

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

September 12, 2019

New Business

Case No. 19ZONE1001

Request: Change in zoning from R-4 to R-5 with Major Preliminary Subdivision for 34 lots on 9.01 acres, and associated landscape waiver
Project Name: Shepherdsville Road Subdivision
Location: 8809 Shepherdsville Road
Owner: Linda Sue Goodwin Neubeck
Applicant: Superior Builders, Inc.
Representative: Nick Pregliasco - Bardenwerper, Talbott & Roberts PLLC
Jurisdiction: Louisville Metro
Council District: 23 – James Peden

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. 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:

01:16:02 Dante St. Germain presented the case (see staff report and recording for detailed presentation.) She noted that there is an error in the staff report: Metro Transportation Planning has not approved the plan due to the left-turn lane. MDS has approved the plan. She said the applicant has stated that they are not willing to provide a left-turn lane from Shepherdsville Road; however, they have provided an exhibit showing how a left-turn lane would be provided, if it were absolutely required, and the way it would change the right-of-way and configuration of the road.

The following spoke in favor of the request:

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

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Summary of testimony of those in favor:

01:19:14 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He discussed the left-turn lane in more detail in his Power Point presentation.

The following spoke in opposition to the request:

No one spoke.

01:27:25 Commissioners' deliberation. Commissioner Carlson said he did not think this is ready for a public hearing due to the traffic issue, and specifically because no left-turn lane is being provided. Transportation has not approved this plan. See recording for detailed discussion.

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.

01:35:05 The Committee by general consensus scheduled this case to be heard at the **October 3, 2019** Planning Commission public hearing.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
May 16, 2019

OLD BUSINESS
CASE NO. 19ZONE1001

Request: Change in zoning from R-4 to R-5 with associated Major Preliminary Subdivision for 35 lots on 9.01 acres, rear yard waiver, and binding elements

Project Name: Shepherdsville Road Subdivision

Location: 8809 Shepherdsville Road

Owner: Linda Sue Goodwin Neubeck

Applicant: Superior Builders, Inc.

Representative: Mindel Scott

Jurisdiction: Louisville Metro

Council District: 23 – James Peden

Case Manager: Dante St. Germain, AICP, Planner II

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:

00:03:25 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report. The revised plan was received late. MSD has not provided any additional comments and Transportation Planning still requests a left turn lane, which is not present on the revised plan.

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

David Mindel, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Suite 101, Louisville, Ky. 40219

Kathy Linares, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Suite 101, Louisville, Ky. 40219

Summary of testimony of those in favor:

00:06:17 Mr. Pregliasco gave a power point presentation showing the changes to the plan. There is a loss of 1 lot (35 to 34). Adding a left turn lane will be too costly for the applicant because it's a small development (not cost-effective).

Deliberation

00:12:02 Planning Commission deliberation.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
May 16, 2019

OLD BUSINESS
CASE NO. 19ZONE1001

Commissioner Brown stated there's still an issue with the left turn lane. An exception does not need to be made for this case because the applicant is rezoning and generating additional traffic.

00:13:35 Mr. Reverman asked if it would change the plan if the 3rd lane was added because it seems like the applicant has shown a lot of right-of-way? Commissioner Brown said it depends on which side they widen, one or both sides.

00:14:01 Mr. Pregliasco said he doesn't believe the left turn lane is warranted, but is not trying to convince the committee today. The request is for a public hearing date. There is confirmation that MSD is satisfied.

00:15:21 Mr. Mindel stated for 34 lots, relocating utility lines and providing roadway improvements would make the property undevelopable.

00:17:10 Ms. Linares said she spoke with Tony Kelly from MSD. He has reviewed the revised plan and will be giving preliminary approval.

00:17:44 Commissioner Carlson said the left turn lane needs to be on the plan. Everything that's developed on Shepherdsville Rd., even fewer units, has added a left turn lane.

00:29:56 Commissioner Brown stated, from a technical standpoint, the applicant is not meeting the requirement set forth by Transportation Planning. Any type of rezoning at this lot will require the 3 lane section given the conditions of the road.

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.

On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution based on the staff report and information heard today was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to a date uncertain until such time as the applicant shows a left turn lane on the plan.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels and Peterson
NOT PRESENT AND NOT VOTING: Commissioner Lewis

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
April 11, 2019

NEW BUSINESS

CASE NO. 19ZONE1001

Request: Change in zoning from R-4 to R-5 with associated Major Preliminary Subdivision for 35 lots on 9.01 acres, rear yard waiver, and binding elements

Project Name: Shepherdsville Road Subdivision

Location: 8809 Shepherdsville Road

Owner: Linda Sue Goodwin Neubeck

Applicant: Superior Builders, Inc.

Representative: Mindel Scott

Jurisdiction: Louisville Metro

Council District: 23 – James Peden

Case Manager: Dante St. Germain, AICP, Planner II

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:

00:33:21 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, 2nd floor, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:36:37 Mr. Pregliasco gave a power point presentation summarizing the proposal. There will be a greater cost for relocating telephone and LG&E lines as well as the grade difference.

Mr. Pregliasco summarized the traffic study. A left turn lane is not warranted.

00:44:20 Commissioner Brown asked, what is the distance between the proposed entrance and the Cooper Ave. intersection? Also, what is the distance from the proposed entrance to Manslick Rd.? Mr. Mindel spoke off camera (inaudible). Commissioner Brown stated, you are entitled to access on Shepherdsville Rd. but the proposed location might cause a problem for the dedicated left turn lane and future improvements. The access needs to be moved to the southern side of the property so there's equal spacing between Cooper and Manslick.

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
April 11, 2019

NEW BUSINESS

CASE NO. 19ZONE1001

Deliberation

00:48:29 Commissioner Brown stated the applicant needs to substantially meet the intersection spacing requirement in chapter 6 of the Access Management Appendix. Commissioner Brown said a left turn lane is warranted. David Mindel discussed the costs of putting in a left turn lane for only 35-36 lots. Commissioner Peterson wants more justification for the left turn lane. Commissioner Daniels agrees with Commissioner Brown but wants further discussion. Commissioner Brown added, adding the left turn lane may change the overall site design and may have to go to the Technical Review Committee before setting the public hearing.

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.

On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** Case No. 19ZONE1001 to the May 16, 2019 LD&T meeting to resolve Transportation Planning issues.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Peterson and Lewis