

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
August 13, 2020**

A meeting of the Land Development and Transportation Committee was held on, August 13, 2020 at 1:00 p.m. via Cisco Webex Video Teleconferencing. On the recommendation of the Louisville Metro Department of Health and Wellness regarding congregate events and social distancing, the Land Development & Transportation Committee meeting set for today was held online.

Committee Members present were:

Marilyn Lewis, Chair
Rob Peterson, Vice Chair
Richard Carlson
Jeffrey Brown
Ruth Daniels

Committee Members absent were:

None

Staff Members present were:

Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning & Design Manager
Julia Williams, Planning Supervisor
Dante St. Germain
Laura Ferguson, Legal Counsel
Beth Stuber, Engineering Supervisor
Tony Kelly, Louisville Metro Government MSD
Rachel Dooley, Planning and Design Management Assistant

Others present:

None

The following matters were considered:

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APPROVAL OF MINUTES

JULY 23, 2020 LD&T COMMITTEE MEETING MINUTES

00:04:38 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on July 23, 2020.

The vote was as follows:

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

NO: No one

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 20-ZONE-0034

Request: Change in form district from NFD to SMCDFD, change in zoning from R-4 to C-1, with Detailed District Development Plan and Binding Elements – NIGHT HEARING REQUEST

Project Name: RaceTrac

Location: 11800 – 11908 E Orell Road, 11705 Dixie Highway

Owner: Herman & Karl Gohl, Catherine & Charles Grissett, Kathy Gibson

Applicant: RaceTrac Petroleum Inc.

Representative: Dinsmore & Shohl

Jurisdiction: Louisville Metro

Council District: 14 – Cindi Fowler

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.)

Discussion

00:05:53 Dante St. Germain stated this case is being heard today to discuss night hearing options after receiving a petition and 351+ signatures for a night hearing. Ms. St. Germain noted options for night hearings was discussed at the Policy and Procedures Committee meeting on August 7, 2020 with no action taken (see recording for detailed presentation.).

00:08:13 Brian Davis stated staff is requesting to amend bylaws to help direct and address night hearing petitions during the state of emergency. The Policy and Procedure Committee will be meeting on August 14, 2020 to discuss night hearings and public meetings during this time.

00:09:05 Commissioner Carlson asked while there is no final decision on night hearings, does the Policy and Procedures Committee have a general idea proposed? Brian Davis replied Policy and Procedures Committee drafted ideas when it would be appropriate to host meetings and the governor’s recommendation for meeting at public venues. The Committee was tasked to expand on these topics and present their conclusions at the next meeting. Mr. Davis noted the venue location of a night hearing must be large enough to accommodate people with social distancing (see recording for detailed presentation.)

00:12:44 Commissioner Carlson asked if the Council Representative for that district could recommend meeting locations.

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NEW BUSINESS

CASE NO. 20-ZONE-0034

00:13:12 Commissioner Peterson asked if churches in the area could be used as a potential meeting location. Brian Davis replied staff has verified the petition, but a location cannot be set until the Policy and Procedures Committee comes to a resolution for night hearing procedures (see recording for detailed presentation.) Mr. Davis noted potential venues would have to accommodate large crowds and have the technology available for those who wish to speak in person and virtually.

The following spoke in favor of this request:

Cliff Ashburner, 101 South Fifth Street, Suite 2500, Louisville, Kentucky, 40202

Summary of testimony of those in favor:

00:14:35 Cliff Ashburner, representing the applicant, stated the applicant wishes to move forward with petition for a night hearing. Mr. Ashburner detailed the updates for the sound buffering issues discussed at the previous LD&T meeting and the sound study that will be available when the night hearing is scheduled.

The following spoke in opposition to this request:

Stephen Puricelli, 6318 Winding Stream Drive, Louisville, Kentucky, 40272

Summary of testimony of those in opposition:

00:17:51 Stephen Puricelli stated he would like to continue the request for a night hearing and would prefer an in-person option to allow the public to be heard before a decision is finalized.

The following spoke in neither for nor against this request:

Cindi Fowler, 601 W. Jefferson Street, Louisville, KY 40202

Summary of testimony of those neither for nor against:

00:18:57 Cindi Fowler, Council District Representative, stated she would like to make sure the public is allowed to have the opportunity to be heard.

Rebuttal:

00:20:29 Cliff Ashburner asked the Committee to continue this case to give the Policy and Procedures Committee time to come to a resolution on how to direct a blended hearing (see recording for detailed presentation.)

