

**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE  
January 12, 2023**

A meeting of the Land Development and Transportation Committee was held on, January 12, 2023 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

Te'Andre Sistrunk, Chair  
Jim Mims, Vice Chair  
Rich Carlson  
Jeff Brown  
Suzanne Cheek

**Absent:**

No one.

**Staff Members present were:**

Brian Davis, Assistant Director, Planning & Design Services  
Julia Williams, Planning Manager  
Dante St. Germain, Planner II  
Jay Lockett, Planner II  
Beth Stuber, Transportation Planning Supervisor  
Laura Ferguson, Legal Counsel  
Mary Willis, Management Assistant

**Others present:**

Tony Kelly, MSD

The following matters were considered:

# **LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**

**January 12, 2023**

## **APPROVAL OF MINUTES**

**DECEMBER 8, 2022**

On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution was adopted:

**RESOLVED**, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on December 8, 2022.

**The vote was as follows:**

**YES: Commissioners Mims, Carlson, Brown and Sistrunk**

**NO: None**

**ABSTAIN: None**

**Not Present: Commissioner Cheek**

# LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

January 12, 2023

## NEW BUSINESS

### 21-ZONE-0136

Request: Change in zoning from R-4 to R-7, with associated Detailed District Development Plan with Binding Elements, and Waiver – APPLICANT REQUESTS CONTINUANCE TO JANUARY 26

Project Name: Mt. Washington Road Apartments

Location: 5604, 5606, 5612, 5614 & 5616 Mt. Washington Road

Owner: Gloria & Clinton Walker, Bobby Wilson

Applicant: Highgates Management

Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 23 – Jeff Hudson

Case Manager: Dante St. Germain, 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. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

### Agency Testimony:

00:05:05 Commissioner Sistrunk stated the applicant has requested to continue this case to the January 26th, 2023, LD&T meeting.

00:05:19 Dante St. Germain mentioned that the applicant would like to reschedule due to two key members of the applicant's team would not be available.

### Deliberation.

**An audio/visual recording of the Land Development & Transportation Committee meeting 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.**

00:05:42 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following was adopted.

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**January 12, 2023**

**NEW BUSINESS**

**21-ZONE-0136**

**RESOLVED**, that the Land Development & Transportation Committee does hereby **CONTINUE** this case to the January 26<sup>th</sup>, 2023, Land Development & Transportation Committee Agenda.

**The vote was as follows:**

**YES: Commissioners Brown, Mims, Cheek, Carlson and Sistrunk**

# LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

January 12, 2023

## NEW BUSINESS

### 22-ZONE-0138

Request: Change in zoning from R-6, OR-2 & C-2 to PDD, with associated Pattern Book  
Project Name: Paristown Pointe – Urban Government Center  
Redevelopment  
Location: 768, 810 & 850 Barret Avenue, 1235 E Breckinridge Street  
Owner: Jefferson County Kentucky Capital Projects Corp, Louisville  
Metro Housing Authority, Louisville/Jefferson County Metro Government  
Applicant: Upper Paristown Preservation Trust  
Representative: Wyatt Tarrant & Combs  
Jurisdiction: Louisville Metro  
Council District: 6 – Vacant  
Case Manager: Dante St. Germain, 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. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

### Agency Testimony:

00:06:45 Dante St. Germain discussed the case summary from the staff report and indicated that the application was ready for a public hearing (See video for presentation). The applicant is proposing a change in zoning to redevelop the site and tear down the existing buildings, which are vacant.

00:10:30 Commissioner Mims asked for clarification about the development of a PDD. The PDD is a zoning change but instead of a neighborhood meeting they are required to hold a neighborhood charrette.

### The following spoke in favor of this request:

Jonathan Baker, Wyatt, Tarrant, Combs, 400 W Market Street, Suite 2000 Louisville, KY 40202

John Carman, Wyatt, Tarrant, Combs, Land Architect and Civil Engineer, 400 W Market Street, Unit 106 Louisville, KY 40202

# **LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**

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## **NEW BUSINESS**

### **22-ZONE-0138**

Adam Kirk, Traffic Engineering Consultant, 137 McClelland Springs Drive, Georgetown, KY 40324

Troy Burden, 1228 Breckinridge St. Louisville, KY 40204

Delquan Dorsey, 13302 Tucker Wood Place, Louisville, KY 40299

Al Cornish, 10241 Dorsey Point Circle, Louisville, KY 40223

Joann Robinson, 854 Vine St. Louisville, KY 40204

Cindy Pablo, 1039 Lampton St, Louisville, KY 40204

Cliff Hayden, 751 Vine St, Louisville, KY 40204

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

00:12:50 Johnathan Baker spoke in support of the application and gave a PowerPoint presentation (see video for presentation). The applicant hopes to revitalize the property with a more diverse and sustainable use that will be successful in the long-term. This will also bring more activity to the Barrett corridor. The project is looking at putting in a hotel, condominiums, and cottages that would go along vine street.

