

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
Case Number 21-ZONE-0134  
March 21, 2022**

A meeting of the Louisville Metro Planning Commission was held on March 21, 2022 at 6:00 p.m. via Cisco Webex Video Teleconferencing and at the Southwest Government Center.

**Commission members present:**

Marilyn Lewis, Chair  
Jeff Brown  
Te'Andre Sistrunk  
Jim Mims  
Rich Carlson  
Patti Clare  
Lula Howard - arrived at 7:00 PM  
Ruth Daniels  
Glenn Price

**Commission members absent:**

Pat Seitz

**Staff Members present:**

Emily Liu, Planning and Design Director  
Joe Reverman, Planning and Design Assistant Director  
Brian Davis, Planning and Design Manager  
Julia Williams, Planning Supervisor  
Dante St. Germain, Planner II  
Beth Stuber, Engineering Supervisor  
Laura Ferguson, Legal Counsel  
Anne Scholtz, Legal Counsel

**The following matters were considered:**

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Request: Change in Zoning from R-4 & C-1 to R-6, with Detailed District Development Plan with Binding Elements  
Project Name: Greenberg Lower Hunters Trace  
Location: 2328 & 2400 Lower Hunters Trace, 2403 Cady Court  
Owner: George Gagel  
Applicant: Select Homes  
Representative: Dinsmore & Shohl  
Jurisdiction: Louisville Metro  
Council District: 12 – Rick Blackwell  
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 public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

00:08:06 Dante St. Germain presented the case and showed a Power Point presentation (See staff report and recording for detailed presentation).

Commissioner Carlson inquired about potential plans to connect the sidewalks. Dante St. Germain explained the sidewalks on the side of the development do extend most of the way to Dixie Highway then cross a stream and reach a church property that does not have sidewalks in front of it, but she is not aware of any current sidewalk plans. Commissioner Brown explained that Public Works doesn't currently have any sidewalk plans for Lower Hunters Trace, but it is something they are considering for future improvement. Commissioner Carlson asked if they could require the developers to contribute to the sidewalk connectivity. Commissioner Brown explained that Public Works could not require that, but the Planning Commission does have some discretion with the rezoning.

Commissioner Carlson asked if Dixie Highway was the closest TARC service to the site, Dante St. Germain said that was correct. There was discussion on the availability of TARC service, as TARC does not come down Lower Hunters Trace.

Commissioner Carlson asked how this project would increase the variety of ownership options as stated in the staff report. Dante St. Germain responded that an ownership option is either owner occupied or a rental unit and explained that the majority of the area is Single-Family residences, and this development would allow a different

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ownership option by allowing people to live in the neighborhood without having to own the property. Dante St. Germain went into more detail on the different types of ownership options.

In response to Commissioner Brown's question if the Cady Court access is going to be restricted at all, Dante St. Germain responded that from her understanding, there isn't going to be a gate.

In response to Commissioner Price's question about the staff report mentioning Shacklette Elementary, Dante St. Germain responded that it is an institutional use close by that the residents may make use of if they have children that could attend Shacklette.

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

Cliff Ashburner, Dinsmore & Shohl, 101 S 5<sup>th</sup> Street, Suite 2500, Louisville, KY 40202

Mike Hill, Land Design & Development, 503 Washburn Ave, Louisville, KY 40222

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

00:35:27 Cliff Ashburner, the applicant's representative, went into more detail on the zoning change request and development plan (see video for detailed recording.)

01:00:44 Mike Hill clarified that they listened to the neighbors' concerns. Mr. Hill explained that they pushed the buildings back from Cady Drive and rotated them so no balcony or windows will be facing the neighbors. They also added extra landscaping for buffering.

Commissioner Carlson asked what is being done to mitigate headlights and other disturbances to the neighbors. Mr. Ashburner explained that they are proposing a solid 6-foot privacy fence.

In response to Commissioner Carlson's question about the kind of landscaping that will be used for buffering, Mr. Hill described the landscaping in detail, and said they will have evergreen and deciduous types of trees for the buffer.

In response to Commissioner Mims' question about parking spaces, Mr. Hill said they would have 321 spaces, or 1.75 parking spaces per unit. Commissioner Mims also inquired about the units and the number of bedrooms; Mr. Hill answered that 20% will be one-bedroom units and the rest will be two-bedroom units.

**The following spoke neither for nor against the request ("Other"):**

Jeff Doris, 6211 Nigel Drive, Louisville, KY 40216

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**Summary of testimony of those neither for nor against:**

01:24:43 Jeff Doris asked if these apartments would be Section 8. Mr. Doris said if they were going to be Section 8, then he would be opposed to the development. Mr. Doris said some neighbors expressed interest in moving if this development was Section 8, and he doesn't want to see that happen and would like to keep the neighborhood as it is.

