After Acting Chairman Blake finished the opening statement, he said there had been a request to extend the time limits for the hearing for those in favor and those opposed. He asked the Commission members to consider whether they felt the one-hour time limit was sufficient.

Commissioner Howard asked what the reason was for extending the time limits beyond one hour per side. Dawn Warrick, Assistant Director for Louisville Metro Planning and Design Services, said a memo was provided to the Chairperson of the Planning Commission from a firm representing Nicklies Development requesting a time allotment of more than one hour.

Bill Seiller, attorney for Nicklies Development, stood and said he was the one who made the request. He explained that Nicklies had five witnesses to appear, and he also anticipated that other interested parties may want to speak in opposition.

Commissioner Blake said that, since there was no further discussion from the Commissioners, the time allotted each side would remain at one hour.

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Agency Testimony:

Theresa Senninger, Legal Counsel for the Planning Commission, spoke briefly to clarify some aspects of this case. She said that this is an unusual case because there is no private applicant – the applicants are the Louisville Metro Council and the Planning Commission. She said that staff will make a presentation to describe the proposal, and then those who are in support of the change will have one hour to speak, and those opposed will have one hour. She reemphasized that the applicants in this case are the Metro Council and the Planning Commission.

Christopher French presented the case and showed a Power Point presentation, which included maps and photos of the site and surrounding area. The proposal involves an area-wide rezoning from R-4, Single-Family Residential, and C-2, Commercial, to PDD, Planned Development District, and a change in Form District from Neighborhood to Town Center for multiple properties in the vicinity of the Taylorsville Road/I-265 interchange area containing approximately 123 acres. He gave a brief history of the proposal; a more detailed explanation of this history is found in the staff report. He explained that there are three project areas within the overall Planned Development District: Area 1, which comprises the St. Michaels Church campus; Area 2, which comprises the area to the east of the existing Kroger Center; and Area 3, which comprises the area to the west of the existing Kroger Center to Tucker Station Road.

He briefly outlined the purpose of a Planned Development District, and then described the proposed PDD design guidelines and standards, coordination of infrastructure improvements, permitted land use categories, and mobility standards. He explained the importance of limited use categories in the proposed PDD and how those restrictions and limitations could be used to maintain neighborhood character. He explained the limited use categories, and elaborated on design requirements (street design, landscaping and buffering requirements, intensity standards, building design guidelines, open space requirements, etc.)

Mr. French described the process that would be used when development occurs in the PDD area (including going to DRC to determine land uses; the guideline interpretation process; overall development review procedure, the waiver process, and notification for public review.)

Mr. French reviewed the mobility standards for the PDD.

Paula Wahl, Engineer with Louisville Metro Public Works, said most of the information she planned to present tonight was originally presented at the July 27, 2010 public meeting. She said the traffic analysis that was done for this area

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was conducted by BTM Engineering and Metro Public Works. She explained in detail how the study was organized and what years and development scenarios it included.

She listed the potential development sites that could affect traffic in the year 2015, including : Blankenbaker Station, St. Michaels Church expansion, Vandergest property, the Tyler Center, the non-church-campus St. Michael Church property, Tyler Point, Principal Properties, Taylorsville Road retail center, and Tyler II. Using a Power Point presentation, she showed both estimated a.m. and p.m. trips generated in the area. She showed the intersections evaluated, which include the Urton Lane Corridor with its proposed connection to Rehl Road.

She showed the year 2020 development analysis, which included additional anticipated developments. These included Blankenbaker Station IV (which will be heard at tonight's meeting following this case), Tucker Station Business Park, remaining properties of Blankenbaker Station II and III, and Blankenbaker Warehouse. She showed the estimated a.m. and p.m. trip generations. The additional intersections that were included in the 2020 analysis are the major ones along Blankenbaker Parkway, along Tucker Station Road and South Pope Lick, Bluegrass Parkway, Plantside Drive, and the proposed Urton Lane Corridor at Rehl Road. She addressed specific results for this analysis.

Ms. Wahl discussed an additional scenario which looked at how much development could take place in this area without major infrastructure improvements to the interchange of Gene Snyder/Taylorsville Road. She described those results in detail. She reiterated that no one really knows how future development will actually occur; there are many potential uses that may not be "peak-hour generators"; also, pass-by trips and mixed uses may increase or decrease traffic counts.

Ms. Wahl explained that trip generation comparisons and updates will be required to be submitted with Detailed Development plans, as development occurs in the PDD area.

She explained the aspects of the PDD Mobility Plan. The traffic report's Executive Summary also contains the Mobility Plan and developer responsibilities.

Ms. Wahl explained interim improvements be provided by Louisville Metro, including signal retiming coordination along the Taylorsville Road corridor and the Gene Snyder/Taylorsville Road interchange. There is a current request to the State to change the eastbound and westbound left-turn lanes at Taylorsville

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Road and Rafts to allow for protected turning. There is also a possible restriping at the eastbound turning lane to allow for more traffic stacking to turn northbound onto the Gene Snyder. She discussed infrastructure responsibilities, such as right-of-way dedications, requirements along existing road frontages along the Urton Lane Corridor, and shared crossover-access agreements. She explained about provisions for contributions and recapture agreement options for road improvement and construction required for access. Each proposal will also be required to make frontage improvements along Taylorsville Road.

Ms. Wahl said the preliminary construction cost estimate for interchange improvements is approximately \$8.5 million and is currently not listed on any KIPDA or KTC six-year funding plans. If the proposed PDD is approved, Louisville Metro Public Works along with the State will work towards adding it to the list for future funding.

Christopher French discussed staff conclusions for this case which are contained in the staff report and the binding elements, which may need to be “fine-tuned” to account for transportation improvements. He recommended drafting a binding element related to the maintenance of common open space, as well as maintenance of private streets. He said that, most likely, the main streets within the PDD would be private roadways, so assigning maintenance responsibilities for those streets will be important.

Bill Seiller, attorney for Nicklies Development, asked Mr. French when the proposal for the Planned Development District originated. Mr. French said he believed the original work started in 2007. Mr. Seiller asked if an application was filed. Mr. French said there was not a paper application filed, because this was an area-wide rezoning and form district request initiated by the Metro Council and the Planning Commission. Mr. Seiller asked if regulations require an application to be filed. Mr. French said no, not for this type of request. Mr. Seiller asked if a justification statement had been filed. Mr. French said there was a justification statement in the record.

Mr. Seiller asked if there was a “traffic study completed and filed”. Mr. Seiller and Mr. French discussed the traffic study that had been submitted with the Executive Summary. Mr. Seiller said he received the Executive Summary at 7:30 p.m. yesterday, and argued that this was not enough time to go over it. Mr. French said the conclusions of the traffic study contained within the Executive Summary have been on record for some time and were presented at the July 27, 2010 public meeting.

Mr. Seiller asked if a market study had been done. Mr. French said there had not been a market study completed specifically for this proposal.

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Mr. Seiller asked if the Planned Development District had been amended from its original draft. Mr. French said adjustments were made since the PDD Plan was presented at LD&T. Mr. Seiller said there “had never been a final...proposal submitted, only a draft.” Mr. French said the plan always remains as a “draft” until it is officially approved. Mr. Seiller said an amended draft was made available to the public on September 14th. Mr. French said September 9th was when the substantive changes were made; that changes made following that date were “cosmetic” changes. Mr. Seiller said regulations require any amendment to the proposal to be made available to the public fourteen days before the public hearing. Mr. French said that yes, if this was a normal private rezoning request, that would be correct, he was not sure if that held true if the applicant is the government. Mr. French began to explain regulations about this, but was interrupted by Mr. Seiller, who asked the Chairman of the Planning Commission for a continuance.

Chairman Blake said the request would be taken under consideration.

Deborah Bilitski, an attorney, said she had some comments about Mr. Seiller's request for a continuance. She said that the wording of the regulations references any studies prepared for a development proposal as well as revisions to development plans. She stated that the regulation says that “failure to submit that within fourteen days of a public hearing MAY be grounds for a continuance,” but that it is not mandatory for the Commission to grant a continuance. She said that, if Mr. French were questioned further, it might be found that the revisions that were made to the Planned Development District within the last fourteen days were “very minor”. She said the actual traffic study that was completed “many months ago” and was available to the public. It was the summary that was given to the Commission and the public yesterday. She said there have been many meetings and public conversations about that traffic study.

Bill Bardenwerper, an attorney, discussed the Statement of Compliance (or Justification) that Mr. Seiller asked about. He said he had filed a Justification Statement on behalf of multiple applicants whose properties are included in the PDD. He said this document is in the file and has been there since the summer of 2009. He also mentioned an August 2009 traffic study submitted by BTM which was submitted to Public Works and is a matter of public record. There is also a supplemental study done in March 2010 that is available for public inspection.

Diane Staggs, 4029 Pleasant Glen Drive, Louisville, KY 40299, asked Mr. French how this proposal addresses the needs of the community. She wanted to know what those needs are according to the PDD proposal, and who identified

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those needs. Mr. French said there were two studies done for this area. The primary study was for the Taylorsville Road/Urton Lane Corridor extension, in which consultants looked at what could happen to the character of the area with potential development patterns. The study recommends that a large portion of the study area be classified in the Town Center Form District. There is also a current study for the western portion of the Tyler Rural Settlement District, which is an actual historic district. This second study recommends mixed-use development for the area. There is a high level of interest in the development community in this area of Louisville Metro as a location for new construction, both residential and non-residential.

Ms. Staggs asked if any of the community needs included schools or hospitals, or if everything centered around business development. Mr. French said that, in 2007, Planning and Design conducted two charrettes for the Town Center, prior to having any Planned Development District Guidelines or proposals. As part of that charrette, they engaged the public as to what they wanted to see in this area. A Town Center form district is not strictly commercial and could accommodate service and community uses. The PDD is designed to work with mixed uses. It allows for the development of residential, commercial, office, and institutional uses, which can include schools and churches. He said a church and school are already located within the proposed Town Center.

Ms. Staggs also asked why the government is the applicant for this proposal, and if there were developers that have committed to build businesses in the area following the proposed changes. Mr. French said the purpose of this proposal, from the government's standpoint, is to encourage good, planned, development. This includes coordinating infrastructure and plan for long-range development, not just short term. Mr. French said staff, developers, and the community shaped the Planned Development District proposal.

David Barnes, 12406 Tyler Woods Court, Louisville, KY 40299, asked for clarification about the proposed use of properties situated along Taylorsville Road bordering Tucker Station Road. Using the Power Point, Mr. French pointed out those properties on a map and clarified the limited uses for those sites. Mr. Barnes said drive-through businesses were his primary concern. He asked if there would be deed restrictions on operating hours for any businesses on these properties, particularly for businesses with drive-through windows. Mr. French said that, currently, there are no restrictions on hours of operation for businesses that may locate along Taylorsville Road. However, such restrictions could be applied at the time of Detailed Development Plan approval in the form of binding elements.

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Mr. Barnes also said that, at previous meetings, there had been some discussion about water supply, water runoff and retention, sewers, and septic systems. He asked if those issues had been addressed by this plan. Mr. French said any applicant filing a Detailed Development Plan will have to show they have sewer access and MSD will have to approve those plans. MSD has to fix some of the sewer issues in this area. Regarding drainage issues, as part of this PDD, there is a proposal for cooperation between different property owners for regional detention. This will have to be finally approved by MSD.

Mike Minkhouse, 3007 Grand Lakes Drive, Louisville, KY, 40299, asked about the part of the traffic analysis that included Grand Lakes subdivision. He asked how the subdivision would be impacted by this proposal. Paula Wahl said Grand Lakes subdivision was used to calculate trip generations within the study area. She said she could address the question in more detail during the Commission's consideration of the next case on the agenda because Grand Lakes is off Rehl Road, and the intersections in that area will be more at issue in the development of Blankenbaker IV. Mr. Minkhouse said that, currently, Grand Lakes is not connected to other area developments, and he asked if there would be future area connectivity through it. Ms. Wahl said the subdivision might be connected in the future to other residential developments. Mr. Minkhouse asked if there was feedback from people in this community as to what they wanted in terms of connectivity and uses in the proposed PDD area. Mr. French said the two plans he talked about were both developed through a series of public meetings held in the area. Regarding the Tyler Center neighborhood plan, surveys were done and the neighborhood plan advisory group (appointed by Metro Councilman Stuart Benson) held several meetings during the study's development.

Neil Owen, 4403 Stone Lakes Drive, Louisville, KY 40299, asked if the traffic study was done before or after the change to the intersection at Taylorsville and Tucker Station. Ms. Wahl said the traffic counts were conducted prior to that change. Mr. Owen asked if the new traffic light there made it easier to get through the intersection. Ms. Wahl said there could be an effect from that. Mr. Owen asked if the speed limit along north/south Taylorsville Road will be reduced through the Town Center. Ms. Wahl said Taylorsville Road is a State highway and the State would have to make that decision, though a request can be made through the Highway Department.

Mr. Owen asked about light pollution. Mr. French said there is a Light Ordinance for Louisville Metro. Neighborhood form districts are more restrictive about upward light pollution. He said that language regarding lighting has been incorporated into the proposed PDD Plan. He said staff also responded to comments given by Mr. Steve Porter at an LD&T meeting about lighting.