00:32:38 John Carman focused on the design guidelines. The design guidelines will primarily apply at the next step of the process, which is when we start the actual development and create a development plan for the site.

00:38:24 Adam Kirk discussed the traffic analysis. The first was completed in April 2022 and the second was done in November. The land uses changed slightly between the two; the PM peaks tend to be higher and heavier than the AM peaks. The applicant is proposing to update signal timing in the area.

00:45:56 Commissioner Carlson asked will all the old building be replaced and how will the buildings be inspected for asbestos. Jonathan Baker stated that will be something we will discuss at the public hearing. They have done a review of the site of all different environmental issues and will elaborate on that at the public hearing.

00:47:05 Commissioner Carlson asked will traffic have to be reevaluated if things are changed on the property. Jonathan Baker said if anything changes the would provide an update.

# LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

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## NEW BUSINESS

### 22-ZONE-0138

00:48:11 Commissioner Mims asked a question about the traffic impact analysis. n Baker said the trip generation used the data from the pattern book to get the information on the traffic study and did not include an internal credit capture.

00:50:16 Commissioner Mims asked if there would be an affordable housing component to the development. Baker stated that has not been finalized.

00:51:18 Troy Burden spoke in support of the application. Burden stated that this will be a great asset to our community. There will be more possibilities for low income and affordable housing.

00:53:54 Delquan Dorsey spoke in support of the application. Dorsey is representing Bates Community Development, who is in support of this development.

00:55:42 Al Cornish spoke in support of the application. Cornish is also part of the Bates Community Development.

00:58:02 Joann Robinson spoke in support of the application. Robinson feels that this developer will work with the neighborhood and is very happy with the developer. She feels that the neighborhood association has worked hard to make it the best area.

01:01:05 Cindy Pablo spoke in support of the application. Pablo stated a number of problems have been addressed during the planning process for this development. The proposal will create additional parking, and hopefully more people will have the ability to own their own home.

01:10:05 Cliff Hayden spoke in support of the application. Hayden stated that him and his business partner support this project. They feel the existing buildings are an eye sore.

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

Shannon Musselman, 1036 Lampton Street, Louisville, KY 40204

James Schorch, 1503 East Breckinridge Street, Louisville, KY 40204

Leslie McCabe, 1330 East Breckinridge Street, Louisville, KY 40202

# **LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**

**January 12, 2023**

## **NEW BUSINESS**

### **22-ZONE-0138**

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

01:10:50 Shannon Musselman spoke in opposition of the application. Musselman stated that the biggest concern was the parking.

01:30:20 Jim Schorch spoke in opposition of the application. Schorch stated that there are so many unknowns. Schorch stated that he would like more definitive answers when it comes to the architecture.

01:34:30 Leslie McCabe spoke in opposition of the application. McCabe asked how does this proposal fit into the comprehensive plan? Also how does a 550+ unit apartment, 100+ hotel room, 180,000 office space and 1,000+ parking space benefit the families and elderly in this corridor.

01:39:30 Commissioner Mims asked Shannon Musselman if her association was doing their own traffic study. Musselman stated they did receive some funding to look at parking and traffic in the area.

## **REBUTTAL**

01:43:22 Jonathan Baker reiterated that a traffic study was completed. Parking is an area that we are working on when it comes to the community benefits agreement. In the pattern book you will see a separate parking requirement attached to each proposed use. The traffic study and parking study are two different documents.

01:46:20 Commissioner Carlson asked if relocating the hotel to another part of the site as an option. Jonathan Baker said that is something they can explore.

01:48:03 Commissioner Mims asked if MSD has reviewed the proposal. Baker stated MSD has conducted a preliminary review, but because so many details are not shown (and won't be until there is a form development plan), final construction level approval is down the road. There have been conversations with MSD on how the drainage would convey from the site to Beargrass Creek area. Tony Kelly spoke in response to Commissioner Mims as well. The area is a combined sewer; the storm water and sanitary water go into the same system which then proceeds to go to the treatment plant.

## **Deliberation**

01:56:15 Land Development and Transportation Committee deliberation.



