

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
February 23, 2023**

A meeting of the Land Development and Transportation Committee was held on, February 23, 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
Rich Carlson
Jeff Brown
Suzanne Cheek

Absent:

Jim Mims, Vice Chair

Staff Members present were:

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

The following matters were considered:

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APPROVAL OF MINUTES

February 9th, 2022

On a motion by Commissioner Brown, seconded by Commissioner Cheek, the following resolution was adopted:

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on February 23, 2023.

The vote was as follows:

YES: Commissioner Cheek

NO: None

ABSTAIN: Commissioner Brown, Carlson, and Sistrunk

ABSENT: Commissioner Mims

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

22-ZONE-0147

Request: Change in Zoning from R-4 to C-1, with Associated Detailed District Development Plan with Binding Elements, and Waivers and Parking Waiver

Project Name: 7 Brew

Location: 7609 Bardstown Road

Owner: Estate of William C. Ridge Jr.

Applicant: Hogan Real Estate

Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 22 – Robin Engel

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. 5th Street.)

Agency Testimony:

00:05:37 This case was previously heard back on February 9th, 2023, after the Committee lost quorum. Commissioner Cheek acted as a hearing officer for the case. Cheek stated the case is ready for a public hearing.

Deliberation

00:05:50 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.

00:06:00 The Committee by general consensus scheduled this case to be heard at the **March 16th, 2023**, Planning Commission public hearing.

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NEW BUSINESS

22-ZONE-0148

Request: Change in Zoning from R-5 to C-1, with Associated Detailed District Development Plan with Binding Elements, and Waivers, Variances and Parking Waiver

Project Name: 7 Brew

Location: 7700 – 7706 Laurel Ridge Road

Owner: Estate of William C. Ridge Jr.

Applicant: Hogan Real Estate

Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 24 – Madonna Flood

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. 5th Street.)

Agency Testimony:

00:06:44 This case was previously heard back on February 9th, 2023, after the Committee lost quorum. Commissioner Cheek acted as a hearing officer for the case. Cheek stated the case is ready for a public hearing.

Deliberation

00:06:50 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.

00:07:30 The Committee by general consensus scheduled this case to be heard at the **March 16th, 2023**, Planning Commission public hearing.

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NEW BUSINESS

22-ZONE-0113

Request:	Change in Zoning from R-4 Single Family to R-6 Multi-Family with a District Development Plan with Binding Elements and a Variance
Project Name:	LDG North English Station
Location:	1615 North English Station
Owner:	Emma Jean Powers Living Trust
Applicant:	LDG Development
Representative:	Dinsmore and Shohl
Jurisdiction:	Louisville Metro
Council District:	17 – Markus Winkler
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. 5th Street.)

Agency Testimony:

00:08:13 Jay Lockett stated that the applicant has requested to continue this case to a date uncertain.

Deliberation

00:08:33 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.

00:08:39 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following was adopted.

RESOLVED, that the Land Development & Transportation Committee does hereby **CONTINUE** this case indefinitely.

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NEW BUSINESS

22-ZONE-0113

The vote was as follows:

YES: Commissioners Cheek, Brown, Carlson and Sistrunk

NO: None

ABSTAIN: None

ABSENT: Commissioner Mims

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NEW BUSINESS

22-MSUB-0011

Request:	Major Preliminary Subdivision with a Waiver
Project Name:	Echo Trail East
Location:	1505 Echo Trail
Owner:	Long Run Creek Properties, LLC
Applicant:	Long Run Creek Properties, LLC
Representative:	Bardenwarper, Talbott and Roberts
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
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. 5th Street.)

Agency Testimony:

00:09:35 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). Lockett stated the applicant is proposing to create 28 buildable lots and two residual lots. Transportation Review had requested a right-of-way stub to the adjoining Cook property but the applicant has not included that on the plan

The following spoke in favor of this request:

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

Summary of testimony of those in favor:

00:13:17 Nick Pregliasco spoke in favor of the application and presented a PowerPoint presentation (see video). Pregliasco stated the proposed plan is to connect the 28-lot proposal to the previous Echo Trail Subdivision. Pregliasco mentioned the home on the property would remain and become one of the 28 lots. The topography of the adjoining property, including the large pond, prevent a feasible connection to the adjoining Cook property

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22-MSUB-0011

The following spoke in opposition to the request:

None

Summary of testimony of those in opposition:

None

Rebuttal

None

Deliberation

00:23:10 Land Development and Transportation Committee deliberation. Commissioner Brown stated he does not think the stub to the Cook property is necessary.

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.

00:24:54 On a motion by Commissioner Brown, seconded by Commissioner Cheek, the following resolution based on the Standard of Review, Staff Analysis and testimony heard today.

WHEREAS, 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,

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, and

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

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requiring the applicant to move the easement and existing infrastructure or extend the rear yards, either of which would reduce the usability of the property, now therefore be it

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the waiver of Section 7.3.30.E.

The vote was as follows:

YES: Commissioners Cheek, Brown, Carlson and Sistrunk

NO: None

ABSTAIN: None

ABSENT: Commissioner Mims

00:25:25 On a motion by Commissioner Brown, seconded by Commissioner Cheek, the following resolution based on the Standard of Review, Staff Analysis and testimony heard today.

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the Major Preliminary Subdivision, with the following conditions of approval:

Conditions of Approval

1. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
2. 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.
3. 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."
4. 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.