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Mr. Owen asked about preserving mature trees. Mr. French said open space requirements in the PDD Plan support the preservation of existing trees and expanses of land in developments. Significantly-reduced parking requirements for the proposed PDD will also help preserve land and trees. He also discussed tree canopy requirements for the PDD area that provide an incentive to preserve trees and open space.

Mr. Owen asked if there were plans to connect to the new Floyds Fork area. Mr. French said that is not part of this project, but recommended that Mr. Owen contact his Council Representative to discuss that suggestion, since the parks are to be located outside this particular development area.

The Commission recessed the case for approximately 15 minutes, then resumed.

Mr. French said that, regarding Mr. Seiller's questions about the paper application, all development proposals are online and can be access by the public. This can be considered an electronic application for the proposal.

Mr. French stated that mini-warehouses are limited uses in Areas 2A, 2B, and 2C. Mini-warehouses are permitted in those areas as long as the applicant meets the limited standards for the use.

Ms. Wahl clarified some of the dates used in the traffic study. She said a study was provided by BTM in August of 2009 which encompassed what, at the time, was the area proposed for the PDD. The traffic study was completed in March 2010 and also included what is proposed as the northernmost part of the PEC development to the north of the railroad tracks, a portion of which will be considered in the second case on the Commission's agenda for the evening. The study could not be completed or concluded until there was a full analysis of both of those projects together to show their combined traffic impacts. Once Public Works received the March 2010 study, it conducted its own review of the data and conclusions and found some discrepancies between trip generation rates and assumptions that were made regarding existing traffic geometries. Public Works staff consequently spent the last five months refining and correcting elements of the March 2010 study. Ms. Wahl emphasized that it the study represents a "conservative, most likely over-estimate" of future area traffic. She explained the difference between a "Traffic Impact Study" produced to reflect traffic conditions associated with a single proposed development, and this study, which is focused more on long-range transportation planning for the entire area.

Ms. Wahl said that study data has been available and could have been provided if anyone requested that information. She reiterated that she has been to

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numerous public meetings about this area as well as meetings with applicants and developers. She said she has received any requests for any specific information related to levels of service or volume ratios, which she said is the crux of what is in the summary.

In response to a question from Mr. Seiller, Ms. Wahl said a final Executive Summary is in the case file. Mr. Seiller asked several times if there was a “final traffic study on file.” Ms. Wahl said there are final records in her office of the full traffic study, but that they are not compiled in a “final” document. She said she would provide Mr. Seiller or any member of the public with any data, detailed analysis or information requested concerning the study.

Commissioner Blake asked the other Commission members to consider Mr. Seiller’s request for a continuance.

Commissioner Tomes asked Ms. Senninger if there was a concern that the record is not clear and whether this case should be continued or not. Ms. Senninger said that Mr. French’s and Ms. Wahl’s responses to questions regarding completion and availability of records and information pertaining to the application, and the data supporting the summary of the traffic study indicated that the necessary information was available for consideration, and that the Commission could therefore go forward in taking testimony and hearing this case. However, if members of the Commission felt that more information was needed for the full consideration of the case, including information about the application and traffic study, and that the necessary information could not be provided tonight, the case could be continued.

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

The Louisville Metro Planning Commission does hereby **RESOLVE** to move forward with this case at tonight’s hearing.

The vote was as follows:

YES: Commissioners Blake, Hamilton, Howard, Storm, Stockton, Proffitt, and Tomes.

NO: Commissioner Wells-Hatfield.

NOT PRESENT: Commissioners Carlson and Abstain.

ABSTAINING: No one.

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The following spoke in favor of the request:

Bill Bardenwerper, 8311 Shelbyville Road, Louisville, KY 40222

Deborah Bilitski, 500 West Jefferson Street Suite 2800, Louisville, KY 40202

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

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

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

Summary of testimony of proponents:

Bill Bardenwerper, representing six different property owners/developers in the area affected by the proposed PDD testified that the planning effort for this proposal began in 2005-2006, and that the process has been complicated due to the size of the affected area and the number of competing interests involved in the design of the Plan. He stated that, in addition to this meeting tonight and a different recent meeting at the church, his client group has held at least six independent meetings with neighbors, each time emphasizing the PDD plan.

Deborah Bilitski, an attorney representing different area property owners, said she agreed with much of what Mr. Bardenwerper said regarding the complexity of this planning process. She said the Tyler Rural Settlement District Neighborhood Plan has been referenced as part of this PDD and asked that this plan be entered into the record, as well as the Urton Lane Corridor Study. She mentioned the Strategy 5 Retail Market Study, which shows that there are significant gaps in retail opportunities in this area. She submitted a packet of information into the record. She also submitted a supplemental justification statement to the record, and handed out a copy to each Commissioner.

David Mindel, with Mindel Scott & Associates, discussed sewer service, recapture and capacity in the area. Kathy Linares, also from Mindel Scott & Associates, was called but declined to speak.

Steve Porter, representing the Tucker Station Neighborhood Association, said the Association supports this rezoning and form district change. He said that, when the Snyder Freeway crossed Taylorsville Road, it became apparent that the intersection would inevitably develop. He mentioned some of the new proposed developments and expansions in the district, and said that planned

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development was better for the area. He said some neighborhood residents still have some reservations about permitted uses, particularly in Area 3. Some residents also feel that there is not enough protection for the historic Robert Tyler driveway and house, and that there should be a bigger buffer. Some are not in favor of the proposed "big box" store. He emphasized that there are a number of concerns about the Tucker Station/Urton Lane intersection; he said if these concerns are not addressed, this intersection could become just like the Tucker Station/Taylorville Road intersection before a light was installed there. He concluded by stating that, even given these reservations, this is still a beneficial plan for the neighborhood.

The following spoke in opposition to the request:

Bill Seiler, Seiler and Waterman, 462 South Fourth Street Suite 2200, Louisville, KY 40202-3485 (representing Nicklies Development)

Jim Calvery, 6060 Dutchmans Lane Suite 110, Louisville, KY 40205

Bill Sanders, Heritage Engineering, 101 North Seventh Street, Louisville, KY 40202

Edward Williams, 214 West Main Street, Mason, Ohio 45040

Keith Wicks, Keith Wicks and Associates, 15008 Keller Lake Drive, Burnsville, MN 55306

John Ulmer, 9311 LeBeau Court, Jeffersontown KY 40299

Ray Kemper, 12109 Vanherr Drive, Louisville, KY 40299

Tom Buehner, 1222 Wood Valley, Louisville, KY 40299

Summary of testimony of opponents:

Bill Seiller was called but asked that other witnesses for the opposition speak first.

Ed Williams, a traffic and operations engineer, said the studies that were provided to him for his examination was the March and August studies. He submitted a memorandum into the record. He disputed some of the trip generation findings that were part of the Phase I study for the drive-through bank and mini-warehouse, and said they decreased the volumes of generated trips by about 100 cars. He said the study uses specialty retail land use versus shopping

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center land use, which affect the trip generation numbers. He felt the shopping center use provides a better basis for trip generation numbers. He took issue with some peak hour numbers as well, and said some conditions could lead to gridlock and traffic saturation along Taylorsville Road. He said traffic volume in the March and August versions of the study appeared to be identical, but that the current Executive Summary included some additional roadway improvements. He said the Phase II traffic impact study had similar issues and that he is concerned that the study does not address some queue length issues.

Commissioner Tomes asked Mr. Williams, what the traffic conditions would be if this land were developed as 100% residential, with no mixed use. Commissioner Tomes thought the traffic situation would be worse, because all those residents would have to drive someplace else to shop. Mr. Williams discussed projected household trip generation rates.

Commissioner Stockton said that, if the area were all developed as residential, there would be a poor peak-hour distribution of traffic. With mixed uses, the traffic volume is more evenly distributed.

Paula Wahl, responding to some of Mr. Williams' comments, asked whether, given the PDD guidelines concerning the size of retail stores, it would be more appropriate to use specialty retail use over the shopping center use. Mr. Williams said that, in his experience, he has always used shopping center uses because of the low distribution of studies done for specialty retail. Ms. Wahl asked Mr. Williams if he believed that Metro's trip generation numbers were underestimated. Mr. Williams said he agreed that there should be some reduction due to the specialty retail. Ms. Wahl and Mr. Williams both agreed that coordinated signal systems will promote better area traffic progression.

Mr. Seiller asked Mr. Williams if he was provided a "final traffic study" that he could review. Mr. Williams said that everything he had been provided was marked "draft". Mr. Seiller asked Mr. Williams if he had had enough time to study the Executive Summary. Mr. Williams said he had not.

Bill Sanders, of Heritage Engineering, said he was asked to look at the Tyler Town Center guidelines to estimate what would be the maximum potential commercial development using the PDD Plan regulations. Mr. Sanders' conclusion is that Area 1 had between 970,000 and 1,145,000 square feet of maximum potential buildable square footage.

Commissioner Proffitt asked Mr. Sanders what the purpose was of providing this information. Mr. Sanders said Nicklies Development had requested that information.

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Keith Wicks, a retail consultant, said his objective was to determine how much retail square footage this market can support. He discussed a study he had done in 2006 which looked at the 2007 market for the east end of Taylorsville Road. At that time, he determined that that market would have community-reaching potential of about a three mile radius. (see transcript for Mr. Wicks' verbatim presentation.) He said his instruction was to determine what this market will support in terms of retail square footage; his conclusion is that there is four times more retail proposed for the area than this market will currently support.

Jim Calvery, representing Nicklies Development, said there was no justification statement for this PDD in the file they reviewed. He said a justification statement was given to them on September 15th via e-mail. He said he was offered "sections" of the traffic study, but never the whole document, and said he received the Executive Summary at 7:30 p.m. last night. He said that Metro Council Ordinance 148 requested a Town Center form district change, and not a rezoning to PDD. No demographic studies or market studies were produced to support the proposal. He said there is a potential for over one million square foot of commercial, office, and retail uses in this area under the PDD Plan, and development proposals should have to come back to a committee and not be approved at staff level. He said demographics and social patterns, including income, driving, and purchasing habits, have not changed in this area since 2004. He said that, from 2006 to 2009 it has been estimated that the population in this area has decreased by over 2%.

Mr. Calvery said he spoke with the Chief Engineer of MSD who asked him to state, for tonight's record, that MSD has no plans and has not had discussions to provide sewers in this area before 2024; and to provide sewers for the westernmost part of this PDD for properties that are not already allowed to send sewage to the Jeffersontown treatment plant results in a construction cost of approximately \$2 million and over 1 ½ miles of lines. Metro Council Ordinance 148 addressed this issue, as did the traffic/land use study that was commissioned by the Metro Council. He said water and sewers aren't mentioned, but there was discussion about the appropriate location for the future Urton Lane, and the timing for its construction. He said the plan has been changed many times and that people opposed to it did not have time to review all the information associated with it. He reminded the Commission about the Land Development Code provision that requires technical data to be submitted 14 days before a public hearing to provide the public with an opportunity to review the information. He said this proposal exists to give developers what they want and lacks focus on community needs and wants.

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Commissioner Howard asked Mr. Calvery if his company was a part of this proposal originally. Mr. Calvery said Nicklies Development was not. He stated that other people have stated that Nicklies was part of the proposal from the beginning, but that, "I sat down with Charles Cash, from the very beginning, and said we would work with him to create this whole thing. Because we, like the other applicants out here, had a piece of property we wanted to develop. I stated, emphatically, two times at one meeting, that our company was not going to be party to this development, and we did not ever sign on to be part of this. We submitted our plan to Metro Government, at Metro Government's request. We chose initially not to participate in the traffic study. We were then urged repeatedly by Metro Government to participate, because we would have to do another one anyway to develop our piece of property. That didn't make sense to us."

Commissioner Proffitt asked Mr. Calvery if his company had ever been granted zoning approval for a PD District? Mr. Calvery said it had received such approval. Commissioner Proffitt asked if there Nicklies had a current PDD proposal that was awaiting final action. Mr. Calvery said there was. Commissioner Proffitt asked if those projects were following the same process that is proposed for this case. He said he wanted to know why there had been so much opposition from Nicklies Development when that company should be familiar with PD Districts. Mr. Calvery said that Nicklies Development had never been party to a process exactly like this one.

Commissioner Storm asked Mr. Calvery if his company had recently had a rezoning approved in this area. Mr. Calvery said yes, and that it is awaiting Metro Council approval. Commissioner Storm asked where they were getting their sewer service from. Mr. Calvery said their company had already reserved and paid for their sewer service.

Commissioner Proffitt asked why Nicklies had used the PD process in lieu of requesting an existing standard zoning designation. Mr. Calvery said the PDD was selected for its flexibility and the many ways that controls can be added to plan development. Commissioner Proffitt asked if that was not what was happening in this circumstance. Mr. Calvery said no. He said most PDDs require a density calculation, and there is none for this project.