# **LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**

**January 12, 2023**

## **NEW BUSINESS**

### **22-ZONE-0138**

**An audio/visual recording of the Land Development & Transportation Committee meeting 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.**

01:56:40      The Committee by general consensus scheduled this case to be heard at the **February 7, 2023**, Planning Commission public hearing at 701 S Hancock St, Louisville, KY 40217 at 6:00 p.m.

## LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

January 12, 2023

### NEW BUSINESS

#### 22-STRCLOSURE-0026

Request:	Closure of Public Right-of-Way
Project Name:	MSD Maple Street Park Closure
Location:	Unnamed alleys adjacent to 739, 741, 743, 745, 747 and 749 S 23rd St; 2217, 2219, 2221, 2223 and 2225 Maple St
Owner:	Louisville Metro
Applicant:	Louisville Metro Public Works and Assets
Representative:	
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Jay Lockett, 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. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

#### Agency Testimony:

02:07:50 Jay Lockett discussed the case summary from the staff report and indicated that the application was ready for a consent agenda. MSD is closing that area to create a new park. A majority of the homes in this area have been demolished.

#### Deliberation

02:09:20 Land Development and Transportation Committee deliberation.

**An audio/visual recording of the Land Development & Transportation Committee meeting 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.**

02:09:37 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution based on the Standard of Review and Staff Analysis and the 100% consent from adjacent property owners was adopted.

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**January 12, 2023**

**NEW BUSINESS**

**22-STRCLOSURE-0026**

**RESOLVED**, that the Land Development & Transportation Committee does hereby **PLACE** this case on the January 19, 2023 Planning Commission consent agenda.

**The vote was as follows:**

**YES: Commissioners, Carlson, Cheek, Mims and Sistrunk**

**NO: None.**

**ABSTAIN: Commissioner Brown**

# LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

January 12, 2023

## NEW BUSINESS

### 22-RSUB-0008

Request:	Revised Major Preliminary Subdivision with a Waiver
Project Name:	Bridle Run
Location:	1312 Flat Rock Rd
Owner:	Shawnee Development, Inc., Madeira Place, LLC
Applicant:	Madeira Place, LLC
Representative:	Land Design and Development
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
Case Manager:	Jay Lockett, 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. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

### Agency Testimony:

02:10:38 Jay Lockett discussed the case summary from the staff report and indicated that the application was ready for a public hearing (see video for presentation). Applicant is proposing to create 227 buildable lots on 101.64 acres. Portions of the subject site have been recorded and are under development. The applicant is no longer proposing a new access point to Flat Rock Road due to site distance constraints.

02:12:56 Commissioner Carlson asked if the development would still have an adequate number of entrances and whether or not the old WHAS building would remain. Lockett stated the applicant will still be connecting to an existing stub street for the subdivision to the north. In regards to the old WHAS building, it was shown on the plan to be removed but there have not been any demolition permit requests filed to do so.

### The following spoke in favor of this request:

Derek Triplett, Land, Design and Development, 503 Washburn Ave Suite 101, Louisville, KY, 40222

Tony Kelly, MSD, 700 West Liberty St, Louisville, KY 40203

### Summary of testimony of those in favor:

# **LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**

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## **NEW BUSINESS**

### **22-RSUB-0008**

Derek Triplett spoke in support of the application and gave a PowerPoint presentation discussing the proposal. The current revised plan has a cul-de-sac where the previous plan did not. Triplett stated there are no plans to remove the old WHAS building at this time.

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

Darrell Messer 2002 Ascender Court, Louisville, KY, 40245

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

02:16:42 Darrell Messer spoke in opposition of the Waiver. Messer found a defect in the plan involving excessive overlap between a drainage easement and the rear yards of the homes. Another factor of concern is moisture becoming an issue to his future neighbors.

02:20:19 Commissioner Mims asked for clarification about the drainage easement in question. Tony Kelly from Louisville MSD stated there is a proposed easement with all the required infrastructure.

02:22:26 Commissioner Mims asked whether or not there was any required plantings. Jay Lockett said there is no planting requirement and the only issue would be installing a privacy fence.

02:24:08 Darrell Messer asked about the potential overlap of tree canopy and the draining easement. Jay Lockett said there is no tree canopy protection proposed along the northern boundary.

# LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

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## NEW BUSINESS

22-RSUB-0008

## REBUTTAL

02:27:35 Derek Triplett stated the easement overlap with the buffer is a common occurrence based on the way that drainage needs to function within a subdivision. This will be finalized with construction plans and all easements will be located on record plats when they are recorded.

## Deliberation

02:33:00 Land Development and Transportation Committee deliberation.