Mr. Ashburner explained there is no tax credit financing or rent control on these properties, however, it would be illegal to turn away anyone based on their source of income. They are not intended to be "Section 8" or rent restricted units. Tenants may show up with a housing choice voucher and they would be allowed to rent there. This is true for any apartment complex throughout the community.

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

Kenny White, 6519 Cady Drive, Louisville, KY 40258

Stacy Hoover, 2408 Royster Way, Louisville, KY 40258

David Ballinger, 6406 Greenview Drive, Louisville, KY 40216

Sandy Heckman, 8802 Highpoint Circle, Louisville, KY 40299

Tina Beck, 6601 Gabriel Drive, Louisville, KY 40258

Kenneth Harris, 5206 Venus Drive, Louisville, KY 40258

William Beck, 6601 Norway Drive, Louisville, KY 40214

Kendal Hiser, 5706 Grandel Blvd, Louisville, KY 40258

Sandy Fox, 4714 Fister Court, Louisville, KY 40258

Jerry Hill, 5524 Planet Drive, Louisville, KY 40258

George Jansen, 5214 Pluto Drive, Louisville, KY 40258

Jamie Manly, 7106 Gageland Road, Louisville, KY 40258

Bruce Fey, 5209 Planet Drive, Louisville, KY 40258

Ken Rogers, 6505 Cady Drive, Louisville, KY 40258

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Melissa Smith, 2702 Marguerite Drive, Louisville, KY 40216

Joseph Henderson, 2321 Lower Hunters Trace, Louisville, KY 40216

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

01:29:24      Kenny White feels that the development is too dense for the area with eight buildings, seven of them 3-story, and 184 units. Mr. White said they asked the developers to bring all the buildings down to 2-story but were told that the property would not make any money if that were to be done. Mr. White is also concerned about the traffic, as there is another development with 160 units coming to the area. He explained Lower Hunters Trace is already a nightmare with traffic and adding all of these units will be disastrous. Mr. White also feels this traffic will impact the safety of the children that play in the neighborhood on Cady Drive.

01:36:10      Stacy Hoover is concerned the development will cause the property value of homes in the neighborhood to drop. They never expected the property to be rezoned from R-4 and C-1. Ms. Hoover feels that the R-6 zoning conflicts with the neighborhood's style of living and will take away from the community feel of the neighborhood. Ms. Hoover also stated concerns with added traffic to the area and feels there needs to be a traffic study done. Ms. Hoover explained that a lot of the residents have to take back streets to avoid the traffic. Ms. Hoover also feels this street could not handle a TARC route.

01:43:36      David Ballinger asked if this development truly fits in with the area. Mr. Ballinger explained that any other 3-story apartment buildings are quite a distance away from the area. Mr. Ballinger also expressed concerns with the traffic. Mr. Ballinger also explained that the homeowners of the area put a lot of investment and commitment in this area and asked if the developers and the tenants would offer that same level of commitment.

01:47:01      Sandy Heckman explained that she was born and raised on Lower Hunters Trace and her sister still lives there. Ms. Heckman echoed the concerns of the others in opposition. She also stated concerns with drainage from all the additional developments. Ms. Heckman said the drainage is already overwhelmed. Ms. Heckman is also concerned with potential crime this development might bring to the area.

01:49:28      Tina Beck also stated concerns with traffic. She said there are multiple accidents every year at the corner of where she lives and believes adding this many apartments within walking distance of her home will increase the number of accidents here. Ms. Beck is also concerned with the additional pollution that this development will bring to the area. Ms. Beck also explained that the grocery stores in the area are over-

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crowded and adding more people to the neighborhood will only increase this in all the stores and restaurants.

01:52:43 Kenneth Harris echoed the concerns of the opposition. Mr. Harris explained that the amount of school busses in the area already cause a lot of the traffic issues for the neighbors. Mr. Harris feels this would change the characteristic of the neighborhood as these tenants would not be owning their properties and would not feel the same amount of commitment and investment as the homeowners. Mr. Harris is also concerned this development will add a lot more noise and potential crime.

01:56:25 William Beck is against the development and would like to see it become a green space, he feels that would be a better fit for the neighborhood.

01:58:46 Kendal Hiser is concerned with the density of the development. Mr. Hiser also stated concerns with the development using Cady Court as an access point. He feels this will greatly increase the traffic on Cady Court and people using it as a cut through. Mr. Hiser also feels this development will negatively impact property values of the houses in the neighborhood.