In response to questions from Commissioner Proffitt, Mr. Sanders said his study did not include all of the existing construction in this area, other than the existing Tyler Retail Center. He explained the information he used for Area 1 calculations. In response to another question from Commissioner Proffitt, Mr. Sanders said it was impossible to determine what would be built in any given area; however, for purposes of this study, he assumed one-story retail. He

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explained how that could change if two-or-three-story commercial office was constructed.

Commissioner Tomes stated that Mr. Calvary agreed to abide by the PDD Plan approved for the case currently pending before the Commission. Mr. Calvary said that was correct. Nicklies agreed to abide by the design guidelines if they were finally adopted by the time Nicklies was ready to begin construction, and that Nicklies had a chance to review them once they came out of draft form. He said their application was for a 10,000 square foot doctor's office.

Commissioner Proffitt said that was not the way he recalled that hearing; that he does not recall any stipulations from Nicklies. He said he recalled stating that he thought it was good that a developer would go in with "an open set of eyes to anything that is put before them". He said he would like to review a set of minutes to see what was said on the official record.

Commissioner Stockton asked Mr. Sanders if he had used the maximum that could be put on any tract of land for his square footage estimates. Mr. Sanders said he did, while excluding areas constituting 10% of the total acreage that would be unbuildable. Commissioner Stockton asked if that included the areas required for retention/detention basins for drainage and stormwater. Mr. Sanders said the 10% he excluded as unbuildable would also include those basins.

Commissioner Hamilton also asked about the buildout calculations, since Mr. Sanders seemed to assume that all new development would be commercial. Mr. Sanders explained he used calculations for what could be built, and to maximize what could be built he chose the most square footage and the most intense uses. Commissioner Hamilton also asked Mr. Wicks if he would describe the trade area, the market demand and supply. Mr. Wicks explained his method for arriving at his conclusions. He said he did factor in commuter traffic as part of the potential market.

Commissioner Tomes asked Mr. Williams if all of his numbers were based on today's populations and not on future growth. Mr. Williams explained where he got his numbers. Commissioner Tomes said lenders will examine these studies and reports for the final determination of whether or not to finance any project. He stated that this plan is intended to pre-plan an area with no expectation that the area will be built out in any particular time frame. He said that each individual project will be judged by its own individual merits at the time it is proposed.

John Ulmer, representing the Greater Jeffersontown Historical Society, said he objects to Urton Lane coming within 200 feet of the Robert Tyler farmhouse complex. He said the Society has requested that it be stated in the Guidelines

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that Urton Lane, including its easements, not come any closer than 200 feet. He said the Society also requests a Guideline that states that the Towerview farmhouse will be saved and not moved if possible. If it has to be moved, it should be no more than 40-50 feet and remain within view of Taylorsville Road. He asked that the easement on the historic drive/Area 3 side be increased an additional 10 feet to preserve mature trees.

Mr. Seiller made his closing arguments in opposition to the proposal. He asked that Ms. Bilitski's supplemental justification be excluded from the record because it was not presented 14 days in advance of the hearing. He asked that Mr. Bardenwerper's justification statement be excluded from the record because it was actually a justification statement for another case filed for a private developer. The case in question was put on hold, and the justification statement was therefore not in the file for this case when his clients went to review at it. Mr. Seiller said there was no completed traffic study or market study in the file. He said staff has not complied with the regulations as far as the presentation of evidence within certain time limits. He also said, "... one of the reasons why [this process] has not been done correctly is because the purpose of it is not really to do a comprehensive plan that is good for the whole area. The purpose of it is really to build that road...We went through that file and extracted a group of e-mails that...are in the file...As you read those e-mails, it is very clear....that the developers represented by Mr. Bardenwerper...made a deal, initially with Mr. Cash, that, if they would support this development, and they would donate the land for this road, they were guaranteed that the staff would instantly, upon this being passed, approve their developments." Mr. Seiller presented a packet of e-mails for the Commission's review.

He said the public would not be shown the individual developments as they were proposed under the PDD Plan.

Ms. Wahl asked Mr. Calvery why he agreed to abide by the transportation binding elements associated with this case in his company's PDD proposal in the area. Mr. Calvery said Nicklies thought at the time that the traffic study would be completed and that he "...would be able to look at it and it would bear out differently from what our consultant found."

Ray Kemper asked Mr. Calvery for clarification about his conversation with an engineer at MSD who stated that MSD has no plans to provide sewers in this area prior to 2024. Mr. Kemper discussed a Courier-Journal article that appeared two or three months ago wherein Bud Schardein stated that the Jeffersontown sewer plant would be phased out by 2014. Mr. Calvery said he could not answer that question, since his information was given to him by the Chief Engineer of MSD.

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Tom Buehner asked Ms. Wahl about the Urton Lane corridor and how it would be constructed. Ms. Wahl said the government is not building roads due to a lack of funding. Road building is proposed to happen as part of new development, since infrastructure is constructed with the development. Mr. Buehner said he was concerned that this plan does not look far enough ahead. Also, he feels that the plan is not looking at the full scope of what the traffic patterns are going to be once the bridges are completed. He feels that the State needs to widen Taylorsville and other roads.

Commissioner Stockton said there is a very limited amount of money, public and private, to build roads. There is a priority list that is generated but that the list is constantly changed and modified. He explained that this community “has never had the luxury” of building roads in advance of development. Roads are built based on need.

Those neither for nor against:

Gerard Grant, 4514 High Top Court, Louisville, KY 40299

Sarah Bowling, 3001 Taylor Springs Drive, Louisville, KY 40220 (was called but declined to speak)

Summary of testimony of those neither for nor against:

Sarah Bowling was called but declined to speak.

Gerard Grant asked about the area south of Taylorsville Road (Area 2C), and whether it could be changed to permit residential uses rather than commercial uses. Mr. French said that, the proposed uses for Area 2C are mixed, and include everything that is permitted in both Areas 2A and 2B and the Taylorsville Road frontage, and that the LU-1 uses are permitted. In response to a question from Mr. Grant, Ms. Wahl explained where the Urton Corridor would ultimately be located. Mr. Grant said he was told by Mr. Calvery that this development could bring as much traffic to this area as currently exists at Oxmoor Mall around Christmas. He asked where all this traffic is will go. Ms. Wahl said that this anticipated traffic is part of the reason why Urton Lane is not proposed to align with Stone Lakes Drive. She explained in detail where the road will go and why. She said the Town Center is meant to serve the area residents, and is not a regional trip generator, like Oxmoor Mall. In response to another question from Mr. Grant, Ms. Wahl reiterated that pieces of the infrastructure will be built as parcels are developed, but that she could not predict the time frame in which the

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road would be constructed. Mr. Grant asked if Urton Lane could not be aligned under the Gene Snyder. Ms. Wahl said that option has not been evaluated, since the Urton Corridor was intended to be a parallel route to the Gene Snyder, intended for more local traffic. Mr. Grant discussed Bluegrass Industrial Park traffic and suggested making the road wider to accommodate that traffic.

Closing Statements:

Dawn Warrick, Assistant Director of Planning and Design Services, said the plan as presented represents a collaborative planning process intended to establish an appropriate area development pattern, coordinate development and planning efforts, and to establish guidelines that will serve this area for many years. She gave a brief description of the planning process, and mentioned that citizens, property owners, the Land Development and Transportation Committee, and members of the public had also been involved in this process and their involvement had led to a number of modifications in the PDD Plan. She said staff believes the necessary traffic analysis has been conducted by Public Works staff.

Ms. Warrick stated that the PDD Plan has evolved over time, because the creation of this plan has been a collaborative process. She said that the Land Development Code, Section 11.4.5 specifically states that the Planning Commission staff is able to make adjustments to the plan, even during the two weeks prior to a public hearing, as a means of addressing concerns of citizens or the Commission. She said the original draft of this proposal was posted on Metro Government website, and presented to the public at a meeting on July 27, 2010. Any changes and adjustments that have been made since that time have generally been to make the Plan more restrictive and have been in response to comments from citizens or LD&T members.

Ms. Warrick said that, as an applicant, Metro Government has provided the required components for consideration of the plan: the PD land use map, a land use category table, and PD design guidelines.

Regarding materials presented this evening by the opposition, Ms. Warrick said that staff has not had any opportunity to evaluate this information. She discussed aspects of the opposition's material that she felt were addressed by the plan research. She explained that this plan is intended to be proactive and is intended to guide future area development.

In response to a question from Bill Seiller, Ms. Warrick stated that a market study was not done because there are no requirements for a market study to be

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submitted to support a Planned Development District proposal. Mr. Seiller asked Ms. Warrick if she thought this proposal was economically feasible. Ms. Warrick said the flexibility of mixed-use, and the dynamic characteristics of this plan will allow development to respond to market conditions even under the requirements established for the PDD.

Commissioner Blake said the marketplace will determine whether something will be built or not, and that Ms. Warrick could not make that determination.

Mr. Seiller asked if it was developers, rather than staff, who did the designs for the plan. Ms. Warrick said that was not true. She said the document that was presented was prepared by staff. Mr. Seiller asked if it was true that staff, through Mr. Cash, made a promise to developers that, if they supported this, their plans would be approved without a public hearing. Ms. Warrick said staff does not have any ability to make any promises regarding how a property may be zoned – that is a legislative process. Regarding the adoption of the PDD, she said the regulations specifically state that, if a development plan is submitted in conformance with the PDD Plan, it can be approved at staff level. She mentioned that, for this particular project, staff has instituted specific criteria to provide notice and a minimum 20-day public comment period for any plan submitted under this PDD.

Teena Halbig, 6505 Echo Trail, Louisville KY 40299, asked why this type of planning is not being done under an update of the Comprehensive Plan. Ms. Warrick said that, unlike a neighborhood plan, this proposal is not and will not be a component of the Comprehensive Plan. Ms. Halbig said it is past time for an update of the Comprehensive Plan to be completed. Ms. Warrick said this proposal falls under the *current* Comprehensive Plan – the studies that form the basis for the PDD proposal including the Neighborhood Plan for the Tyler Rural Settlement District, as well as the Taylorsville Road/Urton Lane study, are all components of the current Comprehensive Plan. Ms. Warrick said the Metro Council and the Planning Commission directed Planning and Design staff to formulate the proposal.

Jonathan Baker, Legal Counsel for the Planning Commission, asked Ms. Warrick to clarify some allegations that design regulations have been made by developers and adopted by staff. He asked whether the majority of the design regulations were taken from the Neighborhood Plan. Ms. Warrick said that staff developed the guidelines under the direction of the studies, which had been legislatively adopted. She said many of the design guidelines, specifically those for Area 3, are taken directly from the Tyler Rural Settlement District Neighborhood Plan recommendations.

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Mr. Baker asked Ms. Warrick about the allegation that there will be no public comment with respect to any plans that may be filed, and asked whether there are notice and appeal provisions in the PDD Plan to allow anyone to file an appeal of that plan to be heard by the Planning Commission. Ms. Warrick said that these procedures are contained in the Plan and that an appeal can be taken if there is a belief or allegation that a development plan is not consistent with the PDD Plan.

The Commission recessed for a break and then resumed the hearing.

Deliberation:

Commissioner Hamilton said she felt the proposal gives the Commission an opportunity to think and plan ahead, instead of just reacting to development. She said the overall area development will be market-driven and the marketplace will guide the mix of uses, but under specific design guidelines intended to protect neighborhood character.

Commissioner Storm agreed with Commissioner Hamilton's comments. He said this proposal is good planning for this area.

Commissioner Wells-Hatfield said that in 2006-2007, there were many developers who wanted to develop a large number of projects in this area all at once. The community asked that this impending development be halted and that development in this area be proactively planned. She said that, during this time, this plan has involved the community and business owners. She said this proposal seems to fit this area. She said that, in the eight years she has been on the Planning Commission, she has never seen planning as intense as this.

Commissioner Tomes asked Ms. Senninger if the Planning Commission was "on good ground" as far as following the rules. Ms. Senninger said that, from a procedural standpoint, the actions that have been described to the Commission that were taken by staff seem to provide sufficient procedural due process to support further action on this case at the discretion of the Planning Commission. The Commission should determine whether there is enough substance in the record to justify action today. If the Commission feels that more information is needed, that information can be requested.

Commissioner Tomes said he also agreed with Commissioner Hamilton. He said too many areas get planned in piecemeal, not as a comprehensive whole. He said he appreciated that landowners were able to agree on many things.

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Commissioner Stockton addressed the traffic study. He said a traffic study of this magnitude is very complicated, and many assumptions had to be made. Its findings were not intended to be taken as absolute, but more as general guidelines. The traffic study identified the need to phase a project like this; it has identified problem areas, particularly the interchange, and what levels of development can take place before certain improvements need to be made. He said it will have to be “tweaked” in the future as developments come in.

Commissioner Howard recalled other properties and areas that have been planned similarly to this. Even though no one knows for sure what the uses are going to be, the PDD Plan will provide a pattern that will be established for future development.

A transcript of the Planning Commission hearing related to this case is available in the Planning and Design Services offices. Please contact the Customer Service staff to view the transcript or to obtain a copy.

In a business session subsequent to the public hearing on this request, the Commission took the following action.