**An audio/visual recording of the Land Development & Transportation Committee meeting 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.**

## Waiver

02:34:36 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution based on the Standard of Review, testimony heard at the December 8, 2022 and January 12, 2023 meetings, and Staff Analysis was adopted:

**WHEREAS**, the Land Development & Transportation Committee finds the waiver will not adversely affect adjacent property owners as the rear yards overlap with easements that will only affect the property owners of the new lots,

**WHEREAS**, the waiver will not violate specific guidelines of Plan 2040 as all lots will still have adequate private yard area, as well as access to shared amenities within the development,

**WHEREAS**, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the locating of sewer and drainage infrastructure is largely dictated by topography and grading considerations. The applicant has taken care to reduce disturbance of environmentally sensitive areas on site by utilizing a more compact development pattern,

**WHEREAS**, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring the applicant to move the easement or extend the rear yards, either of which would reduce the usability of the property; therefore be it

# LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

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## NEW BUSINESS

### 22-RSUB-0008

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the waiver of Section 7.3.30.E.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Cheek, Mims and Sistrunk**

### Revised Major Preliminary Subdivision

02:35:48 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution based on the Standard of Review, testimony heard at the December 8, 2022 and January 12, 2023 meetings, and Staff Analysis was adopted:

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the Major Preliminary Subdivision, with the following conditions:

1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
2. The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by Planning Commission staff if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
  - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
  - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  - d. Location of construction fencing for each tree/tree mass designated to be preserved.
3. 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.

# LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

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## NEW BUSINESS

### 22-RSUB-0008

4. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
5. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, 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. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for A and B Streets, as shown on the preliminary subdivision plan. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
7. Open space/conservation lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
8. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
9. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
10. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. 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 Land Development Code. 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.



# LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

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## NEW BUSINESS

### 22-RSUB-0008

11. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
12. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  - a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
  - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs and other issues required by these binding elements / conditions of approval.
  - c. A deed restriction in a form approved by Counsel to the Planning Commission shall permanently prohibit further subdivision or development of conservations areas.
  - d. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
  - e. The applicant shall submit a Conservation Area Management Plan detailing the entities responsible for maintaining various elements of the property, and describing management objectives and techniques for each part of the property.
13. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
14. Any signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
15. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

# **LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**

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## **NEW BUSINESS**

### **22-RSUB-0008**

16. In the event the party responsible for maintenance of the Conservation Areas fails to maintain all or any portion in reasonable order and condition according to the Management Plan, Louisville Metro Government may assume responsibility for its maintenance and may enter the premises and take corrective action, including provision of extended maintenance. The cost of maintenance may be charged to the Management Entity, or the individual property owners according to the pro-rata share based on the Management Plan. Costs may include administrative costs in taking such actions as well as penalties as provided under these regulations. Such costs shall become a lien on all subdivision properties.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Cheek, Mims and Sistrunk**

# LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

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## NEW BUSINESS

### 22-ZONE-0079

Request:	Change in zoning from R-4 to R-6, with Detailed District Development Plan with Binding Elements
Project Name:	Mud Lane Apartments
Location:	3902 Mud Ln
Owner:	Hubert L Hester Living Trust
Applicant:	Hubert L Hester Living Trust
Representative:	Wyatt, Tarrant and Combs
Jurisdiction:	Louisville Metro
Council District:	13 – Dan Seum, Jr.
Case Manager:	Jay Lockett, 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. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

### Agency Testimony:

02:37:02 Jay Lockett discussed the case summary from the staff report and indicated that the application was ready for a public hearing (see video for presentation). The applicant is requesting a change in zoning to construct 252 multi-family dwelling units on approximately 15.26 acres.

02:39:50 Commissioner Mims asked if the applicant had addressed the intersection of Blue Lick Road and Mt. Washington Road. Jay Lockett said there have been discussions with KYTC about making the intersection a three-way stop.

02:41:15 Commissioner Carlson asked there had been any consideration about having a right turn lane for people wanting to turn to go north on Mt. Washington Road. Jay Lockett said the applicant will address that during their presentation.

### The following spoke in favor of this request:

Jonathan Baker, Wyatt, Tarrant, Combs, 400 W Market Street, Suite 2000 Louisville, KY 40202

# **LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**

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## **NEW BUSINESS**

### **22-ZONE-0079**

Derek Triplett, Land, Design and Development, 503 Washburn Ave, Suite 101,  
Louisville, KY 40202

Adam Kirk, Traffic Engineering Consultant, 137 McClelland Springs Drive, Georgetown,  
KY 40324

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

02:42:14 Jonathan Baker spoke in support of the application and gave a PowerPoint presentation (see recording). This case was continued from the November 10<sup>th</sup>, 2022 meeting. The applicant will be adding a left turn lane at the first access point into the development. The traffic distribution was recalibrated based on the comments and conversations with Transportation Planning and Public Works.