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NEW BUSINESS

CASE NO. 20-ZONE-0034

00:21:20 Commissioner Lewis asked Brian Davis if he can recommend a date for this continuance. Brian Davis replied if Policy and Procedures Committee agrees to draft some standards the proposed standards will have to be presented at a Planning Commission meeting, this case can be continued to August 20th or September 3rd to give time for Planning Commission to act on those policies. Commissioner Lewis and Brian Davis discussed the process for noticing for this case (see recording for detailed presentation.)

Commissioner Deliberation:

00:23:20 Commissioner's deliberation (see recording for detailed presentation.) Joe Reverman, Brian Davis, and Cliff Ashburner discussed the continued date for a previously petitioned night hearing, September 10th (see recording for detailed presentation.) Jeff Brown asked if the Traffic Study will be reviewed prior to the next LD&T meeting. Cliff Ashburner stated the draft will be reviewed and submitted to staff before the next LD&T meeting.

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.

00:28:45 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution, was adopted:

RESOLVED, that the Land Development & Transportation Committee does hereby **CONTINUE** planning case 20-ZONE-0034 to the September 10, 2020 Land Development and Transportation meeting.

The vote was as follows:

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

NO: No one.

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NEW BUSINESS

CASE NO. 17ZONE1030

Request: Change in zoning from R-4 to R-6 with a Variance, Waiver and Detailed District Development Plan
Project Name: Chathamwood Apartment Homes
Location: 5200, 5204, 5208 Chathamwood Ct.
Owner: Chathamwood LLC
Applicant: Chathamwood LLC
Representative: Bluestone Engineers PLLC.
Jurisdiction: Louisville Metro
Council District: 23- James Peden
Case Manager: Julia Williams, AICP, Planning Supervisor

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:

00:31:09 Julia Williams presented the case via Power Point slide show (see staff report and recording for detailed presentation.) She detailed the 2 stream buffers for Fish Pool Creek, the sites variances, waivers, and proposed development plan. Ms. Williams asked that this case be put on the agenda for a Planning Commission public hearing.

00:33:58 Commissioner Carlson asked for more detail regarding the variance and the purpose of 2 buffers on the site. Julia Williams replied Louisville Metropolitan Sewer District (MSD) requires a 25-foot stream buffer and the Land Development Code, Chapter 4, requires a 100-foot stream buffer. Certain uses are permitted in these zones, with no construction permitted in the stream side zones. These designated zones allow the runoff water to filter out pollutants before enters the streams.

00:35:07 Commissioner Carlson asked if the applicant is asking for a variance would they have to demonstrate a way of collecting water to filter out the pollutants. Julia Williams replied the applicant would need to demonstrate how the encroachments into the buffer would or would not meet the standard of review for the Variance (see recording for detailed presentation.) Commissioner Carlson asked if MSD has approved of these variances. Julia Williams replied MSD sees that it preliminary meets their requirements in the 25ft stream buffer.

00:36:58 Commissioner Peterson asked if this site is located within a flood plain due to the proximity to Fish Pool Creek. Julia Williams indicated on the proposed development plan the flood plain area for the site.

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NEW BUSINESS

CASE NO. 17ZONE1030

00:37:32 Commissioner Lewis asked if the Waiver for the entrance of the site due to the proposed width of the drive. Julia Williams replied yes, the applicant is not able to fulfill the 15ft buffer on both sides because the road width and connecting sidewalk (see recording for detailed presentation.)

The following spoke in favor of this request:

Chris Crumpton, 3703 Taylorsville Road. Suite 205, Louisville, Kentucky, 40220

Summary of testimony of those in favor:

00:39:18 Chris Crumpton, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Crumpton detailed the history of the site, the development plan project information, building elevations, retention of the tree canopy, and landscape buffering. He noted the added parking space to the development plan.

00:47:24 Commissioner Brown asked to mitigate the impact of the variance into the stream buffer how will the applicant plan to treat the water runoff. Will there be an oversized water quality collection unit? Chris Crumpton replied they will be able to provide an oversized water quality unit to collect water from the gutters and parking lot runoff.

00:48:25 Julia Williams and Chris Crumpton discussed the number of spaces of available and the updated plan (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

The following spoke in neither for nor against this request:

John Torsky, 601 West Jefferson Street, Louisville, Kentucky

Summary of testimony of those neither for nor against:

00:49:43 John Torsky stated he attended the neighborhood meeting for this site. Mr. Torsky stated concerns with parking on the site, guest parking availability to not parking on the street, and the encroachment of the stream buffer area (see recording for detailed presentation.)