Form District Change

On a motion by Commissioner Wells-Hatfield, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that this proposed form district is a traditional and preferred form, and it is larger in scale than the Neighborhood center; and

WHEREAS, the Commission further finds that the proposed form district will provide focal points in this development proposed of 400,000 square feet, which meets the Guideline for Town center; and

WHEREAS, the Commission further finds that the proposed form district will offer a high level of pedestrian, roadway transit and bicycle access; and

WHEREAS, the proposed form district will provide connected street patterns, shared parking and pedestrian amenities; and

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WHEREAS, the Commission further finds that this proposed form district will allow for more intense uses to be located close to major thoroughfares and the intensity will gradually decline towards the adjacent neighborhoods; and

WHEREAS, the Commission further finds that this proposed form district requires a high level of planning and design, which this plan will offer; and

WHEREAS, the Commission further finds that this proposed form district is in conformance with the Tyler Rural Settlement District Neighborhood Plan, and the Taylorsville Road/Urton Lane Corridor study; and

WHEREAS, the Commission further finds that the proposed form district change complies with Cornerstone 2020 and the Land Development Code based on the record, the evidence and testimony heard at tonight's hearing, the staff report, the justification statement and design booklet; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** a change in Form District from Neighborhood to Town center as directed by Metro Council Ordinance No. 148, Series 2007.

The vote was as follows:

YES: Commissioners Blake, Hamilton, Howard, Stockton, Proffitt, Wells-Hatfield, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Carlson and Abstain.

ABSTAINING: Commissioner Storm.

Area-Wide Rezoning

On a motion by Commissioner Wells-Hatfield, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that Louisville Metro Ordinance No. 148, Series 2007, and a resolution of the Louisville Metro Planning Commission dated March 12, 2009, has directed the implementation of recommendations contained in the Executive Summary of the Taylorsville Road Area/Urton Lane Study, adopted by the Metro Council in July 2007 ("Corridor Study"). The specific recommendations to be implemented are (i) an area wide zone change for properties currently zoned R-4, Single-Family Residential, R-6, Multi-Family Residential, C-1, Commercial and C-2, Commercial, to PDD,

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Planned Development District and (ii) an accompanying form district change for certain properties from Neighborhood to Town Center; and

WHEREAS, the Commission further finds that the entire proposal affects a number of separate properties totaling about 123 acres.¹ The proposal currently pending before the Planning Commission leaves a portion of the area in the Neighborhood Form District while the balance will be reclassified as Town Center Form District; all affected properties will be zoned PDD, Planned Development District; and

WHEREAS, the Commission further finds that, in 2007, Louisville Metro adopted the Corridor Study—a transportation and land use study for the Taylorsville Road area bound by I-265 in the east, I-64 in the north, property south of KY 155 in the south, and Blackacre and Blakenbaker Parkway in the west—as an appendix to Cornerstone 2020. Cornerstone 2020 was also amended to incorporate the executive summary of the Tyler Rural Settlement District Neighborhood Plan (“Neighborhood Plan”). Both the Corridor Study and the Neighborhood Plan recommend that the PDD Area, including multiple properties south of the Norfolk-Southern Railroad Corridor (“Railroad”), between Tyler Retail Way and Gene Snyder Freeway, and north and south of Taylorsville Road, including the St. Michaels Church Campus, be classified as Town Center Form District and PDD Zoning District. Correspondingly, the area west of Tyler Retail Way to Tucker Station Road is recommended to remain in the Neighborhood Form District, while changing its zoning designation to PDD; and

WHEREAS, the Commission further finds that the proposal envisions a well-balanced mix of land uses, blending multi-family residential with various professional office uses, hotel/motel uses, commercial components comprised primarily of restaurant, retail and personal services to serve both nearby neighborhoods and destination users, as well as institutional uses—churches, schools, and community centers. Overall, the proposed PDD zoning district is the appropriate designation for the PDD Area, especially because it will provide, through the anticipated pattern of development, a good transition from the higher intensity commercial uses in the Town Center element to residential areas to the east and historic areas to the north towards the Tyler Rural Settlement historic district; and

WHEREAS, the Commission further finds that the PD Land Use Map contained in the PDD Book associated with this proposal visually depicts the project area. The PDD Area is divided into three smaller components (Area I, II and III), and

¹ The properties affected by these proposed changes will be referenced as the “PDD Area.”

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each Area is defined mainly by its location and site context, and by types of permitted and conditional land uses, which, accordingly, were the basis for design considerations and development of design guidelines to address character and intensity; and

WHEREAS, the Commission further finds that Area I consists mainly of the campus of St. Michael's Church. Its design concept is reminiscent of a campus. Area I consists of approximately 20 acres, and includes a mix of residential, institutional and office uses; and

WHEREAS, the Commission further finds that Area II is designated for a variety of more intense, auto-oriented commercial uses, and is divided into three sub-areas that further limit permitted uses and include specific design standards. Area IIA is roughly defined by I-265 to the east, Taylorsville Road to the south, Stone Lakes Drive to the west and the Norfolk-Southern Railroad ("Railroad") to the north. All permitted land uses in the PDD and all limited uses are permitted, as specified in the PD Land Use Table; this sub-area is the most intense in the PDD Area. Area IIB, which is located south of Taylorsville Road in the vicinity of Hopewell Road, also allows for all permitted land uses and a mix of limited land uses. Area IIC is also south of Taylorsville Road to the west of Stone Lakes Drive. The same mix of land uses allowed in Area IIB are also appropriate in Area IIC; and

WHEREAS, the Commission further finds that Area III is located north of Taylorsville Road and between Tyler Retail Way to east and the future Urton Lane extension to the west. Neighborhood serving, low intensity commercial uses will be allowed along Taylorsville Road frontage, with mixed-use buildings located in the northern portion of the sub-area. This sub-area is intended to provide a transition to low-density residential and the historic district to the north from more intense uses in the PDD Area. Design guidelines in Area III consider the context of the Tyler Rural Settlement District in an effort to be compatible with area low-intensity residential uses, and include design elements intended to enhance area identity; and

WHEREAS, the Commission further finds that the PDD Plan and the PD Land Use Map describe five permitted use categories and six limited use categories; and

WHEREAS, the Commission further finds that public involvement was a major component in the development of this PDD proposal. In Fall 2007, two half-day charrette-style meetings occurred, involving a variety of community representatives and property owners, Metro Council District 20, design professionals and public agencies. Participants engaged in hands-on exercises

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and brainstorming sessions, yielding ideas and schematics for multiple plan options and design elements for the future town center. Discussions included plan concept, scale of the proposed commercial developments, traffic and road improvements, sanitary sewers and drainage plans, and potential funding options for infrastructure improvements in the area. Given the complexity of the proposal, the large geographic area encompassed by the project, new considerations for the alignment of Urton Lane, the necessity for major infrastructure improvements, changes in economic conditions, the planning process continued over time and the charrette process concluded on June 23, 2010; and

WHEREAS, the Commission further finds that Community Form/Land Use Guideline 1, recommends the use of “existing and emerging forms or patterns of development and local plans developed in accordance with the Comprehensive Plan to guide land use decisions and design development.” This proposal meets the Guideline’s intent, which is to (1) “ensure that new development will be designed to be compatible with the scale, rhythm, form and function of existing development as well as with the pattern of uses;” and (2) “ensure land use decisions ... preserve and improve identified existing and emerging patterns of development”; and

WHEREAS, the Commission further finds that currently, the subject properties included within the proposed PDD are located in the Neighborhood Form District. The Neighborhood Plan, adopted on February 2, 2008, and the Corridor Study adopted in July 2007, recommend that Area III of the PDD remain in the Neighborhood Form. However, as also recommended by these plans, Areas I and II of the PDD are proposed to be classified in the Town Center Form District. For the reasons stated below, the proposal complies with Policies 1.B.3 and 1.B.5 of Community Form/Land Use Guideline 1, recommendation LU4 of the Neighborhood Plan and the Corridor Study; and

WHEREAS, the Commission further finds that Area III, the Neighborhood Form District, is “characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas... [it] may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be on a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobiles, pedestrian, bicycles and transit.”; and

WHEREAS, the Commission further finds that the Neighborhood Plan echoes the Corridor Study’s recommendation regarding the creation of a Town Center

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Form District for the Tyler Retail Center and the Saint Michael Church Expansion, which are located within the Tyler Rural Settlement Historic District. Both plans also stress that property not within the proposed Town Center Form District must respect the Neighborhood Form to preserve the rural, historic and natural qualities of the District. Moreover, the Corridor Study, based on a heavily detailed scrutiny of the area, strongly suggests that the western boundary of the new Town Center Form District be the western edge of the existing Tyler Retail Development, supporting the recommendation that Area III should remain in its current Neighborhood Form; and

WHEREAS, the Commission further finds that the retention of Area III of the PDD in the Neighborhood Form maintains its consistency with the Comprehensive Plan's description of this form district. Area III will be designed and developed to permit neighborhood-serving, low-intensity commercial uses along Taylorsville Rd frontage, an arterial-level road. This conforms to the requirement that a neighborhood center be located at the intersection of roads designated as collector level or above. Orienting commercial uses along Taylorsville Road allows the remainder of the site to be developed for residential or office uses, and to provide a good transition to low-density residential areas and the adjacent historic district. Area III design guidelines respect the historic context of the Tyler Rural Settlement District and include requirements that will enhance the area's identity, as discussed in greater detail below. Site design standards for Area III create connectivity between adjacent uses and neighborhoods to promote access for automobiles, pedestrians, bicycles and, eventually, public transit users; and

WHEREAS, the Commission further finds that Areas I and II, Town Center Form, "is a traditional and preferred form, larger in scale than the neighborhood center, which forms a focal point of activity...often located at "a historic crossroads or the intersection of a major thoroughfare(s) and a collector roadway with connections to surrounding neighborhoods through walkways, local streets and residential collector streets. New town centers require a "high level of planning and design." Town Centers contain a "compact mixture of moderately intense uses including shopping, restaurants, offices and residences" and display a "high level of pedestrian, roadway, transit and bicycle access, a connected street pattern, shared parking and pedestrian amenities." More intense uses in Town Centers are appropriately situated near major thoroughfare(s) and lesser intensity uses provide gradual transitions to adjacent neighborhoods; and

WHEREAS, the Commission further finds that the Neighborhood Plan and the Corridor Study support a Town Center "from the western boundary of the Tyler Retail Development east to I-265. South of Taylorsville Road it would include the Portland Christian School . . . east to I-265, but exclude the residential

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development of Stone Lakes Subdivision. To the north it would extend to the railroad track to include all of the proposed Icon development and the existing and proposed expansion of Saint Michael Church and School. This area includes the proposed location of the Urton Lane Expansion, which would provide the needed northern connection to/from the Town Center.”; and

WHEREAS, the Commission further finds that the Corridor Study suggests the change from Neighborhood Form because of the combination of the existing Tyler Retail Center, the proposed St. Michael’s Church expansion, and the number of proposed area developments in the Taylorsville Road corridor. The Corridor Study reviewed the location and dispersal of existing Town Center Form Districts in Louisville Metro, and found that the proposed Town Center fits within that pattern. The proposed Town Center is especially appropriate given the confluence of I-265, an expressway, Taylorsville Road, a major arterial, and the future Urton Lane, which will be a minor arterial. Accordingly, the Corridor Study supports the change to a Town Center Form and the clustering of commercial, residential, institutional and office space that is characteristic of that form. The creation of the Town Center is discussed in conjunction with the construction of the Urton Lane extension. The future Urton Lane and Taylorsville Road will provide north-south and east-west connections to surrounding areas required to support the Town Center concept; and

WHEREAS, the Commission further finds that the proposal complies with Guideline 2 and all applicable Policies adopted thereunder, including Policies 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.12, 2.13, 2.14, 2.15 and 2.16, which generally describe the appropriate location and character of activity centers, as well as recommendation SD2.d and SD3 of the Neighborhood Plan, which discuss the creation of special district standards for the Tyler Rural Settlement District. The proposed development for Areas I and II represents an activity center, an area of concentrated mixed use, and expands an established activity center, the Tyler Retail Center, which is located on property included within this proposal. As previously discussed, the proposed Town Center is appropriately located at the Taylorsville Road, an arterial, and I-265 Interchange. Substantial infrastructure improvements will be made in conjunction with new developments in the PDD, notably a three-lane divided boulevard, Urton Lane, which will link the Town Center to the employment centers to the north. Improvements will also be undertaken to the Urton Lane/Stone Lakes Drive/St. Michael’s Church intersection, thereby establishing an attractive gateway to the area; and

WHEREAS, the Commission further finds that Area III will serve as a neighborhood-serving center, and is located at the intersection of the future Urton Lane and Tucker Station Road, and along Taylorsville Road, which is an appropriate location for an activity center of this type in the Neighborhood Form

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District. The Area III center will provide lower-intensity commercial and office uses, as well as residential uses as a transition from the higher-intensity Town Center Form District to low-density rural uses surrounding these centers. Commercial uses are permitted along the Taylorsville Road frontage in Area III. But lots that do not front on Taylorsville Road can be developed with mixed-use buildings that can include a commercial or office and residential component; and