02:46:15 Derek Triplett spoke in support of the application. Triplett stated two of the items from the continuance are: coordinated with the fire department on the single crossing of the stream to get to the rear of the site and potential road improvements along the frontage.

02:51:11 Adam Kirk spoke in support of the application. The applicant was originally asked to look at the turn lane warrants; more specifically looking at the Right and Left turn lane warrants into the site. The applicant was able to look at traffic either right in front of the site or further down towards Preston Highway and Blue Lick Road

02:57:44 Commissioner Carlson would like to see the inclusion of a binding element stating the applicant will install additional fire hydrants as requested by the fire department.

02:59:29 Commissioner Carlson asked if KYTC made any further comments on the proposed improvements. Beth Stuber stated she has not heard anything further from them.

03:02:05 Commissioner Brown asked the applicant if they were able to check the collision history at the Mudd Lane and Blue Lick intersection. Adam Kirk stated he believes there were five crashes over a five year period.

#### **The following spoke as a neutral party to the request:**

Jake Souder, 1611 Ahrlar Drive, Louisville, KY 40213

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## NEW BUSINESS

### 22-ZONE-0079

#### Summary of testimony of those as neutral:

03:03:59 Jake Souder spoke as a neutral party to the application. Souder stated that he couldn't find any information pertaining to the potential loss of the wetlands or what impact the development could have on the existing streams on site. Derek Triplett stated the wetlands are non-jurisdictional and the stream is an ephemeral stream, therefore it is not regulated by Land Development Code.

#### Deliberation

03:03:30 Land Development and Transportation Committee deliberation.

**An audio/visual recording of the Land Development & Transportation Committee meeting 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.**

03:07:00 The Committee by general consensus scheduled this case to be heard at the **February 16, 2023** Planning Commission public hearing.

# LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

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## NEW BUSINESS

### 22-ZONE-0121

Request:	Change in zoning from RR to R-5 with a Waiver and Detailed Development Plan
Project Name:	Vista Hills Subdivision
Location:	10001 Vista Hills Blvd.
Owner:	TRI Smyrna LLC
Applicant:	Jane Renn
Representative:	Bowman Consulting Group Ltd.
Jurisdiction:	Louisville Metro
Council District:	22- Robin Engel
Case Manager:	Julia Williams, AICP, Planning Manager

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. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

### Agency Testimony:

03:07:35 Julia William discussed the case summary from the staff report and indicated that the application was ready for a public hearing (see video for presentation). The applicant is requesting a change in zoning from a R-R to R-5 and also requesting waiver to permit encroachment into the 50' parking buffer and 75' parking setback. The applicant is proposing four lots and access from Vista Lane.

03:11:26 Commissioner Brown asked if the Louisville Loop needed additional right-of-way across the frontage. Julia Williams stated she did not think so.

### The following spoke in favor of this request:

Chris Brown 3001 Taylors Springs Drive, Louisville, KY 40220

### Summary of testimony of those in favor:

03:12:30 Chris Brown spoke in support of the applicant and gave a PowerPoint presentation. This property is being developed similarly to the property to the south that was recently rezoned and is adjacent to the same parkway buffer.

# LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

January 12, 2023

## NEW BUSINESS

### 22-ZONE-0121

03:16:35 Commissioner Mims asked about the proposed parkway buffer plantings. Chris Brown said it would meet the requirements of Chapter 10 in terms of the spacing of planting and number of plantings. The plantings will be along the Bardstown Road right-of-way. Brown stated they would bring a landscape exhibit to the public hearing.

## Deliberation

03:18:40 Land Development and Transportation Committee deliberation.

**An audio/visual recording of the Land Development & Transportation Committee meeting 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.**

03:18:50 The Committee by general consensus scheduled this case to be heard at the **February 2, 2023** Planning Commission public hearing.

# LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

January 12, 2023

## NEW BUSINESS

### 22-ZONE-0096

Request: Change in zoning from R-4 to C-M, with associated Revised Detailed District Development Plan and Binding Elements, and Waivers

Project Name: APB Mini Warehouse

Location: 6212 Shepherdsville Road

Owner: AL CAT LLC

Applicant: AL CAT LLC

Representative: Wyatt, Tarrant & Combs

Jurisdiction: Louisville Metro

Council District: 2 – Barbara Shanklin

Case Manager: Dante St. Germain, 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. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

### Agency Testimony:

03:19:27 Dante St. Germain discussed the case summary and presented a PowerPoint presentation (see video for presentation). The applicant is requesting a change in zoning from a single family residential to commercial manufacturing with a number of waivers. St. Germain stated the first waiver is not to provide a vehicular or pedestrian connections to an adjoining non-residential property. The other waivers are related to interior landscape areas and proposed landscaping on the site.