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22-MSUB-0011

5. 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.
6. Open space 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.
7. 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 in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 - c. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
8. 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.
9. The record subdivision plat shall not be recorded until "Street G" from 18SUBDIV1023 is recorded.
10. No direct access is permitted to Echo Trail for residual lot 30. Residual lot 31 can maintain the existing access drive.
11. Development of the site shall occur in accordance with the construction methods described in the ECS Southeast Slope Evaluation and Karst Study dated November 10, 2022.

The vote was as follows:

YES: Commissioners Cheek, Brown, Carlson and Sistrunk

NO: None

ABSTAIN: None

ABSENT: Commissioner Mims

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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 South 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. 5th Street.)

Agency Testimony:

00:26:29 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 requesting a zone change from R-4 single family residential to PEC Planned Employment Center. St. Germain stated that it might be beneficial to continue the case due to not receiving the Traffic Impact Statement in enough time.

00:30:33 Commissioner Sistrunk asked if the main reason the case should be continued was due to the traffic impact study. St. Germain stated yes due to the signal contribution and the Schutte Station Place connection.

00:31:11 Commissioner Brown asked is Schutte Station Place was being proposed. St. Germain mentioned they are proposing to connect half of a road, however part of the road is Schutte Station, but the other half is owned by Hollenback Oakley.

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NEW BUSINESS

22-ZONE-0098

00:32:13 Commissioner Carlson asked if the traffic light contribution amount would decrease in price. Beth Stuber stated the price would not go lower than \$75,000.

The following spoke in favor of this request:

Kelli Jones, Sabak Wilson & Lingo, LLC, 608 South 3rd Street, Louisville, KY 40202

Adam Kirk, Stites & Harbison, 137 McClelland Springs Drive, Georgetown, KY 40324

Summary of testimony of those in favor:

00:34:00 Kelli Jones spoke in favor of the application and presented a PowerPoint presentation (see video). Jones stated two entrances were removed. One entrance off Tucker Station Road and one off S. Pope Lick Road. Jones stated that Schutte Station Place is still being proposed as a right-of-way and are needing the approval from the adjacent property to complete the road.

00:48:42 Commissioner Cheek asked if Schutte Station Place will be a public right-of-way. Jones stated that it will be a public right-of-way.

00:49:11 Commissioner Carlson asked what the timeline would look like when it came to the connection on Schutte Station Place. Jones specified she assumed the commissioners would tell her where and when to start. Jones mentioned either connecting the road first or completing one or two building then connect the road.

00:52:05 Commissioner Carlson asked if there was signalization at the intersection of Tucker Station Road and Bluegrass Parkway or if it needed it. Jones stated they were going to contribute to a specific amount to signalization of an intersection and that funding would be applied to either one of those locations

00:54:01 Commissioner Carlson asked if there was a plan to discourage truck traffic from pulling out onto S Pope Lick Road and onto Schutte Station. Jones stated that she would put up some signage to help keep truck traffic down.

00:57:15 Adam Kirk presented in support of the application. Kirk reviewed the traffic study information. Commissioner Brown asked if there was a signal warrant analysis performed for Tucker Station Road and S Pope Lick. Adam Kirk mentioned that a signal warrant analysis was not performed by his team however he believes that was done by staff and that it did meet warrant.

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NEW BUSINESS

22-ZONE-0098

The following spoke in opposition to the request:

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

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

Roy Lillpop, 12611 South Pope Lick Road, Louisville, KY 40299

Summary of testimony of those in opposition:

01:03:39 Nick Pregliasco spoke in opposition to the application on behalf of the Blankenbaker Station Community Association. Pregliasco stated the association wants to know if buffering will be provided south of the development. The association wants to know what the elevations would look like from the southside where the lake is located.

01:07:12 Steve Porter spoke in opposition to the application on behalf of the Tucker Station Neighborhood Association. Porter stated that traffic is a major issue in that area and removing an entrance from Tucker Station Road and an entrance from S Pope Lick Road will not change the amount of traffic flowing through that area.

01:18:31 Roy Lillpop spoke in opposition to the application. Lillpop stated that if the development is built the noise would be too much for the area. Lillpop also mentioned that putting semi-trucks on a two lane rural road will cause major issues.

01:26:04 Commissioner Cheek asked what would be needed to extend Plantside Drive to Tucker Station Road. Porter stated that a development similar to this would have to go on a property between Rehl Road and Taylorville Road to justify building the road.

REBUTTAL

01:28:46 Kelli Jones stated that the property is in the suburban work place form district and the type of development that they are proposing is exactly the type of development that belongs in the area. Jones stated that the planting treatment on the south side will be similar to the north side and the elevation difference will not be as significant across the pond than across the street.

Deliberation

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NEW BUSINESS

22-ZONE-0098

01:33:36 Land Development and Transportation Committee deliberation.

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01:37:21 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following was adopted.

RESOLVED, that the Land Development & Transportation Committee does hereby **CONTINUE** this case to the March 23rd, 2023 Land Development & Transportation Committee Meeting.

The vote was as follows:

YES: Commissioners Cheek, Brown, Carlson and Sistrunk

NO: None

ABSTAIN: None

ABSENT: Commissioner Mims

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ADJOURNMENT

The meeting adjourned at approximately 2:39 p.m.

Chair

Planning Director