

MINUTES

Regular Meeting of Rolling Fields City Commission

6:30 p.m. at Second Presbyterian Church

March 14, 2013

Those Present: Mayor Bill Conway, Commissioner Carolyn Wetterer, Commissioner David Dunn, and Clerk Rachel Schrepferman.

February Police Report: The February IHPD report was submitted by IHPD Chief Spratt via email and presented by Mayor Conway.

February Minutes: Commissioner Dunn moved to approve the minutes from February. Commissioner Wetterer seconded the motion. The February minutes were approved.

Former Bauer's Property: Mayor Conway provided a synopsis of some recent activity regarding the proposed development of the Bauer property. Mayor Conway stated that if a statement is to be made in opposition to the proposed changes on the property by the Commission, such a statement in support of or in opposition to the development should be done soon. Mockingbird Valley resident George Gans has contracted architect Tim Winters to draw up a design that might be considered by the developers as an option to the current renderings. Commissioner Wetterer asked if the Commission should table a response to Mr. Bauer and Vadim Kaplan until Commissioners Tafel and Moffett are present. Commissioner Dunn concluded that a statement from Rolling Fields should reflect resident feedback and with all members of the Commission present.

Mr. Charles Cash has asked to speak to the Rolling Fields Commission regarding the development. Mr. Cash serves as President of Preservation Louisville. Mr. Cash spoke to the Commission regarding history of this property beginning with the initial hearing in 2008. Mr. Cash stated that the beginning of this preservation process was the demolition of the Bauer home on the property, which was done shortly before the hearing. The Bauer's site was originally planned to become a Rite Aid store. Mr. Cash was working with the Rite Aid corporation to adjust the standard prototype and to make the development more neighborhood friendly. He helped to create a different site plan that would push the Rite Aid store to the back of the lot. That plan was approved and completed the process through landmarks and zoning. The plan did not move ahead due to the downturn of the economy and the inability of the Rite Aid corporation to add more stores during that timeframe. This plan did save the core building, the 1 1/2 story portion of the original, white Bauer's building. The earliest addition is to the east, then going forward there were multiple additions. The core building of 30' wide and 40' long was the only focus of the preservation, not the subsequent additions. The original building does go back to 1868. In Mr. Cash's experience, a landmark has never been "unlandmarked." The same test that is applied (historically going back to a case in New York that went to the Supreme Court) is that a property, "cannot be put to reasonable

beneficial use and cannot receive a reasonable return.” There were many options being investigated for use of the property so the owners may not be able to aptly justify that the property can be put to use. Mr. Cash stated that there needs to be a neutral, third-party opinion whether the property can be used. Mr. Cash’s experience has required him to use an objective engineering firm from Lexington to establish these facts in other cases on which he worked. He has obtained a proposal from this firm to complete an independent assessment of the Bauer property to determine if the building is structurally stable enough to be renovated and put to use. The cost of the assessment is \$1500 and the time frame is for this to be done by March 27th. Commissioner Dunn asked if this assessment can be forced on the owners to allow access to the building for the purposes of a third party assessment. Mr. Cash stated that without the owners, they cannot. ARC can allow demolition if sufficient evidence based on the standard tests (economic hardship test as listed above from the Supreme Court case) is submitted and approved. The attorney for the owners has presented personal and neighborhood representation to ARC instead of the required documentations. Mr. Cash is trying to raise the \$1500 for the independent assessment.

Commissioner Wetterer asked if the proposed new building infringed on the preservation by virtue of the design of the building. The relationship with the building to its site is an important part of the preservation. Mr. Cash indicated that the entire plot site was landmarked. He stated that the guidelines for new construction would ask that the development be sensitive to the previous architecture (based on standards established by the Department of the Interior). Mr. Cash told the Commission that preserving some of the green space would be ideal for the property.

The Individual Landmark committee to the ARC is deciding this site first. Once their decision is made, it could be appealed to the full committee. Anyone can choose to appeal the decision once it is made. One week before the meeting, all filings need to be received by the committee and will then be made public record.

Mr. Cash stated that the development could go forward if: 1) the owners establish hardship; and/or 2) concessions are made to maintain the preserved structure and acknowledgement is given to the existing architecture by building something that is appropriate and compatible along with the overall feel of the property.

Commissioner Dunn asked Mr. Cash what the best way to communicate the desires of the City of Rolling Fields to the committee. Mr. Cash indicated that a letter from the Commission to ARC stating our opinion and filed in time to be distributed to the members would be the most effective way to convey the opinion of Rolling Fields. It would also be beneficial to have a spokesperson at the hearing to restate that opinion.

Mr. Cash left the Commission with a proposal to assist in the funding the independent engineering assessment. He would need to know Rolling Fields commitment to this aspect by March 21st. Mayor Conway asked Mr. Cash if he was asking Rolling Fields to take the lead in “passing the hat” among the other neighborhoods to assist in funding

the independent assessment. Mr. Cash indicated that he would like to have Rolling Fields take that lead.

Commissioner Wetterer will prepare a draft of the response letter to circulate to the other members of the Commission for consideration.

Curb Report: Commissioner Tafel, via email, submitted information on the curbs to the Commission. Commissioner Tafel is working with the contractor to lower the curb at Pennington and Rolling- this should occur within the next week. He is also working with the contractor to reduce or amortize the expense of re-doing the curb, it may add an additional \$2K to the overall budget. New curbs will be added at the intersections of Canoe/Pennington and Pennington/Club unless there's opposition expressed to the new lowered curb.

Commissioner Tafel is concerned about conflicting with upcoming roadwork and utilities work. He has asked Mayor Conway to contact Public Works again about upcoming roadwork and to speak with representatives of MSD, Louisville Water, LG&E, and Time Warner Cable about timetables for work in Rolling Fields. Mayor Conway has been in contact with these companies and is waiting on information pertaining to their work in the area.

Brownsboro/Country Lane Intersection: Despite our opposition to widening, the Brownsboro Road widening at Country Lane moved forward but with many improvements due to our involvement. Those improvements included, black iron stoplight masts, brick-stamped cross walks, landscaping tree-lined easements (fronting Roth property and fronts of Country and Brownsboro) reduced lane widths/turn radius (improving pedestrian traffic), sidewalks in front of Dolls/Bauer, and potentially, a nine-foot landscape buffer in front of Dolls/Sutherland, as well as potential development of Bauer's old site.

Barbie Thomas has outlined a landscape plan that includes a tree-lined Brownsboro Road, as well as landscaping and black iron benches at the Rolling Fields side of the intersection of Brownsboro and Country Lane. Commissioner Tafel and Ms. Thomas met with the City arborist and State highway officials prior to making the plan to receive their input and will need to submit the final plan for their approval. Commissioner Fleming is seeking to fund the plan via The City of Rolling Fields, which would receive a grant from Metro to pay for the planning and planting of the indicated areas. We are seeking to expand that planting/planning to include the 9' easement in front of Sutherland- which appears to be secured.

Commissioner Tafel sought approval from Rolling Fields in order to proceed and plant these areas and would like the Commission's approval to proceed with planning/ planting once the grant is secured.

Adjournment and Next Meeting: The meeting adjourned at 8:01 p.m. by a motion from Commissioner Dunn and a second from Commissioner Wetterer. The next meeting is scheduled for Thursday, April 11, 2013 at 6:30 p.m. at Second Presbyterian Church.

Respectfully submitted,

Rachel Schrepferman
Clerk, Rolling Fields