### The following spoke in favor of this request:

Jonathan Baker, Wyatt, Tarrant, Combs, 400 W Market Street, Suite 2000 Louisville, KY 40202

Mike Hill, 503 Washburn Ave, Louisville, KY 40222

### Summary of testimony of those in favor:

03:27:20 Jonathan Baker spoke in support of the application and gave a PowerPoint presentation (see recording). The proposal will help tie in with the detention



# LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

January 12, 2023

## NEW BUSINESS

### 22-ZONE-0096

basin that is associated with Taco Bell and for the secondary access point that will help move traffic between Shepherdsville and Fern Valley.

03:35:52 Commissioner Sistrunk asked if there would be any outdoor storage on the site. Baker said no.

03:36:48 Commissioner Mims asked for clarification about the landscape buffer waiver. Mike Hill stated the waiver is in the vicinity of an existing detention basin and easement. The applicant can look again to see if we can reduce or eliminate the waiver.

## Deliberation

03:42:42 Land Development and Transportation Committee deliberation.

**An audio/visual recording of the Land Development & Transportation Committee meeting 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.**

03:42:50 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution was adopted:

**RESOLVED**, that the Land Development & Transportation Committee does hereby **CONTINUE** this case to the February 9, 2023, Land Development & Transportation Committee Agenda.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Cheek, Mims and Sistrunk**

## LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

January 12, 2023

### NEW BUSINESS

#### 22-ZONE-0098

Request: Change in zoning from R-4 to PEC, with associated Detailed District Development Plan/Major Preliminary Subdivision and Binding Elements, and Waivers

Project Name: Xebec Tucker Station

Location: 1525 – 1711 Tucker Station Road, 12850 & 1704 S Pope Lick Road, Parcel ID 367200070000

Owner: Mark & Sandra Holloway, William Gary Holloway, LRH Family LLC, Lois R Holloway Revocable Trust, Brian & Annette Whitcomb, HHOP Partners LLC

Applicant: Xebec Pursuits LLC

Representative: Sabak Wilson & Lingo Inc., Stites & Harbison PLLC

Jurisdiction: Louisville Metro

Council District: 11 – Kevin Kramer

Case Manager: Dante St. Germain, 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. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

#### Agency Testimony:

03:49:51 Dante St. Germain discussed the case summary and presented a PowerPoint presentation (see video for presentation). The applicant is requesting a change in zoning to PEC Planned Employment Center with associated waivers.

03:54:23 Commissioner Mims asked if the applicant has looked at what improvements may be needed at Trucker Station and Bluegrass. St. Germain stated the applicant will present that information.

#### The following spoke in favor of this request:

Greg Ehrhard, 400 West Market St, Suite 1800, Louisville, KY 40202

Kelli Jones, 608 South 3<sup>rd</sup>. St, Louisville, KY, 40202

Adam Kirk, Traffic Engineering Consultant, 137 McClelland Springs Drive, Georgetown, KY 40324

# **LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**

**January 12, 2023**

## **NEW BUSINESS**

### **22-ZONE-0098**

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

03:57:17 Kelli Jones spoke in support of the application. Jones stated that the waiver for the landscape buffer is near the shared drive that runs between two internal parcels. There will be an on-site detention basin and all the water from this site will be collected and brought to the basin. The development will have a water quality unit that will treat water before it is let out into the creek.

04:07:30 Adam Kirk spoke in support of the application. Kirk stated that a traffic analysis was conducted. The am hours didn't see many issues; however, the pm hours were more problematic. It is recommended that a dedicated left turn lane be added at the intersection of Tucker Station Road and S Pope Lick Road.

04:14:43 Kelli Jones stated the following road improvements that we are proposed: three lane sections across our frontage as requested by Metro; left turn lanes going East and West bound; and the applicant has agreed to make a signal contribution to either Tucker Station Road and S Pope Lick Rd intersection or Bluegrass and Tucker Station Road intersection.

04:16:00 Commissioner Carlson had a question about the traffic analysis regarding S Pope Lick Road and Tucker Station Road. Adam Kirk said when you add in the left turn lane it shows the intersection goes from a service level F to a service level D.

04:17:50 Commissioner Carlson asked that a binding element about the traffic signal contribution be included in the final staff report for the public hearing.