WHEREAS, the Commission further finds that the Neighborhood Plan recognizes the tremendous population growth experienced in the Tyler Rural Settlement District: “[c]ensus data shows that the Tyler area (including land within 1000’ of the District boundary) has increased by 50% over the last decade.” Given this population growth, the creation of additional services needed to support residents of the area is appropriately provided through the vehicle of the proposed Town Center; and

WHEREAS, the Commission further finds that the developments stemming from the proposal will be comprised of a compact mix of residential, institutional, office, and commercial land uses to be developed under the flexibility of a PDD zoning designation to achieve holistic functionality and compatibility among uses. The PDD Plan encourages multi-use buildings, designed to acknowledge the area’s rural architecture and intended to complement its historic character. A focal point, oriented around the St. Michael’s Church property, will serve as a central feature for the overall PDD area, while developments within the PDD will be organized in accordance with the PDD Plan around smaller internal focal points, such as public plazas, green space, water features, rain gardens, public art, and outdoor dining areas; and

WHEREAS, the Commission further finds that, because of its characteristic compact design and its deliberate combination of synergetic land uses, the proposed Town Center will promote efficient use of the property and infrastructure. As a result, the Town Center will serve surrounding residential areas, as well as destination users, all of whom can access a variety of uses in the PDD by foot, bicycle or car. Bicycle and pedestrian facilities are required along all streets throughout the PDD, and site design standards require joint access and shared parking. These aspects of the PDD Plan are intended to reduce traffic congestion and commuting time, correspondingly reducing automobile-related air pollution. Significantly-reduced maximum parking requirements will limit the amount of impervious parking surfaces in the area, while the location and design requirements for said parking facilities ensure safety for pedestrians, bicyclists and motorists and compatibility with the character of the area. Utilities will be located underground; and

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WHEREAS, the Commission further finds that Cornerstone 2020's Compatibility Guideline (Guideline 3) encourages a "mixture of land uses and densities near each other as long as they are designed to be compatible," and "are located, designed and constructed to be compatible with nearby land uses," while ensuring that land uses and transportation facilities are respectful of the character of the surrounding neighborhood. The proposal complies with Guideline 3, Compatibility, and specifically with Policies 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.21, 3.22, 3.23, 3.24, and 3.28. The proposal also complies with Special District Recommendations SD2, SD3 and SD4 of the Neighborhood Plan. Higher-intensity uses permitted by the PDD Plan in Areas I and II will be compatible with the existing pattern of development established by the Tyler Retail Center, and will expand the existing activity center to the east along Taylorsville Road, terminating at I-265. As described in the PDD Plan, lower-intensity uses proposed to be located in Area III, in the Neighborhood Form District, provide an appropriate transition between the more intense Town Center Form District proposed for Areas I, II, and the Tyler Retail Center to the east and the historic area and low-density single family uses to the north and west. The change in zoning to PDD for the entire proposal area provides flexibility through the specifically-tailored guidelines of the PDD Plan, to establish and ensure that the Town Center and associated adjacent neighborhood-serving center will be compatible with the existing neighborhood; and

WHEREAS, the Commission further finds that the PDD Plan requires a high level of architecture and building design, which have been particularly crafted in the PDD guidelines, to continue the sense and feel of existing rural surroundings and to complement its historic character. New structures, both in their design and their placement, will contextually reinforce the rural architectural design patterns established in the area. The PDD Plan, addressing context for both the Neighborhood and Town Center Forms, includes requirements for building setbacks, building heights, building form, rhythm of openings, color, materials, texture, roof forms, and other building details. Building setback requirements in the PDD are correlated to the specific street type and the respective Area in which the property being developed is located; and

WHEREAS, the Commission further finds that building materials will further encourage a consistent design pattern throughout the PDD. Split-faced CMU block, which is commonly associated with suburban architecture, is permitted only as a limited accent material, on the rear elevations of buildings that back up to the Railroad, and any other areas out of the direct public view. Appropriate primary façade materials include brick, stone, both natural and manufactured, and cement board siding. Permitted accent façade materials include EIFS, wall panel systems, and cement board siding. Metal roofs, "dimensional" asphalt, and wood shingle roofs are allowed, but roof colors are limited to subdued "earth tone

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colors” to better blend with the surrounding rural setting. Roofs will be slope, gable, hip, and flat, but flat roofs must include a parapet wall. Gables, dormers, towers, and similar design details will break up large, uninterrupted roof areas of greater than 60 linear feet in area. Mechanical equipment will be hidden from public view, which will result in a minimal impact on adjacent properties; and

WHEREAS, the Commission further finds that, though the PDD area is designed to complement and enhance the rural character of the Tyler Rural Settlement District, in keeping with Cornerstone 2020’s description of the Town Center Form District and ambitions for activity centers in the Neighborhood Form District, the PDD area includes a large number of site and building design requirements intended to result in a highly pedestrian-oriented overall development. The PDD Plan guidelines, which flow directly from the recommendations of the Neighborhood Plan, concerning building design and placement require “pedestrian-friendly” design, incorporating articulated and diverse facades. Treatments such as building to the edge of the sidewalk in the proposed Town Center Form District, ground floor store front window openings, awnings, canopies, lighting, porch or canopy entries, and design elements intended to promote vertical bay structures for buildings that might otherwise seem similar to suburban “strip” development reinforce and support pedestrian use of the area. The setback requirements described above also reinforce pedestrian-oriented design throughout the PDD. The guidelines also encourage high levels of pedestrian activity through the regulation of parking design, outdoor amenities, landscape design, and appropriately scaled signage placed in a consistent fashion and appearance throughout the applicable properties; and

WHEREAS, the Commission further finds that illustrations provided in the PDD Plan show how the implementation of these design principles will result in a rural Town Center, not unlike what might be associated with an agriculturally oriented small town or village. In fact, the PDD Plan implements almost all of the recommendations of the Neighborhood Plan with regard to special district standards intended to preserve, protect and enhance historic elements, architectural features, scenic vistas, open spaces, wildlife habitat, streams and other hydrological features in the Tyler Rural Settlement District; and

WHEREAS, the Commission further finds that the PD Plan anticipates, as shown on the PD Land Use Map, that the mix of permitted and conditional land uses will be dispersed in a manner that concentrates auto-centric uses along Taylorsville Road, with higher-intensity uses located as far away from single-family homes as possible and in locations that are isolated from lower-intensity uses in the Town Center. This distribution of land uses will ensure that, as is recommended in the Neighborhood Plan and the Comprehensive Plan, the activity center is developed

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in a manner that protects adjacent areas from potential adverse impacts and nuisances; and

WHEREAS, the Commission further finds that Area III of the proposal, including residential uses that are permitted therein, will serve as a transition between existing low-density residential areas and the more intense mixed-use areas permitted in the Town Center Form District. Low-intensity commercial uses are permitted in Area III, but only along the Taylorsville Road Corridor. The remainder of Area III permits proposed medium-density residential, and office or commercial uses in mixed-use buildings, which are uses that belong in the Neighborhood Form District; and

WHEREAS, the Commission further finds that residential uses must be designed in a way that supports the pedestrian orientation of the activity center, with garages and service areas located in or oriented toward the rear yard, and porches oriented to the street. The PDD Plan limits the scale of development and individual structures in Area III, and dimensional requirements respect the context in which new structures will be located. Area II of the PDD includes transitions as well, most notably in that the highest intensity uses, hotels and “big box” stores, can only be located in areas that protect surrounding uses from their possible impacts. Hotels can only be placed along the I-265 right-of-way, out of respect for their typical height. And “big box” stores can only be located on the property to the northwest of the proposed Urton Lane extension and immediately south of the Railroad; and

WHEREAS, the Commission further finds that density in Area III is limited to 12 dwelling units per acre while Areas I and II are permitted 17 dwelling units per acre. This allows for a variety of housing types throughout the PDD area, including attached and detached structures. Residential care facilities are permitted in all areas of the PDD, thereby ensuring that facilities to house the disabled are permitted in areas that will feature needed services and, eventually, access to transit to support this population; and

WHEREAS, the Commission further finds that structures in Areas I and II are limited to three stories and 50 feet in height, except for hotel uses which can be four stories, not to exceed 70 feet in height. Hotels are a limited use in the PDD, however, and are only permitted in Area II on lots with frontage facing I-265—a common location for hotels throughout Louisville Metro. Structures in Area III are to be two and one half stories, with a maximum building height of 40 feet; and

WHEREAS, the Commission further finds that a comprehensive landscape concept will be implemented as individual development plans for participating properties are approved and constructed. Open spaces and landscape

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perimeter buffers will protect low density residential uses from the potential impacts of new, more intense development. Landscape buffer areas will screen parking lots and associated vehicle use areas. Interior landscape planting areas will be provided in accordance with Chapter 10, part 2 of the Land Development Code. The Tyler Rural Settlement District as a whole will benefit from new landscaping plantings and the associated reduction of noise and air pollution, as well as overall preservation of tree masses and green areas. As part of the overall landscape requirements for the PDD, streetscape and street tree planting requirements will ensure protection of the character of residential areas, roadway corridors and public spaces from visual intrusions. Moreover, developments within the PDD will comply with or exceed all applicable lighting regulations established in the Land Development Code. Developments proposed for the PDD area will abide by all codes relating to access for persons with disabilities; and

WHEREAS, the Commission further finds that the proposal conforms with Community Form/Land Use Guideline 4, Open Space, which discuss the need to provide accessible and functional open space that meets community needs, and specifically to Policies 4.1, 4.2, 4.3, 4.4, 4.5, 4.6 and 4.7 thereof. Generally, these Policies promote the design of open space to meet a variety of community needs, including outdoor recreation, natural resources protection, aesthetics, and public health needs. The proposal additionally complies with Policies SD2a and SD4 of the Neighborhood Plan, which address the preservation of vegetation in new development, and the provision of buffers between uses. The PDD Plan contains open space standards for both the Neighborhood Form and the Town Center Form District elements, and is intended to be consistent with patterns of development in each form with opportunities for civic space, recreational uses and passive open areas. The PDD Plan is written to ensure the usability of common open space, and includes size requirements and accessibility standards to that end. In all Areas, a minimum of 25% of each site must be retained as common open space, and all such spaces must be located in visible areas of the development. Open space must, in nearly every case, be a minimum of 30 feet wide and 6,000 square feet in area. Within Areas IIa and III of the PDD, common open spaces must be connected through a 10-foot-wide shared path between individual lots. Additionally, walkways within common open space must be a minimum of 4-feet wide to accommodate pedestrian movement and access. A specific requirement to retain the historic drive leading to the Robert Tyler farm through its dedication as common open space is listed in the PDD Plan, with a minimum of 20 feet maintained on either side of the drive to protect existing mature trees lining it. Irrigation is required, and open space will be maintained by, in most cases, the owners of individual developments that have provided such amenities; and

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WHEREAS, the Commission further finds that the proposal conforms with Guideline 5. Natural Areas and Scenic and Historic Resources, and specifically with Policies 5.1, 5.2, 5.3 and 5.5, which encourage development to respect the natural features of the site both during design and construction stages, preserve landscapes and districts that are recognized as having historic value through compatible design, and develop regulations to address new development in areas of particular natural and historic significance. There is no question that the Tyler Rural Settlement District, in which the proposal is located, is of great significance to Louisville Metro. The area includes the Blackacre State Nature Preserve, the largest nature preserve in the state, remnants of the Tyler farmsteads including significant archeological and architectural resources including log cabins and stone springhouses that have been extremely well-preserved. The area features sensitive slopes, streams and springs, ponds, significant trees, farm fields, and scenic vistas that are found nowhere else in Jefferson County; and

WHEREAS, the Commission further finds that the PDD Plan is written to require site design that is reflective of the low density, rural pattern of development. Rather than proposing an urban design standard, the PDD Plan anticipates the development of a rural hamlet, particularly with regard to Area III, which will remain in the Neighborhood Form District, and will create a buffer between low density land uses and the higher-density core of the Town Center. Development sites will be designed around common green spaces, parking lots will be designed as pods with large internal buffers and other architectural features designed to create a visual break in what might otherwise be read as a “sea” of parking, and building design will be oriented to the pedestrian and intended to reinforce established rural architectural design patterns. A historic driveway leading to the Robert Tyler farm will be dedicated as common open space, with sufficient width on either side of the driveway protected to ensure the preservation and continued health of mature trees lining the driveway; and

WHEREAS, the Commission further finds that the PDD Plan also includes extensive provisions for landscape design. The preservation of existing trees is strongly encouraged, as is the planting of new landscape materials in masses, rather than in straight lines, to create a naturalized appearance. Streetscapes along through streets will include massed plantings, as well as berms and a black four-rail horse fence. Boulevard plantings will include trees planted to create two rows along the outer edge of the street, and shrubs; and

WHEREAS, the Commission further finds that the proposal conforms with Marketplace Guideline 6, Economic Growth and Sustainability, and specifically with Policies 6.2 and 6.6, which address the provision of sufficient access between population centers and employment centers, and describe the

