

## PLANNING COMMISSION

March 2, 2023

### PUBLIC HEARING

#### CASE NO. 22-ZONE-0105

Request: Change in Zoning from R-4 Single Family and C-1 Commercial to R-6 Multi-Family with a District Development Plan with Binding Elements and a Waiver

Project Name: Friess Old Bardstown

Location: 9408 and 9500 Old Bardstown Road

Owner: Roger Dale Perkins Estate; Michael and Laura Schnell

Applicant: Friess Property Company

Representative: Bardenwarper, Talbott and Roberts

Jurisdiction: Louisville Metro

Council District: 22 - Robin Engel

**Case Manager: Jay Luckett, AICP, Planner II**

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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

#### **Agency Testimony:**

01:13:01 Jay Luckett presented the case, showed a Power Point presentation, and responded to questions from the Commissioners. Mr. Luckett noted that a labeling error on the left-turn-detail slide he showed has been corrected (see staff report and recording for detailed presentation.)

01:17:08 In response to a question from Commissioner Mims, Mr. Luckett said that staff has informed the applicant since the pre-application stage that connectivity to the west should be provided because it is required by the Land Development Code as well as being recommended by Comprehensive Plan Analysis.

#### **The following spoke in support of the request:**

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Ted Bernstein, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

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Dan Friess, 7607 Ashton Park Circle, Louisville, KY 40228

#### **Summary of testimony of those in support:**

01:18:40 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:35:32 Dan Friess discussed his proposal and design (see recording for detailed presentation.)

01:39:17 In response to questions from Commissioner Cheek, Mr. Pregliasco showed the connection points to the approved single-family subdivision to the north. They also discussed the proposed dedicated right-turn lane on Thixton Lane (see recording for detailed discussion.)

01:43:11 In response to questions from Commissioner Mims, Mr. Pregliasco discussed the proposed off-site roadway improvements, as well as the Land Development Code requirements regarding stub streets.

#### **The following spoke in opposition to the request:**

No one spoke.

#### **Rebuttal:**

01:48:53 Mr. Pregliasco made closing statements.

01:50:03 Commissioner Fischer made comments regarding connectivity and the proposed 25-foot easement.

01:52:29 In response to questions from Commissioner Lewis, Mr. Lockett and Ms. Stuber discussed the 25-foot easement. Ms. Stuber said there had been no in-depth analysis, but it does not connect the people within the development to any other access.

#### **Deliberations:**

01:53:29 Commissioners' deliberation.

01:53:35 In response to questions from Commissioner Howard regarding binding element #3D, Mr. Lockett said that the date of today's Planning Commission public hearing would be added.

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01:54:46 In response to questions from Commissioner Sistrunk, Mr. Luckett said the applicant had not provided final elevations for the maintenance building. He said the standards for accessory structures within residential developments is that they have to be of the same materials as the main structures. Mr. Friess described what the building would look like. He agreed to having about four feet of brick, with siding the rest of the way up (see recording for detailed discussion.)

01:56:55 Commissioner Lewis and staff discussed a subdivision project across the highway from this site and whether connectivity was provided (see recording for detailed discussion.)

02:10:52 The Commission agreed to come out of Business Session in order to hear from the applicant regarding connectivity. Mr. Pregliasco asked that the case be continued to allow the applicant to file a revised plan. Staff and the Commissioners discussed the issue (See recording for detailed discussion.)

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

02:13:40 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to a date uncertain.

**The vote was as follows:**

**YES: Commissioners Clare, Pennix, Mims, Cheek, Howard, Fischer, Sistrunk, Carlson, and Lewis.**

**ABSENT: Commissioner Brown.**