04:19:52 Kelli Jones stated that when analyzing the Tucker Station and S Pope Lick intersection it was determined that it did not meet the signal warrants. Beth Stuber agreed with this statement.

#### **The following spoke as a neutral party to the request:**

Nick Pregliasco 1000 North Hurstbourne Parkway, Louisville, KY 40223

#### **Summary of testimony of those as neutral:**

04:27:34 Nick Pregliasco spoke as a neutral party to the application. Pregliasco stated that he was here on behalf of Blankenbaker Station Community Association. They are opposed to the public hearing due to unanswered questions. The community

## **LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**

**January 12, 2023**

### **NEW BUSINESS**

#### **22-ZONE-0098**

is concerned about the lake and would like to know which trees would be persevered. They are requesting a walking trail around the pond.

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

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

Roy Lillpop, 12611 South Pop Lick Rd, Louisville, KY, 40299

Leslie Schneidtmiller, 1611 Ehrler Drive, Louisville, KY, 40213

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

04:30:31 Steve Porter spoke in opposition to the application. Porter stated that he is opposed to the whole project as well as the hearing. Traffic is an issue and issues not being in the traffic study. The only intersection that was studied were the five entrances to the development and no other areas.

04:41:15 Roy Lillpop spoke in opposition to the application. Lillpop stated that when a car or truck pulls out of the development the lights will hit his house directly. Once the distribution center goes up the noises from the trucks and vehicles will become louder; no one will be able to sleep or enjoy their daily life.

04:48:10 Leslie Schneidtmiller spoke in opposition to the application. Schneidtmiller stated that S Pope Lick Road cannot handle the type of traffic this project is bringing. The noise that the development will create is too much for the surrounding area. If this passes, will are we able to make the building smaller so that it is less traffic.

### **REBUTTAL**

04:51:57 Kelli Jones stated that when it comes to the traffic; that will be mostly between the peak hours. During those peak hours that is when everyone is going to or leaving work. The applicant will preserve some trees around the stream.

04:59:07 Commissioner Brown there needs to be a lot of work done on the traffic impact statement; not only do they need to add in the trips that are anticipated to accrue. Also, the applicant needs the Schutte Station connection fixed before this can go to public hearing.

## **LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**

**January 12, 2023**

### **NEW BUSINESS**

#### **22-ZONE-0098**

04:59:56 Commissioner Mims would the traffic impact statement to be finalized and for there to be some kind of connection to Schutte Station. Commissioner Mims would also like to see fewer entrances to and from the site.

#### **Deliberation**

05:10:22 Land Development and Transportation Committee deliberation.

**An audio/visual recording of the Land Development & Transportation Committee meeting 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.**

05:10:41 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution was adopted:

**RESOLVED**, that the Land Development & Transportation Committee does hereby **CONTINUE** this case on the February 23, 2023 Land Development & Transportation Committee Agenda.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Cheek, Mims and Sistrunk**

# LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

January 12, 2023

## NEW BUSINESS

### 22-ZONE-0125

Request:	Change in zoning from C-1 to C-2, with Revised General District Development Plan and Revisions to Binding Elements and Detailed District Development Plan with Binding Elements
Project Name:	Christian Brothers Automotive
Location:	4500 S Hurstbourne Pkwy
Owner:	Meijer Stores Limited Partnership
Applicant:	Thoroughbred Engineering
Representative:	Bardenwarper, Talbott and Roberts
Jurisdiction:	Louisville Metro
Council District:	26– Brent Ackerson
Case Manager:	Jay Lockett, 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. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

### Agency Testimony:

05:12:17 Jay Lockett presented a PowerPoint presentation and indicated that the application was ready for a public hearing (see video for presentation). The applicant is requesting a change in zoning from a C-1 to C-2 commercial to construct an automobile repair facility as a new out lot within an existing Meijer shopping center.

### The following spoke in favor of this request:

Nick Pregliasco, 1000 North Hurstbourne Parkway 2<sup>nd</sup> Floor, Louisville, KY 40223

Taylor Friesz, 409 Washington Street, Shelbyville, KY, 40065

### Summary of testimony of those in favor:

05:18:42 Nick Pregliasco spoke in support of the application. Pregliasco stated that the location is an under-utilized parking lot. The building will have nine separate bays and then one office. The facility will offer multiple services.

# LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

January 12, 2023

## NEW BUSINESS

### 22-ZONE-0125

05:25:33 Commissioner Sistrunk asked the applicant if they would agree to a binding element that says if any car sits longer than 24 hours it will be within the interior of the bays at night. Pregliasco said they can agree to this.