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appropriate location of retail commercial developments as being along major arterial streets, at the intersection of two minor arterials or at locations with good access to a major arterial, and at locations where nuisances and activities associated with the development will not adversely affect adjacent areas. As stated in the PDD Plan, the Tyler Town Center will create needed access through the construction of Urton Lane to the Tucker Station Business Park and other employment centers to the north. This connection will not only facilitate the movement of individuals employed in the business park, but will draw truck traffic from Tucker Station Road. This connection is recommended in the Neighborhood Plan, and additionally discussed in the Corridor Study; and

WHEREAS, the Commission further finds that the proposal will additionally create a new, deliberately-planned, Town Center, appropriately located at and around the new Urton Lane, which will be a minor arterial, and Taylorsville Road, a major arterial, while creating a number of new “main street”-style connector roads through the development in a grid pattern. The PD Plan anticipates, as shown on the PD Land Use Map, that the mix of permitted and conditional land uses will be dispersed in a manner that concentrates auto-centric uses along Taylorsville Road, with higher-intensity uses located as far away from single-family homes as possible and in locations that are isolated from lower-intensity uses in the Town Center. This distribution of land uses will ensure that, as is recommended in the Neighborhood Plan and the Comprehensive Plan, the activity center is developed in a manner that protects adjacent areas from potential adverse impacts and nuisances; and

WHEREAS, the Commission further finds that the PDD Mobility Plan (Chapter 5 of the PD booklet) conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.9, 7.10, 7.12, 7.13, 7.14, 7.16 and 7.19. The Mobility Plan also complies with all applicable recommendations set forth in the Corridor Study. The PDD Mobility Plan relies on existing public roads (Taylorsville Road, Stone Lakes Drive, and Tucker Station Road) and the future Urton Lane corridor as well as proposed private internal main streets to serve the Town Center component of the proposal. Support for the use of these connections is drawn from projections detailed in a traffic impact study undertaken and prepared for the area within and surrounding the PDD; and

WHEREAS, the Commission further finds that the traffic study analyzed future trips for developments comprising the PDD, including approved but undeveloped outlots in the existing Tyler Center. The study evaluated AM and PM peak hours of traffic for the following scenarios: (1) the year 2015 without the Urton Lane connection to Tucker Station, and without a connection from Urton Lane to Rehl Road; (2) 2015 with Urton Lane connection to Tucker Station, without a

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connection from Urton Lane to Rehl Road; and (3) 2020 with Urton Lane connected to both Tucker Station and Rehl Road, including additional developments north of the PDD area. At the recommendation of the traffic analysis, development of properties within the PDD will be phased in conjunction with the required road improvements identified on the road improvement schematic, located in Section 7.3 of the Appendices to the PDD Plan. Twenty-five percent (25%) of development in the PDD can occur before major improvements are constructed at the Taylorsville Road/I-265 ramps. To enhance traffic circulation throughout the PDD, Metro Public Works will coordinate traffic signals as necessary and monitor trip generation as detailed development plans are submitted; and

WHEREAS, the Commission further finds that the road schematics in the PDD Plan illustrate a number of transportation improvements that will positively impact traffic flow throughout the area. These schematics indicate the number of lanes and lane utilization required for the public roads serving the development and at critical intersections including the Taylorsville Road/I-265 Interchange. Although the development will result in additional area traffic volume, the construction of a number of road infrastructure improvements, including the Urton Lane Corridor, a new three-lane, divided boulevard, will provide new mobility for automobiles, bicyclists, and pedestrians through the heart of the PDD, to and from Taylorsville Road, the development, and the large employment centers to the north. The mixed-use nature of the PDD is designed to reduce the need for multiple automobile trips, distances and time required to move between destinations within the overall development. The Urton Lane Corridor together with Stone Lakes Drive will provide alternative connections from Taylorsville Road and properties to the north of the PDD area to the St. Michaels Church property, thereby lessening congestion at the Stone Lakes/Taylorsville Road intersection. These connections will benefit traffic generally by providing a more accessible connection for area users than I-265 does. The construction of Urton Lane and its connection to the north will also alleviate existing truck traffic on Tucker Station Road, which is regularly used by businesses in the employment centers to the north as a connection to Taylorsville Road; and

WHEREAS, the Commission further finds that within 90 days of the approval of the PDD rezoning, all new or additional rights-of-way as listed in applicable transportation/traffic studies or shown on applicable development plans must be dedicated. Associated access easements must also be granted within the same time frame. Additional requirements detailing various responsibilities and timing for the construction of improvements to new and existing road infrastructure serving the PDD are memorialized in binding elements attached to the PDD Plan. These binding elements ensure that trips generated by new developments within

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the PDD will be adequately served by infrastructure both in the short and long term, and will not create an unreasonable increase in traffic congestion; and

WHEREAS, the Commission further finds that, while existing and proposed access points to the PDD are shown in the schematics contained in the PDD Plan, Metro Public Works will identify the need and location for any additional access or internal connections based on the access management and form district standards in the Land Development Code. Joint access and a unified circulation system are established throughout the PDD road network. Parking facilities will be provided in compliance with the minimum requirements of Chapter 9 of the Land Development Code, but limited as to the maximum number of parking spaces provided to limit impervious surface area and promote pedestrian-oriented design. The future Urton Lane Corridor/Stone Lakes Dr./St. Michael Church entrance intersection will be signalized and Tucker Station Road will be realigned to intersect with Urton Lane; and

WHEREAS, the Commission further finds that the proposed development complies with applicable policies adopted under this Guideline, including Policies 8.1, 8.2, 8.4, 8.5, 8.9, 8.10, 8.11, 8.12, as well as with Special District Recommendations SD2.e and SD2.k of the Neighborhood Plan. Primary access to the PDD is through the intersection of Taylorsville Road and Stone Lakes Drive, with secondary accesses located at the intersections of Taylorsville Road, Stone Lakes Drive and Urton Lane. These new access points will route traffic through areas of higher intensity, thereby protecting lower-intensity uses from increased traffic associated with the PDD. Gateways are established at each of these locations to establish a sense of arrival to the PDD and the Tyler Rural Settlement District. A street network within the PDD creates a functional hierarchy of streets, and appropriate connections between Urton Lane and Taylorsville Road and the individual developments within the PDD; and

WHEREAS, the Commission further finds that streets serving the PDD are classified into four types: thoroughfare, boulevard, main street, and service lane, each with its own design standards and lane requirements, including bicycle lanes and sidewalks. Adequate sight distances are provided throughout the street network and will be approved by Louisville Metro Public Works and the Kentucky Transportation Cabinet. The Mobility Standards of the PDD Plan identify the locations of each of these street types and provide illustrations of their respective cross-sections. The proposed streetscapes described in the PDD Plan, and specifically the landscape requirements for each, respect the character of the overall area as well as the intent of the PDD Area in which the streets are located. Street furniture is required to serve businesses abutting rights-of-way. Ornamental street lighting along street frontage will provide visibility for pedestrians and drivers at night, but also provides a distinct identity

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within the district. All street lighting shall be fully shielded and directed downward; and

WHEREAS, the Commission further finds that the proposal conforms to Design Guideline 9 and all applicable Policies adopted thereunder, including Policies 9.1, 9.2, 9.3, and 9.4. The PDD requires bicycle and pedestrian facilities—sidewalks and bicycle lanes—on all its streets. Both bicycle and pedestrian facilities are integral to the PDD Mobility Plan, especially the Town Center element, which, through the PDD Plan, promotes a bicycle and pedestrian friendly community. PDD parking requirements mandate that parking for bicycles must be provided at twice the amount normally required by the Land Development Code. Bicycle racks must be conspicuously located in close proximity to main building entrances, but also provide safe and convenient access to the street; and

WHEREAS, the Commission further finds that PDD Site Design/Development Standards that promote a “walkable” environment include, but are not limited to: the provision of safe, designated pedestrian pathways from the street/sidewalk to the main building entrance, the construction of buildings at the build-to-line for at least 70% of the façade, the provision of a building entrance on each street frontage or a corner entrance in lieu of two entrances, and the establishment of maximum distance requirements between buildings along specified streets. Building design guidelines require “pedestrian-friendly” design that includes articulated and diverse facades that include ground floor front window openings, awnings, canopies, lighting, and porch or canopy entries. Bicycle facilities are planned and coordinated with the 2010 Louisville Bike Map. Ornamental street lighting is required along streets to provide for a safe walking environment during the evening hours. Transit facilities will be provided in accordance with TARC standards and should be located at designated gateways as shown on the Concept Mobility Plan; and

WHEREAS, the Commission further finds that the proposal complies with Livability/Environment Guideline 10, Flooding and Stormwater, and specifically with Policies 10.3, 10.7, 10.10, and 10.11, which require the minimization of impervious surface area associated with development, the accommodation of runoff from storm events, the creation of “through” drainage systems that take advantage of natural drainage features, and the implementation of mitigation measures that are consistent with regional and watershed plans or that are mitigated on site. The PDD Plan sets a lower maximum parking requirement for development than is allowed elsewhere in Louisville Metro: the maximum parking allowed in the PDD is 15% above the minimum parking requirement. This standard effectively ensures that new impervious surface associated with parking lots will be kept to a minimum. The PDD anticipates compact development intended to support pedestrian movement through the area, which

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will result in less impervious surface associated with both roof and parking area. Additionally, the orientation of developments around open space, and the requirement to provide additional buffers within parking lots will provide more opportunity to take advantage of natural drainage. Low-impact development practices for the management of stormwater are encouraged, including compact site design requirements, bioretention and rain gardens, vegetated roofs, permeable paving materials, rainwater collection systems and minimal excavation foundations; and

WHEREAS, the Commission further finds that the proposal complies with Livability/Environment Guideline 11, Water Quality, and all applicable policies thereof because detailed development plans will be filed for each individual property included in the PDD, and these plans will be reviewed by MSD to ensure the protection of area water quality. MSD will also be responsible for ensuring that new development includes measures intended to prevent off-site degradation due to excessive and inappropriate water runoff from each site; and

WHEREAS, the Commission further finds that the proposal complies with Livability/Environment Guideline 12, Air Quality, and specifically with Policies 12.7 and 12.8, which encourage mixed use development as a way to improve air quality, and support the installation of sidewalks, bike lanes and walkways to promote alternative, non-motorized-vehicle-based, modes of transportation. Street design standards in the PDD Plan require sidewalks along public streets as well as connections from these sidewalks to individual development sites. Bicycle parking facilities, both short-term and long-term, are required to be provided at a level that is double what is required elsewhere in Louisville Metro, and are required to be installed at locations that are visible to the public. The intent of the PDD Plan is to create a walkable, pedestrian-oriented area that will facilitate a variety of transportation options, including the use of transit in the future, all of which will promote improved air quality in the community; and

WHEREAS, the Commission further finds that the proposal complies with Livability/Environment Guideline 13, Landscape Character, and specifically with Policies 13.1, 13.2, 13.4 and 13.5, which discuss the recognition and incorporation of the unique characteristics of the area through plantings that reflect native plant communities, the creation of appropriate landscape design based on the character of the area, and the protection of tree canopy. The PDD Plan recognizes, as does the Neighborhood Plan, the rural character of the area, and incorporates landscape design standards that require massed plantings and the use of native species in proportions that are reflective of natural growth patterns in the area. The protection and retention of existing trees is strongly encouraged, and where it is impossible to do so, or where a site does not include

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existing trees, the PDD Plan requires that landscape requirements be met on-site; and

WHEREAS, the Commission further finds that the proposal complies with Community Facilities Guideline 14, Infrastructure, and specifically with Policies 14.2, 14.3, 14.4, 14.6 and 14.7, which discuss the location of new development in areas served by existing utilities or planned for utilities, the provision of an adequate water supply and sewer services, and the installation of underground utilities in locations that minimize their visual impact and to provide for common easements and the planting of shade trees where utilities are installed along rights-of-way. The PDD Plan relies in large part on the Land Development Code to address these issues, and new development will be required to comply with standards contained therein. Where existing utilities are insufficient to serve new development, provisions will be made to bring these services to the area; and

WHEREAS, the Commission further finds that the proposal complies with Community Facilities Guideline 15, Community Facilities, and specifically with Policy 15.9 because fire protection for the area is available and currently provided by the Jeffersontown Fire Protection District; and

WHEREAS, the Commission further finds that the proposal complies with all of these Guidelines based on the record, the evidence and testimony heard at tonight's hearing, the staff report, the justification statement; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the area wide rezoning from R-4, Single-family Residential, and C-2, Commercial, to Planned Development District.

The vote was as follows:

YES: Commissioners Blake, Hamilton, Howard, Stockton, Proffitt, Wells-Hatfield, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Carlson and Abstain.

ABSTAINING: Commissioner Storm.

***NOTE:** Before the vote was taken on the Planned Development District, Ms. Senninger read into the record all changes to binding elements.

Planned Development District (PDD)

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On a motion by Commissioner Wells-Hatfield, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposed Planned Development District change complies with Cornerstone 2020 and the Land Development Code based on the record, the evidence and testimony heard at tonight's hearing, the Planned Development use map, the Planned Development Design Guidelines, the binding elements in the staff report as amended on the record at tonight's public hearing; now therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the proposed change to Planned Development District zoning regulations for future town center: including PD Land Use Map, PD Design Guidelines, and PD Concept Mobility Plan **AND** the amended binding elements with the changes as stated at tonight's public hearing.