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NEW BUSINESS

CASE NO. 17ZONE1030

00:51:16 Julia Williams stated there was an adjacent property owner, Dana Stenson, who spoke in opposition of the opposition with concerns of the building height, and proximity of the apartments to existing homes.

Rebuttal:

00:52:17 Commissioner Lewis asked Chris Crumpton how tall the proposed apartment buildings are. Chris Crumpton replied the buildings will be standard two-story height, less than 35 feet. Mr. Crumpton noted the existing trees do spill over into the open space adjacent to existing homes which would provide and adequate landscape buffer screening.

00:52:00 Tony Kelly, MSD, stated the oversized water quality unit would have to be sized to collect and treat up to the first inch of rain.

The following spoke in opposition to this request:

No one.

Deliberation

00:54:46 Committee deliberation (see recording for detailed presentation.)

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.

The Committee by general consensus placed this case on the September 3, 2020 Planning Commission public hearing agenda.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
August 13, 2020

NEW BUSINESS

CASE NO. 20-ZONE-0006

Request: Change in form district from NFD to SMCDFD, change in zoning from R-4 to C-1, with Detailed District Development Plan and Binding Elements

Project Name: Vogt Retail Development

Location: 4310 – 1318 Bardstown Road, 4403 – 4405 Fegenbush Lane

Owner: John & Joyce Vogt, Sterling Trust Company

Applicant: John & Joyce Vogt

Representative: Mindel Scott & Associates

Jurisdiction: Louisville Metro

Council District: 2 – Barbara Shanklin

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:

00:56:30 Dante St. Germain presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Ms. St. Germain detailed the applicant’s development plan, proposed use of the site, and adjacent properties.

00:59:43 Commissioner Brown asked would a stub be provided to the adjacent Mc Donald’s location for future development and if it would be supported. Dante St. Germain replied a stub would be encouraged but not required.

01:00:35 Commissioner Peterson noted the stub would be a good idea and asked about the access on Bardstown Road. Commissioner Brown stated this site is close to an intersection with access restrictions, would this site have the same restrictions. Dante St. Germain, Commissioner Brown, Commissioner Peterson discussed the entrance to the site in relation on Bardstown Road and the access turn lanes (see recording for detailed presentation.)

The following spoke in favor of this request:

Kent Gootee, 5151 Jefferson Blvd., Louisville, Kentucky, 40219

Summary of testimony of those in favor:

01:02:24 Kent Gootee, representing the applicant, presented a Power Point slide Show (see recording for detailed presentation.) Mr. Gootee detailed the history of the site, adjacent properties, site plans, buffering, and road connections.

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NEW BUSINESS

CASE NO. 20-ZONE-0006

01:10:20 Commissioner Peterson asked if a right out only onto Bardstown Road make sense if drivers could turn left from Fegenbush Lane onto Bardstown Road. Kent Gootee replied he would rather not limit the access unless there is a compelling reason too. The Kentucky Transportation Cabinet is ok with the proposed access as long as it aligns with the entrance across Bardstown Road. Kent noted the connection with the adjacent Mc Donald's would not be possible since the grade change is greater than 10ft.

01:11:33 Commissioner Carlson asked if there were any comments from adjacent property owners at the neighborhood meeting. Kent Gootee replied they did not appear the meeting. Commissioner Carlson asked if there would be an adequate maneuvering area for the gas tankers fueling the gas station and if a turning overlay can be presented at the Planning Commission Public Hearing. Kent Gootee replied there will be enough room for Semi Truckers to turn in the area and that an overlay can be presented at Planning Commission.

01:13:21 Commissioner Brown noted with this rezoning the Bardstown and Fegenbush intersection lack pedestrian accommodations and the increase of pedestrians from this development would affect that. Kent Gootee stated those who attended the neighborhood meeting would like to have a mid-block crossing. Commissioner Brown and Kent Gootee discussed pedestrian accommodations along Bardstown Road and Fegenbush Lane intersection (see recording for detailed presentation.)

**The following spoke in opposition to this request:
No one spoke.**

**The following spoke in neither for nor against this request:
No one spoke.**

Deliberation

01:17:35 Committee deliberation (see recording for detailed presentation.)

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.

The Committee by general consensus placed this case on the September 3, 2020 Planning Commission public hearing agenda.

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ADJOURNMENT

The meeting adjourned at approximately 2:05 p.m.

DocuSigned by:
Marilyn Lewis
Chair

DocuSigned by:
[Signature]
Planning Director