## Deliberation

05:28:00 Land Development and Transportation Committee deliberation.

**An audio/visual recording of the Land Development & Transportation Committee meeting 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.**

05:28:20 The Committee by general consensus scheduled this case to be heard at the **February 2, 2023**, Planning Commission public hearing.

# LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

January 12, 2023

## NEW BUSINESS

### 22-ZONE-0111

Request: Change in zoning from R-6 to C-N, with associated Revised Detailed District Development Plan and Binding Elements, and Waivers

Project Name: Dollar General

Location: 7717 & 7721 St. Andrews Church Road

Owner: Montez Malone

Applicant: Susan Cox

Representative: Wyatt, Tarrant & Combs

Jurisdiction: Louisville Metro

Council District: 25 – Khalil Batshon

Case Manager: Dante St. Germain, 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. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

### Agency Testimony:

05:29:34 Dante St. Germain presented a PowerPoint presentation and indicated that the application was ready for a public hearing (see video for presentation). The applicant is requesting a change in zoning from a multi-family residential to C-N Neighborhood Commercial with some waivers.

05:32:37 Commissioner Carlson stated that most stores have material outside to where it does not look good. St. Germain said this development plan specifically shows a screened recycling area to help with the visual character.

### The following spoke in favor of this request:

Jonathan Baker, 400 West Market Street, Suite 2000, Louisville, KY, 40202

Brandy Zackery, 1136 South Park Drive, Suite 201, Bowling Green, KY, 42103

### Summary of testimony of those in favor:



## **LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**

**January 12, 2023**

### **NEW BUSINESS**

#### **22-ZONE-0111**

05:34:37 Jonathan Baker spoke in favor of the application. Baker stated that this is a good location and there are multiple dwellings in the area that can benefit from this use.

05:43:28 Brandy Zackery spoke in favor of the application. The development plan includes a separate enclosure for the recycling racks. MSD does have special design requirements due to the flood plain. There is a proposed sidewalk connection out to St. Andrew Church Road.

05:47:40 Commissioner Mims asked about the building design along the Cardinal Oaks Drive frontage. Brandy Zackery said there will be windows on that side.

05:49:00 Commissioner Brown asked that the applicant provide hours of operation at the public hearing.

#### **The following spoke as a neutral party to the request:**

Maureen Welch, 7101 Venetian Way, Louisville, KY, 40214

#### **Summary of testimony of those as neutral:**

05:53:12 Maureen Welch spoke as a neutral party to the application. Welch would like to see landscaping used to help screen any blank walls on the façade and asked whether or not groceries will be sold at this location.

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

Mona Miller, 3115 Park Side Court, Louisville, KY, 40214

# LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

January 12, 2023

## NEW BUSINESS

### 22-ZONE-0111

#### Summary of testimony of those in opposition:

05:51:36      Mona Miller spoke in opposition to the application. Miller is mostly concerned about the trash that is going to be thrown around and get into the creek.

## REBUTTAL

05:55:07      Jonathan Baker stated he will reach out to the applicant about the façade facing Doss High School. Also, there are ongoing conversations about having food in this Dollar General location.

## Deliberation

06:00:11      Land Development and Transportation Committee deliberation.

**An audio/visual recording of the Land Development & Transportation Committee meeting 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.**

06:00:25      The Committee by general consensus scheduled this case to be heard at the **February 2, 2023** Planning Commission public hearing.

# LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES

January 12, 2023

## NEW BUSINESS

### 22-ZONE-0114

Request:	Change in zoning from R-6 to U-N, with associated Detailed District Development Plan and Binding Elements, and Variance
Project Name:	1239 S Clay Street Rezoning
Location:	1239 S Clay Street
Owner:	River City Housing Inc.
Applicant:	River City Housing Inc.
Representative:	River City Housing Inc.
Jurisdiction:	Louisville Metro
Council District:	6 – Vacant
Case Manager:	Dante St. Germain, 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. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

### Agency Testimony:

06:04:40 Dante St. Germain provided a PowerPoint presentation and indicated that the application was ready for a public hearing (see video for presentation).

06:04:58 Commissioner Brown asked if the parking pads are the reason for the variance request. Dante St. Germain said yes.

### Deliberation

06:05:30 Land Development and Transportation Committee deliberation.

**An audio/visual recording of the Land Development & Transportation Committee meeting 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.**

06:05:57 The Committee by general consensus scheduled this case to be heard at the **February 2, 2023** Planning Commission public hearing.

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**January 12, 2023**

**ADJOURNMENT**

The meeting adjourned at approximately 7:07 p.m.

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**Chair**

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**Planning Director**