02:08:23 Sandy Fox stated concerns with the potential crime that could come from these developments. Ms. Fox asked if there would be security in the development. Ms. Fox also stated concerns with traffic.

02:10:18 Jerry Hill is concerned with the road conditions and the traffic. Mr. Hill feels that veteran homes or patio homes would be better fit for the community.

02:13:42 George Jansen stated that he is worried about crime and that adding the apartment complex will increase the potential for more crime in the area. He asked what the developers will do to protect the neighborhood.

02:14:52 Jamie Manly explained that they moved three years ago to the neighborhood to raise their family and be able to enjoy outdoor walks and bike riding, and they intended to live in the neighborhood indefinitely. Ms. Manly feels that there is already an abundance of different types of housing in the area and they don't want this development to be built in this small neighborhood.

02:16:39 Bruce Fey has lived in the area for most of his life and said when he was born it was mostly farmland. Mr. Fey has stated that as traffic has gotten worse, there has been no upgrades to the roads, in particular the widths. He believes the roads will not be able to handle it and that the county can't afford to change it.

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02:21:11 Ken Rogers is concerned about the privacy in the backyards of the neighbors with the 3-story buildings being put in. Mr. Rogers would like to see more dense landscaping screening to mitigate this issue. Mr. Rogers also stated concerns with the drainage as there are already drainage problems along Cady Drive. He also went into detail on traffic, pollution, and crime concerns.

02:29:06 Melissa Smith stated concerns that adding this development will cause even more issues with busses trying to get in and out on such a busy street. Ms. Smith believes there will need to be a traffic light added there. Ms. Smith is also concerned with the traffic and the safety of the children that walk to school.

02:31:05 Kenny White added that there are around 50 community members in the room that are in opposition or have concerns with the proposal. The community feels that this development is not a good fit for the neighborhood and their values.

02:33:57 George Jansen added a similar project like this one was denied in Prospect not very long ago. He asked that the Planning Commission would please say no to this development.

02:34:30 Kendal Hiser added that this development would obstruct the cell tower from being serviced.

02:36:08 Joseph Henderson stated that he lives on the main road, and he agrees with all the opposition. Mr. Henderson said that it is a nightmare to go anywhere and for him to pull out of his driveway and the added traffic from this development will make it worse.

Commissioner Mims asked if this proposal did not meet the baseline conditions for a traffic impact study to be done. Beth Stuber said that was correct.

Commissioner Price asked if Lower Hunters Trace could handle the traffic produced by this development, Beth Stuber said that based on the engineering traffic analysis, it can.

**Rebuttal:**

02:43:56 Cliff Ashburner addressed the concerns stated by the opposition. Mr. Ashburner stated that Louisville needs more housing and housing choices throughout the community. Mr. Ashburner also stated that the development complies with the Comprehensive Plan and the Land Development Code. He also went into detail on the landscape buffering and explained that they meet or exceed all of those requirements. Mr. Ashburner also discussed the traffic concerns in detail. He feels the plan has been designed and redesigned to address neighborhood concerns.

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In response to Commissioner Brown, Mr. Ashburner went into detail on the drainage of the property. He also discussed the screening and buffer details.

In response to questions about the access to the cell tower, Mr. Ashburner said they will accommodate access to the tower through a gravel drive.

Commissioner Clare asked about accommodating speed humps. Mr. Ashburner said the likeliest location for those would be toward the back between the access to Cady Court and the parking area.

There was detailed discussion about the sidewalk connectivity and constructing those sidewalks.

**03:19:58 Commissioners' deliberation.**

**An audio/visual recording of the Planning Commission hearing 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 Brown, seconded by Commissioner Sistrunk, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard at today's hearing, was adopted:

**Change in Zoning:**

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because the site is located relatively near to a major transit corridor and activity center at Dixie Highway, and to a major employment center in Riverport at Greenbelt Highway; and appropriate transitions between uses substantially different in scale and intensity will be provided; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 2: Community Form because the proposal would provide new residential uses; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 3: Community Form because no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site. Drainage problems on the site will be improved by the development; and