The vote was as follows:

YES: Commissioners Blake, Hamilton, Howard, Stockton, Proffitt, Wells-Hatfield, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Carlson and Abstain.

ABSTAINING: Commissioner Storm.

BINDING ELEMENTS – CASE NOS. 12427 and 12428

1. The development shall be in accordance with the approved Planned Development District and binding elements unless amended pursuant to the Land Development Code. Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plans in accordance with Chapter 2, Part 8 and the PDD Design Guidelines. Each plan shall be in adequate detail and subject to additional binding elements.
3. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

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4. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
5. All street signs shall be installed by the Developer and shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to occupancy of the first building on the site, 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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance permit) is requested:
 - a. The development plan must receive full construction approval from the Louisville Metro Department of Inspections, Permits and Licenses and the Metropolitan Sewer District.
 - b. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - c. The property owner/developer must obtain approval of a detailed development plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
8. 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.

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**Public Hearing
Case 12427 & 12428**

9. 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.
10. 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 Detailed Development. 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 LDC. 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.
11. The area affected by Cases 12427 and 12428 shall be developed as part of the Tyler Town Center. The site design and connectivity associated with each development proposed for the area shall be subject to the PDD Plan as adopted by the Metro Council in these Cases. Final access points for new developments shall be identified at the detailed district development plan stage.
12. Rights of Way/Easements
 - a. Dedication of Rights-of-Way/Grant of Easements. All new or additional rights-of-way required for the Urton Lane Corridor, Stone Lakes Drive, Tucker Station Road and Taylorsville Road identified as necessary to support new area development under the PDD Plan and neighborhood/area studies listed therein ("Studies") shall be dedicated within 90 days of the Metro Council's final approval in Cases 12427 and 12428. All access easements identified in the Studies shall be granted within this same 90-day time frame. Metro Public Works, in its reasonable discretion, may grant an extension to the 90-day time frame for dedication of right-of-way or grant of easement if necessary for engineering reasons.
 - b. Unanticipated Impacts, Additional Dedication or Grant. Other easements, dedications or rights of access may be required by Metro Public Works in conjunction with its review of detailed district development plans, including additional right-of-way for the Urton Lane Corridor, to accommodate roadway impacts not anticipated as of the adopted of the PDD Plan in Cases 12427 and 12428.
 - c. Perpetual Duration. Dedications or grants shall be made in perpetuity and shall not be cancelled or returned regardless of whether improvements are constructed on the affected land.

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- d. Form and Substance. The form and substance of easements and other limited rights of access shall be approved by Planning Commission legal counsel. Dedications may be made by deed or plat with the approval of Planning and Design Services and Metro Public Works.
13. Improvements to Stone Lakes Drive, as required by Metro Public Works based on the Studies and any subsequently-performed analysis associated with the submittal of a detailed district development plan for the area affected by Cases 12427 and 12428 shall be completed for a request for any certificate of occupancy is made for any property in Area IIA. Developers responsible for making such improvements shall be eligible to recapture a portion of their construction costs, based on a proportionate trip-generation formula. Recapture shall be available from developers in Area IIA and from any developer in Case No. 13607 when physical access to Stone Lakes Drive is provided through a public road or a private right of access.
14. For developments on properties adjoining the Urton Lane Corridor as identified in the Studies, construction of frontage improvements to the Urton Lane Corridor, as reasonably required by Metro Public Works, must be completed to the satisfaction of Metro Public Works prior to a request for any certificate of occupancy for such developments.
15. Construction of Taylorsville Road frontage improvements recommended in the Studies or otherwise required by Metro Public Works and the Kentucky Transportation Cabinet ("KYTC") shall be the responsibility of the owner/developer of any affected lots. The extent and timing of such improvements shall be as reasonably determined by Metro Public Works and KYTC. Metro Public Works may, at its sole discretion, accept a fee-in-lieu of the cost of such construction if Metro Public Works reasonably determines that construction of such improvements is better held until a future date.
16. Because its use produces non-peak-hour traffic impacts, St. Michael's Church shall not be required, as part of its Church Campus in Area I as shown in the PDD Plan, to make improvements to Stone Lakes Drive or to any part of Taylorsville Road or the Urton Lane Corridor. Improvements to the Urton Lane Corridor to create or improve access to the Church Campus in Area I may be required by Metro Public Works or the Planning Commission as part of the review of a detailed district development plan presented for a site affected by Cases 12427 and 12428.

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17. Development in Cases 12427, 12428 and 13607 shall be limited to 25% of the total traffic estimated to be generated by these projects in the traffic study dated August 2010 until such time as the MPW/KYTC required improvements to the Taylorsville Rd. and I-265 (Gene Snyder Freeway) Interchange are let for construction. Exceptions to this limitation may be granted in the reasonable discretion of MPW and the Planning Commission as the result of additional traffic analysis that demonstrates said interchange can safely and adequately handle additional trips associated with these developments in excess of the limitation.
18. Building Permits for development in Cases 12427, 12428 and 13607 shall be issued on a first come/first serve basis, with priority for the issuance of the building permits to be determined by and given to the earlier date of full construction approval. Full construction plan approval requires review and approval/stamps from all applicable agencies, with Metro Public Works being the last agency to approve.
19. Right-of-way shall be reserved along the I-265/Gene Snyder Freeway for future acquisition by KYTC to the extent such reservation is shown on Federal, State or local roadway improvement plans adopted as of the date of approval of any detailed district development plan for any property immediately adjacent to the existing I-265/Gene Snyder Freeway right-of-way.

Core Graphics Amendments

On a motion by Commissioner Wells-Hatfield, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposed Core Graphics Amendment complies with Cornerstone 2020 and the Land Development Code; the Tyler Rural Settlement District Neighborhood Plan; the Taylorsville and Urton Lane Transportation Study; the Gene Snyder Freeway Corridor Development Guidelines; based on the record, the evidence and testimony heard at tonight's hearing, the staff report, and the justification statement; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Amendment to Core Graphics # 10 of the Comp Plan with Urton Lane corridor as shown on the PD Concept Mobility Plan.

The vote was as follows:

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YES: Commissioners Blake, Hamilton, Howard, Stockton, Proffitt, Wells-Hatfield, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Carlson and Abstain.

ABSTAINING: Commissioner Storm.

The Commission recessed before the commencement of Case #11642.

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**Public Hearing
Case 11642**

Project Name: Blankenbaker Station IV
Location: 13100 & 13208 Rehl Road & two parcels with unknown addresses (TB 1993 LOT 5; TB 40 LOTS 513, 480 & 40)

Owner(s): Riggs Lake LTD Partnership
Bernita Buschermohle
T. Sherman Riggs
500 Main Street Suite 5
Shelbyville, KY 40065

BTS Development, LLC
Attention: Willard Bryant
3106 Trump Avenue
Louisville, KY 40299

Stephen & Sharon Ernst Living Trust
13208 Rehl Road
Louisville, KY 40299

Applicant: Hollenbach Oakley, LLC
P.O. Box 7368
Louisville, KY 40257

Attorney: Bill Bardenwerper
Bardenwerper Talbott & Roberts
8311 Shelbyville Road
Louisville, KY 40222

Engineer: Kathy Linares
Mindel Scott & Associates, Inc.
5151 Jefferson Boulevard
Louisville, KY 40219

Project Size/Area: 163.88 acres – Gross Area
154.87 acres – Net Area

Existing Zoning: R-4
Proposed Zoning: PEC (Lots 1-3)
OR-3 (Lot 4)

Existing Form District: Neighborhood
Proposed Form District: Neighborhood & Suburban Workplace
Existing Use: Vacant
Proposed Use: Lots 1-3 – Office/Industrial

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Jurisdiction: Lot 4 – Multi-Family Residential – (470 units)
Louisville Metro
Council District: 20-Stuart Benson
Case Manager: **Michael Hill, 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.)

Request:

- Change in form district from Neighborhood to Suburban Workplace for Lots 1-3 (Lot 4 to remain Neighborhood)
- Change in zoning from R-4 to PEC – Lots 1-3 – 109.11 acres
- Change in zoning from R-4 to OR-3 – Lot 4 – 45.76 acres
- Waiver from Section 10.2.4.B paragraph 3 to allow a greater than 50% overlap of the VUA perimeter landscape buffer area by a utility easement and to eliminate the tree requirement within the easement for both VUA interior landscape areas and the perimeter buffer. This waiver applies throughout the entire site where adjacent to the existing 250' LG&E easement.
- General District Development Plan
- Preliminary Subdivision Plan

Agency Testimony:

Mike Hill, Planner II with Planning and Design Services, presented the case. He showed a Power Point presentation which included aerial photos, site photos and zoning maps of the site and the surrounding areas. He pointed out that the entire plan is a General District Development Plan and will require future Detailed District Development plans to be submitted for review by the Development Review Committee (DRC) as each section is developed (see binding element #3). He said that Lot 4, which is being proposed for residential at this time, a future change in the market might prompt the applicant to submit plans for office uses. **The applicant is proposing a 470 unit apartment complex surrounding the lake on Lot 4. – Mike- is this correct?** He reviewed the

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binding elements in the staff report, and said that binding elements no 20 and no. 26 conflict with each other, and should be resolved.

Paula Wahl, Engineer Manager for Louisville Metro Public Works, addressed traffic analysis and projections (see transcript for verbatim presentation.) She showed a Power Point presentation, which included a general area map with major intersections highlighted. She said one of the most important aspects of this project to be discussed tonight will be the phasing of the development and infrastructure improvements.

Ms. Wahl reviewed those binding elements which address phases of development as related to traffic/transportation concerns. These included:

20. Based on the traffic impacts of this, the Blankenbaker Station IV, development and the one in docket #9-67-05, the Blankenbaker Station II development , the following development conditions shall apply:
 - (a) No development shall occur on any lot within Blankenbaker Station IV until the Urton Lane Corridor is constructed from the point of such development in Blankenbaker Station IV either north to Rehl Road or south to Taylorsville Road in accordance with design requirements shown on the approved development plan as required by Metro Public Works. No portion of the Urton Lane Corridor shall be opened to Rehl Road until the Urton Lane Corridor or Plantside Drive is opened through Blankenbaker Station II and connects all the way through Blankenbaker Station II to Tucker Station Road. The Jordon Jones and Goulding Traffic Impact Study dated October 24, 2005 ("JJG Study"), prepared for the Blankenbaker Station II development, requires that the Urton Lane Corridor be constructed from Plantside Drive/Rehl Road to Taylorsville Road before development in that case, relating to the final 25% of the total a.m. and p.m. peak hour trips anticipated by the above-referenced Study, can occur. Approval for development (based on that final 25% or final 25% of the total land area in that case) shall require an updated traffic and air quality impact study.
 - (b) Further, as provided in the Blankenbaker Station II case, Plantside Drive shall not connect to Rehl Road until, after a public hearing with advance written notice to first and second tier adjoining property owners, registered neighborhood organizations, and anyone who spoke at a previous public hearing on this case, the Planning Commission determines, with input from transportation planning staff, that the area road network can adequately support the traffic that will result from the connection. In addition, the Rehl Road improvements shown on the approved General District Development Plan in the Blankenbaker Station II case shall be made prior to the Plantside Drive-Rehl Road connection.
21. No later than prior to construction plan approval on the first lot of the development in the Blankenbaker Station II case generating the last 25 percent of total a.m. and p.m. peak hour trips anticipated by the "JJG Study", the road improvements identified on page 17 of the "JJG Study" for the Blankenbaker Parkway and Plantside Drive intersection and the Blankenbaker Parkway and Bluegrass Parkway intersection,, which are reproduced and set forth in the exhibit book presented at the March 23, 2006 public hearing, shall be

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constructed by the Blankenbaker Station II developer per the KTC requirements, assuming these improvements have not already been constructed by other developers. Financial contributions to the cost of same may be made by or required as a consequence of other development plan approvals.

She explained in detail what these binding elements mean in terms of construction phasing.

She said there will be additional traffic analyses as the individual developments come up for review.

The Tucker Station / Rehl Road intersection has some “issues” in regard to the alignment and the control. She showed additional photos of this intersection and others during her Power Point presentation. She said future right-of-way has been planned in the event that there may be an interchange at Rehl Road and The Urton Lane/Plantside Drive Corridors.

The following spoke in favor of the request:

Bill Bardenwerper (applicant’s representative), Bardenwerper Talbott & Roberts, 8311 Shelbyville Road, Louisville, KY 40222

Greg Oakley, P.O. Box 7368, Louisville, KY 40257

John Hollenbach, 525 Primrose Way, Louisville, KY 40206

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

Summary of testimony of proponents:

Bill Bardenwerper, the applicant’s representative, introduced some members of the Riggs family, the Ernst family, and other developers who were present.

He said this development is an opportunity to get additional right-of-way dedicated along this area of the Urton Lane Corridor. He mentioned some of the costs associated with the Corridor and that this might require State funding.

Mr. Bardenwerper explained some of the different family properties that had been joined together to form the site for this project. He gave a brief history of the formation of this project, and said this project has been discussed in the

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developers' neighborhood meetings as well as in conjunction with meetings for other projects that were close to this property. He estimated this has been discussed about 9 times in St. Michaels Church, as well as in Louisville Metro Committee meetings.

