

**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

**February 25, 2021**

**Old Business**

**Case No. 20-ZONE-0060**

Request:	Change in Zoning from R-4 to R-6, with Detailed District Development Plan and Binding Elements - Request for a Night Hearing
Project Name:	Cedar Creek Road Apartments
Location:	8000 & 8006 Cedar Creek Road, Parcel ID 065600310000
Owner:	Angela Nicole Stivers, Stacey Nunez, Joseph Kevin Wright
Applicant:	Hagan Properties
Representative:	Bardenwerper Talbott & Roberts
Jurisdiction:	Louisville Metro
Council District:	22 - Robin Engel
Case Manager:	<b>Dante St. Germain, AICP, Planner II</b>

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:11:45 Dante St. Germain said it was agreed at the last LD&T Committee meeting that this case is ready to go to a Planning Commission. It was scheduled for a planning Commission hearing; however, since then, staff has received a verified night hearing petition.

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

John Talbott, Bardenwerper Talbott & Roberts PLLC, 1000 N Hurstbourne Pkwy, Louisville, KY 40223

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

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00:12:38 John Talbott, the applicant's representative, said the applicant agrees to a hearing date of April 12, 2021. Brian Davis, Planning Manager with Louisville Metro Planning & Design Services, said it was decided by staff and the applicant to have the night hearing on **Monday, April 12, 2021 at 6:00 p.m.** The hearing will be held both online and in-person. The in-person location will be at The Jeffersonian, 10617 Taylorsville Road, Louisville, KY 40299.

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

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

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

00:48:05 **Steve Porter, representing the opposition, spoke while Case No. 20-ZONE-0121 was in progress, about THIS case, Case No. 20-ZONE-0060.** He said he was accidentally not allowed to speak. He said staff has apologized for this oversight. Mr. Porter said the applicant was asked if the date, time and location was acceptable for the night hearing but the opposition was not. Commissioner Peterson said people were given an opportunity to speak while this case was being heard, but no one spoke.

**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.**

00:13:50 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby schedule the Planning Commission night hearing on **Monday, April 12, 2021 at 6:00 p.m.** both online and at the Jeffersonian, located at 10617 Taylorsville Road, Louisville KY, 40299.

**The vote was as follows:**

**YES: Commissioners Sistrunk, Carlson, Brown, Daniels, and Peterson.**

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**NO: No one.**

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**Agency Testimony:**

01:24:31 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) She noted that there is a proposed road that is in the rear of the property to the west that is parallel to the Cedar Creek stream. She suggested that the LD&T Committee should discuss the timing of when that road should be built.

**The following spoke in favor of the request:**

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

Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

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Diane Zimmerman (traffic engineer), 12803 High Meadows Pike, Prospect, KY 40059

Scott Hagan (the applicant), 12911 Reamers Road, Louisville, KY 40245

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

01:28:36 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:38:37 Mr. Bardenwerper mentioned the proposed road along Cedar Creek stream to the west and said its purpose is to connect to the manufactured home community to the north and the existing single-family subdivision to the south (see recording for detailed discussion.) He said the applicant would prefer to construct that road at the time of the construction of the apartment community, or pay a fee-in-lieu so Metro can make the decision in the future if those connections are ever made.

01:42:26 Mr Bardenwerper briefly summarized the traffic study.

01:46:41 Kevin Young, an applicant's representative, discussed nearby developments as well as some of the factors that went in to the site layout. The proposal is for twelve three-story buildings with the road connection to the north and south at the rear of the site. See recording for detailed presentation/discussion. He noted that Cedar Creek is a blue-line stream and there is no detention area proposed for this site. MSD has required a Regional Facility Fee for this project.

01:51:29 Commissioner Carlson said Louisville Metro seems to approve a lot more apartments than are actually constructed; also, the south end of Louisville has the greatest vacancy rate compared to the rest of the region. He asked if apartments were being over-built. Mr. Bardenwerper said apartment projects are being built all over the community, not just in the south end. He said all of the proposed apartments are in the process of being built. Scott Hagan, the applicant, discussed demand for apartments in the community, and why he believes his proposal brings a higher quality of community and diversity to this part of Louisville. See recording for detailed discussion.

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02:01:13 In response to traffic questions from Commissioners Carlson and Brown, Mr. Bardenwerper and Diane Zimmerman, traffic engineer, discussed the traffic impact study that was submitted with the application (see recording for detailed discussion.)

02:13:11 In response to a question from Commissioner Brown, Mr. Young said he believes the pavement width on Cedar Creek Road in front of this site is 22 feet.

02:13:53 In response to a question from Commissioner Daniels, Mr. Bardenwerper said no affordable housing is being proposed for this development. This development adjoins affordable housing communities – the manufactured housing and mobile home park.

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

Chet Needy, 10000 Cedar Garden Drive, Louisville, KY 40291

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

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

02:16:27 Chet Needy said he and other residents feel the project is too large; the infrastructure will not support it; the streets and roads will not support it; and it is out of character with the area.

02:18:34 Steve Porter said he represents Mr. Needy and a number of other neighbors who are in opposition to the proposed development. He said there are complications with the development regarding proximity to services and infrastructure. He said the development is not compatible with the area. He said the setback from Cedar Creek stream is not adequate. He requested a night hearing. See recording for detailed presentation.

**Rebuttal**

02:24:23 Mr. Bardenwerper presented rebuttal. Diane Zimmerman clarified some issues about her statements about growth factor. See recording for detailed presentation.

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02:28:03 In response to a question from Commissioner Carlson, Ms. Zimmerman said Metro only requires the traffic analysis to be for the projected buildout year of a project. Commissioners Brown and Peterson discussed road alignment and other road issues. Mr. Young discussed road connections and road alignment.

02:32:46 Commissioners' deliberation. Mr. Hagan, Mr. Bardenwerper and Mr. Porter also participated in the deliberation. Topic was mainly about the traffic study and connectivity.

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The Committee by general consensus scheduled this case to be heard at the **March 4, 2021** Planning Commission public hearing.