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**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 4: Community Form because no distinctive cultural features are evident on the site; and no historic assets are evident on the site; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 1: Mobility because the site is relatively near an existing marketplace corridor and activity center at Dixie Highway; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 2: Mobility because access to the site is via Lower Hunters Trace, a primary collector at this location; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 3: Mobility because the proposal would reduce vehicle miles traveled by providing housing between Dixie Highway, a major transit corridor and activity center, and Riverport, an employment center. The site is easily accessible by car and bicycle. The proposal would improve accessibility by pedestrians and people with disabilities by improving the sidewalk network, and the increase in density may attract transit in the future; and Transportation Planning has approved the proposal; and no direct residential access to high-speed roadways is proposed; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 2: Community Facilities because the relevant utilities have approved the proposal; and Louisville Water Company has approved the proposal; and MSD has approved the proposal; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 1: Livability because no natural features are evident on the site currently. The proposal will require a landscape plan which will improve the recognition and incorporation of the unique characteristics of the identified general landscape types and native plant communities; and no karst terrain is evident on the site; and the site is not located in the regulatory floodplain; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 1: Housing because the proposal would increase the variety of housing types and the provision of housing in the neighborhood; and the proposal would support aging in place by providing an increased variety of ownership options and price points in the neighborhood; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 2: Housing because the proposal would encourage inter-generational mixed-income development by increasing the variety of housing options

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and price points in the neighborhood; and the site is in proximity to a multi-modal transportation corridor at Dixie Highway, which provides convenient access to amenities providing neighborhood goods and services. The site is in proximity to Riverport at Greenbelt Highway, an employment center; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 3: Housing because the proposal would encourage the provision of fair and affordable housing in Louisville Metro by increasing the variety of ownership options and unit costs in the neighborhood; and no existing residents will be displaced by the proposal; and the proposed zoning district would permit innovative methods of housing.

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council **APPROVE** the change in zoning, in case 21-ZONE-0134, from R-4, Single-Family Residential and C-1 Commercial, to R-6, Multi-Family Residential, for the property at 2328 and 2400 Lower Hunters Trace and 2403 Cady Court described in the staff report.

**The vote was as follows:**

**YES: Commissioners Brown, Clare, Mims, Price, Sistrunk, and Lewis**

**NO: Commissioners Carlson and Daniels**

**ABSTAIN: Commissioner Howard**

**ABSENT: Commissioner Seitz**

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

**Detailed District Development Plan**

**WHEREAS**, the Louisville Metro Planning Commission finds that no natural resources are evident on the site. The site is mostly cleared of vegetation and was previously used as a commercial greenhouse; and

**WHEREAS**, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

**WHEREAS**, the Commission further finds that open space is being provided in compliance with the requirements of the Land Development Code; and

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**WHEREAS**, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

**WHEREAS**; the Commission further finds that the overall site design is in compliance with existing and planned future development in the area. The proposal would provide an increase in housing at a medium density in a neighborhood with a mix of housing development; and

**WHEREAS**, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Land Development Code and Plan 2040.

**Binding Elements:**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

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- d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 21, 2022, Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. The turn lane improvements within the Lower Hunters Trace right-of-way shall be completed at the Developer's sole expense prior to the issuance of the 92nd certificate of occupancy.
8. Should TARC service be established on Lower Hunters Trace in front of the site, the property owner shall provide a concrete pad as per TARC standards, either within the right-of-way, or, should there be insufficient room in the right-of-way, within an easement on the subject site. The pad will be made available to TARC to install a bench and trash receptacle. The property owner shall clean the pad and empty the trash receptacle as needed.
9. In consultation with the fire protection district, speed humps shall be installed in the development drive lanes near the entrance to Cady Court. This binding element shall not apply if the fire protection district does not permit the speed humps.
10. Developer shall obtain an encroachment permit from Louisville Metro to construct sidewalks along the southern side of Lower Hunters Trace within the gap in the sidewalks to the west of Ormsby Heights Baptist Church, to connect the development to Dixie Highway. Sidewalk construction shall be completed prior to issuance of the first certificate of occupancy. Should Metro Public Works agree that this construction is infeasible, Developer shall contribute \$7,500 to Metro Public Works toward sidewalk construction along the southern side of Lower Hunters Trace. This contribution shall be made prior to issuance of the first certificate of occupancy.

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11. Screening adjacent to the R-4 zoned properties along Cady Drive shall include fast-growing evergreen species. Evergreen trees shall be a minimum of 8' in height at time of planting, planted 10' on center.

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan for 21-ZONE-0134, along with the Binding Elements on pages 11 and 12 of the staff report, with the additions of Binding Elements #8-11 that were read into the record at today's meeting, based on the staff report and testimony heard today.

**The vote was as follows:**

**YES: Commissioners Clare, Mims, Brown, Sistrunk, Price, and Lewis**

**NO: Commissioner Carlson and Daniels**

**ABSTAIN: Commissioner Howard**

**ABSENT: Commissioner Seitz**

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The meeting adjourned at approximately 10:14 p.m.

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**Chair**

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**Planning Director**