

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
March 10, 2022

NEW BUSINESS

Case No. 21-ZONE-0102

Request:	Cont'd from the February 24, 2022 LD&T Meeting - Change in zoning from R-4 to R-7 with a landscape waiver
Project Name:	Freys Hill Multi-Family
Location:	3323 & 3325 Freys Hill Road
Owner:	Deerfield Co. Inc.
Applicant:	LDG Multi-family LLC
Representative:	Cliff Ashburner - Dinsmore and Shohl PLLC. & Sabak Wilson and Lingo
Jurisdiction:	Louisville Metro
Council District:	17- Markus Winkler
Case Manager:	Julia Williams, AICP, Planning Supervisor

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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:05:19 Julia Williams presented the case and gave an update on the proposal since the last meeting (see recording for detailed Power Point presentation.)

00:11:56 In response to a question from Commissioner Carlson, Ms. Williams said the applicant has proposed a binding element limiting the certificates of occupancy until the second access point is fully secured (see recording for detailed discussion.) Does that mean "constructed" or "secured"? Ms. Williams said the applicant is in the process of securing the purchase of that property.

00:13:21 In response to questions from Commissioners Carlson and Brown, Ms. Williams used the site plan and discussed the pavement/access road where the future second access would be (see recording.)

00:18:06 Commissioner Carlson and Ms. Williams discussed the grade change at the future second access point.

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00:19:24 Referring to a gravel driveway on the site plan, Commissioner Mims asked where the gravel drive goes to. The driveway runs on the south side of River City Storage to the northeast side of the property. There are negotiations to allow this community to tie into this access. Presumably, when this is done, that would allow for the number of units to exceed 200, based on the Land Development Code. He asked if the construction of this new access drive will be compatible with the fire district requirements, and if the future second access be where that gravel driveway is now? Ms. Williams said yes, and that the applicant will talk more about the acquisition of that.

The following spoke in favor of the request:

Cliff Ashburner, Dinsmore & Shohl, 101 S 5th St #2500, Louisville, KY 40202

Kelli Jones, Sabak Wilson & Lingo, 608 S 3rd St, Louisville, KY 40202

Summary of testimony of those in favor:

00:21:44 Kelli Jones, the applicant's representative, used the site plan to answer questions about the proposed future access (see recording for detailed discussion.)

00:25:35 Cliff Ashburner, the applicant's representative, presented the applicant's case more fully and showed a Power Point presentation (See recording for detailed presentation.) He noted that, as part of this development, the applicant will be widening Freys Hill Road to three lanes in front of the development, and then tapering it back before it gets to Wemberly Hill Boulevard.

00:28:30 Mr. Ashburner read into the record a proposed binding element, to read as follows:

The applicant shall not be entitled to a certificate of occupancy for buildings that will contain more than 192 dwelling units and a clubhouse until it provides the Division of Planning and Design Services an agreement to provide a second means of vehicular access to the subject property.

00:30:21 Ms. Jones showed slides illustrating the proposed screening, buffering, and the grading between this development and Wemberly Hills.

00:33:46 In response to a question from Commissioner Daniels, Mr. Ashburner said there was no definite date by which the applicant would receive

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approval for the proposed second entrance but thought that the proposed binding element is an appropriate solution to the issue. Ms. Jones added that full access there would benefit a future commercial access on the adjacent property.

00:36:20 In response to a question from Commissioner Carlson, Ms. Jones discussed emergency vehicle access through the gated entrance.

00:37:58 In response to a question from Commissioner Mims, Mr. Ashburner said there do not appear to be any remaining issues to be worked out from the traffic impact study at Westport and Freys Hill.

The following spoke in opposition to the request:

Leon Duke, 10417 Wemberley Hill Boulevard, Louisville, KY 40241

Mary Boyce, 10410 Wemberley Hill Boulevard, Louisville, KY 40241

Stephen Sedita, 2609 Evergreen Wynde, Louisville, KY 40223

Summary of testimony of those in opposition:

00:40:43 Leon Duke said he owns the property adjacent to the site. He said he is concerned about existing traffic congestion at Freys Hill and Westport Road. He questioned whether there is enough parking being provided (1.2 spaces per apartment); also, he asked if the environmental study had been done and made public. He objected to the dumpster location because it located directly against the Wemberley Hill fence. He said he would prefer if the buildings were two stories instead of three.

00:44:04 Mary Boyce said the proposed three lanes may help traffic, although she said this is a high-traffic area with little room to move. She said she is concerned that the 192-apartment limit could go to a much higher number once the second access goes in. She said she agreed with Mr. Duke's statement.

00:45:36 Stephen Sedita asked if the traffic impact study had taken the pandemic traffic patterns into account. He said he is concerned that the baseline traffic data does not reflect an accurate count of what traffic was like prior to 2020.

Rebuttal:

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00:47:25 Mr. Ashburner presented rebuttal (see recording for detailed presentation.)

00:51:30 Commissioner Brown asked if the traffic study had been adjusted for changes in traffic counts due to the pandemic. Ms. Jones said the applicant would provide a more complete answer to that at the public hearing. Commissioner Mims said traffic counts have been less during the pandemic. When were the counts made for existing conditions? Mr. Ashburner said the counts were made last fall.

Deliberation

00:53:39 Commissioners' deliberation.

An audio/visual recording of the Land Development and 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.

The Committee by general consensus scheduled this case to be heard at the **April 21, 2022 Planning Commission public hearing.**

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Agency Testimony:

00:43:48 Julia Williams said the applicant is requesting that this case be **continued to the March 10, 2022** Land Development and Transportation Committee meeting. The applicant is requesting this because they are working out a second entrance and defining where that location is. They should have a plan showing that entrance by the next LD&T meeting.

The following spoke in favor of the request:

Cliff Ashburner, Dinsmore & Shohl, 101 S 5th St #2500, Louisville, KY 40202

Kelli Jones, Sabak Wilson & Lingo, 608 S 3rd St, Louisville, KY 40202 (was present but did not speak)

Summary of testimony of those in favor:

00:45:15 Cliff Ashburner, the applicant's representative, reiterated Ms. Williams' presentation.

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The following spoke in opposition to the request:

Mary Boyce, 10410 Kimberly Hill Boulevard, Louisville, KY 40241

Summary of testimony of those in opposition:

00:47:13 Mary Boyce expressed concerns about traffic and transportation issues; the height of three stories of the buildings; lighting; and security.

Rebuttal:

00:48:29 Mr. Ashburner declined rebuttal.

Deliberation:

00:48:38 Commissioners' deliberation.

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00:55:02 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the **March 10, 2022** Land Development and Transportation Committee meeting.

The vote was as follows:

YES: Commissioners Mims, Carlson, Brown, Daniels, and Sistrunk.