Greg Oakley discussed why the last piece of this project is important to the development. He said that, so far, the developer has sold about 100 acres, the first building opened in 2004. He gave a brief description of some of the businesses that are either open or planning to open at the site in Phase I. Phase II is about 250 acres and has about 180 acres left to sell in smaller tracts. He said Phases I, II, and III potential sites would be sold in about four years; Phase IV will give the developers about another 10 years worth of property sales. He said some of these developments already in place employ large numbers of people.

John Hollenbach said that, a few years ago, the Homebuilders Association and the Commercial Council met with Dr. Coombs from the University of Louisville and asked him to develop an economic impact model for business park developments. A few months ago, they met with Dr. Coombs again and asked him to run projections on all four phases of Blankenbaker Station. Based on realized sales, projections for the park were about a billion dollars in investment in new facilities and infrastructure. Total employment is projected to be about 11,000 with an annual payroll of about 450 million. He gave projection figures for total tax revenue should grow annually, for local and State governments.

Mr. Bardenwerper entered a Master Plan booklet into the record and discussed the features of the plans, including buffers, utilities, open space, building designs, signage, lighting, landscaping, etc. He said the development should help the traffic numbers as infrastructure is improved. The apartments were added to improve the mix of uses. He emphasized that any development project will have to come back for review and approval by public committees and agencies before anything can be built. He discussed the binding elements proposed by the applicant, and said this proposal being heard tonight tracks the Blankenbaker II development. Regarding the traffic study, he said acreage has been added but the total trips remain almost the same as in the Blankenbaker II study. There are binding elements already in place for the Blankenbaker II development regarding Rehl Road that will carry over into Blankenbaker IV and there has to be another public hearing on that issue. A new traffic analysis is required at that hearing. Additional road improvements are required as well.

Mr. Bardenwerper said traffic generation numbers are being kept as the development progresses.

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The following spoke in opposition to the request:

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

Tom Read, 12903 Rehl Road, Louisville, KY 40299

Kathy Troutman, 3010 Grand Lakes, Louisville, KY 40299

Joseph Ledweg, 1809 Parkridge Parkway, Louisville, KY 40214

Carla Wheatley, 3009 Grand Lakes Drive, Louisville, KY 40299

Summary of testimony of opponents:

Steve Porter, noted that this is 164 acres and involves a form district from Traditional Neighborhood to Suburban Workplace, and involves zoning change from R-4 single family to PEC which could involve industrial uses. He is concerned about the details of this plan.

He said the last neighborhood meeting that was held regarding this 164 acres was in December 2008. People have moved in and bought new houses since then. He said this case has not gotten the attention that the Tyler Town Center has; also, there was an attempt to get this case scheduled for public hearing without going to LD&T first. That was changed, and notice given to neighbors. He said this case was not discussed during the Tyler Town Center case, although he feels it is a large part of that case. He said the neighbors are opposed to the scheduling of this case and how it will affect people in the neighborhood.

Mr. Porter said that the jobs that Mr. Hollenbach discussed are transferring from one part of the County to another; they are not “new” jobs.

Regarding the binding elements carrying over from Blankenbaker Station II, Mr. Porter compared binding elements from Blankenbaker II to the applicant’s proposed binding elements to this case and said the language is not the same (see transcript for verbatim presentation.) He discussed specifics of roads and connections for Rehl Road, Plantside Drive and the Urton Lane Corridor, and referred to the binding elements proposed by the Tucker Station Neighborhood Association, including:

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26. No development of the property, including land clearing, with the exception of road construction, shall occur until Plantside Drive and/or the proposed Urton Lane extension through this property and through Case No.9-67-05 (Blankenbaker Station II) is completed and usable between its connection to Blankenbaker Parkway and its connection to Taylorsville Road or Stone Lakes Drive.
27. Construction traffic shall be restricted to Plantside Drive and Urton Lane.

He said the applicant has requested a hearing at DRC next week to change binding element no. 27C to eliminate subsection #1. He said if all infrastructure and connections are not in place, this 164 acres development will have only one entrance (out to Rehl Road) and Rehl Road will be "inundated" with heavy-equipment construction traffic, as well as auto traffic. Rehl Road is designated as a Scenic Corridor; and it is a narrow, residential road.

He explained that the homes along Rehl Road will remain residential because they are too small and too expensive for developers to buy. Therefore, there will be no transition between these residences and the PEC development.

He described in detail the routes drivers would have to take to reach the development, primarily using Rehl Road and Tucker Station Road. Even with the new light on Tucker Station, this will not be enough to handle the traffic. He discussed the number of employees projected to be working at these sites.

He discussed concerns about the number of traffic trips that would come out onto Rehl Road.

He also said the neighbors thought this was going to be a "typical" public hearing with 30-days notice; with the new proposed language, there would only be a 10-day notice (standard for DRC or LD&T.)

He said binding element #27 might be removed, since it is covered by binding element #23 added by staff.

Next, Mr. Porter discussed binding element #28, which states:

28. There shall be no development, except for road construction, on any land within 700 feet of the north property line along Rehl Road. That portion of the property shall be planted intensively with native species of grass, shrubs and trees. That portion shall remain in the Neighborhood Form District and shall remain zoned R-4.

Mr. Porter showed a Power Point presentation showing houses and properties along Rehl Road. He said these photos demonstrated the inappropriateness of having heavy-vehicle traffic on this road. He said the Rehl Road entrance to Blankenbaker Station is very narrow and cannot accommodate turning lanes and

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traffic. He pointed out a front part along Rehl Road and asked that it not be developed, but protected as a buffer.

He mentioned binding element #30, which states:

30. No utilities shall be allowed to be placed within the 50 foot parkway buffer along Interstate-265 except for one narrow crossing for a sewer connection. That buffer area shall not be disturbed from its natural state without express permission from the Planning Commission after adequate notice of the request is given to the Tucker Station Neighborhood Association for an opportunity to reply.

This was requested to protect trees along this land, primarily because this area (along Taylorsville Road interchange) will lead into the Parklands of Floyds Fork. He pointed out a nearby area that is a protected wildlife habitat.

Regarding binding element #29, Mr. Porter asked that the proposed apartments be subject to all Design Guidelines and Mobility Standards which are adopted for Case Nos. 12427 and 12428 (Tyler Town Center).

Tom Read, a Rehl Road resident, said the last six years have been “a challenging situation” because of the Blankenbaker development. He described the timeline that this project has taken (see transcript for verbatim presentation.) He described a “recapture agreement”, wherein developers spent approximately 11 million to build a sewer line. Soon after, developers filed an application for a 300-acre industrial park behind his home. He said the Cornerstone 2020 Guidelines are not being followed. He said this area was made Neighborhood Form District because of the rural roads. He said huge amounts of traffic cannot be put on Rehl Road or Tucker Station Road.

He stated his opposition to scheduling and notification about this case. He said the only neighborhood meeting he was invited to was the neighborhood meeting in December of 2008. He got a notice about this meeting, but his neighbors on the other side of Rehl Road did not because they were not 1st or 2nd tier property owners; nor did his neighbors in Grand Lakes. He said that he walked Grand Lakes subdivision and met seven families who had no idea that their neighborhood could become part of high-density housing and PEC development.

Mr. Read said this case has come to public hearing too quickly, and there are more details that needed to be worked out at LD&T. He strongly objected to the scheduling of this case tonight on the same docket with another large case.

He described many small bridges that are currently on Rehl Road by the Grand Lakes subdivision, Pope Lick Road, Tucker Station Road, etc. that have not been addressed for their weight-bearing capacity or the amount of traffic that is

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proposed to go over them. He showed a photo board with photos of Rehl Road, south Pope Lick Road, Poplar, Tucker Station Road, Stone Lakes Drive, Plantside Drive, etc. and giving the width measurements of each.

He said the only concession neighbors got from the Blankenbaker II agreement was keeping traffic off of Rehl Road – with this new proposal, developers are trying to change that. He said this proposal will lower property values all along Rehl Road, South Pope Lick, Tucker Station, and in Grand Lakes. It will make the area roads less safe. He said this area was not designated as “Suburban Workplace” for a reason – because it is supposed to be a neighborhood. He said no development should be permitted here until the viaduct is built and there is access to Taylorsville Road.

Kathy Troutman, a Grand Lakes Drive resident, also objected to the scheduling of this hearing and noted it is now 12:45 a.m. She said she received no notice of this hearing. She said that she recently bought her home in Grand Lakes because it is in a rural area, and had planned to retire there. She asked what the guidelines for traffic that can go through Grand Lakes. She said she did not believe that the applicants could generate as much revenue as they said they could. She also asked that this decision be delayed until the case could be discussed fully.

Joseph Ledweg said he just purchased a lot in Grand Lakes subdivision. He also said his family is moving out here because it is rural. He said Blankenbaker Station IV is zoned R-4 Residential, but is going to be commercial. He said this northern section is within 1600 feet of the lot he just purchased. He said this project is going to ruin the quality of life along Rehl Road. He said he understood that Urton Lane is going to change, but he feels this development is a bad precedent to set. He asked that the zoning not be changed, and that the area remain residential.

Carla Wheatley said she just purchased her home in Grand Lakes three months ago. She also chose the area because it is rural. She is upset about the proposed apartment complex. She emphasized the rural nature of Rehl Road and the inappropriateness of having heavy traffic on this road.

The following spoke neither for nor against:

David Kaelin, 2421 Tucker Station Road, Louisville, KY 40299

Sarah Bowling, 3001 Taylor Springs Road, Louisville, KY 40220 (was called but declined to speak)

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Summary of testimony of those neither for nor against:

David Kaelin read from and submitted into the record a statement (on file; see his submittal for his verbatim presentation.) He said there has been a fatal accident on Rehl Road, and road conditions have not improved since the accident, in fact they have gotten worse. The road has steeper dropoffs along the shoulders. He said further development in this area should not be permitted without completion of Urton Lane. He requested Councilman Benson, Louisville Metro, State and federal agencies to remedy “sub-standard” road conditions that exist currently. He said the complete road system should be brought up to standards of Louisville Metro’s Complete Streets program. He said one way to pay for the improvements would be to create a “tax increment district” as was done around the new arena.

Mr. Kaelin discussed the poor condition of the MSD facility on Pope Lick Creek. Trash is dumped there regularly. He said Nicklies Development has said that sewer and water studies have not been done in this area. Mr. Kaelin said Nicklies Development was supposed to bring a water tower to this site, but it has not happened. Sewage is pumped to an already-over-capacity sewer plant. This sewer plant is costing the public increased sewer fees on their monthly bills. He said there is more than enough vacant office space within Louisville Metro. He said it was important to protect watershed and natural resources.

Rebuttal:

Using a Power Point photo, Kathy Linares showed where Grand Lakes is in relation to this development. She also said the section of Grand Lakes subdivision that is directly adjacent to the proposed multi-family development is part of the approved plan but it is not a recorded section. There are no homes on the lot that is adjacent to that section of this development.

Bill Bardenwerper said apartments are located next to single-family developments in all areas of the County. He discussed notice issues. He said this application was filed in 2008 and the applicant has been trying to get this to public hearing ever since. He explained that this case was made to parallel the PDD development because of the Urton Lane Corridor. He discussed the three-party agreement that would provide for right-of-way along the corridor and detention areas. He described the many neighborhood meetings that he has done in this area for a variety of properties. He described this development as a “theoretical opportunity” which may or may not come to pass. He also mentioned the revenue that could be generated if this project goes through. He said the developers do not think people will be using Rehl Road the way residents think they will, because of the Urton Lane Corridor. Further traffic analysis and public

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hearings will have to be held. He said if this right of way is dedicated and the zoning is passed, it puts the developer in a stronger position with the State to get funding to improve roads. He said he feels the fears about Rehl Road are unfounded. He said anything that is developed on this site will be subject to Detailed District Development Plan review, and impact mitigation.

Commissioner Wells-Hatfield asked Mr. Bardenwerper if the applicant agreed to the binding elements. Mr. Bardenwerper said not all of them.

Deliberation:

Commissioner Tomes said he wanted more information about Rehl Road concerns. He said he felt this road might be utilized more than Mr. Bardenwerper thinks it may be. He feels that continuing this case would give the neighbors and the Commissioners more time to review the facts and consider the issues.

Commissioner Stockton said he wanted more information about the transportation binding elements, that there seemed to be some conflicts there.

On a motion by Commissioner Howard, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to a date uncertain for additional hearing the next appropriate LD&T date to resolve transportation conflicts and why the Tucker Station Neighborhood Association binding elements were not accepted; and for more technical review, particularly for transportation issues, for the use of the apartment site, and how the neighbors on Rehl Road will be buffered from the adjacent property.

The vote was as follows:

YES: Commissioners Blake, Storm, Hamilton, Howard, Stockton, Proffitt, Wells-Hatfield, and Tomes.

NO: No one.

NOT PRESENT: Commissioners Carlson and Abstain.

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 1:15 A.M. on September 17th, 2010.

Chairman

Division Director