

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

February 25, 2021

A meeting of the Land Development and Transportation Committee was held at 1:00 p.m.on Thursday, February 25, 2021 via Webex Teleconferencing.

Committee Members present were:

Rob Peterson, Chair
Te'Andre Sistrunk, Vice Chair
Richard Carlson
Ruth Daniels
Jeff Brown

Committee Members absent were:

No one.

Staff Members present were:

Emily Liu, Director, Planning & Design Services
Joseph Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning Manager
Julia Williams, Planning Supervisor
Dante St. Germain, Planner II
Laura Ferguson, Legal Counsel
Chris Cestaro, Management Assistant (minutes)

Others Present:

Beth Stuber, Transportation Planning
Tony Kelly, MSD

The following matters were considered:

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Approval of Minutes

Approval of the minutes of the February 11, 2021 Land Development and Transportation Committee meeting.

00:05:58 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 **APPROVE** the minutes of its meeting conducted on February 11, 2021.

The vote was as follows:

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

NO: No one.

**MINUTES OF THE MEETING
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Old Business

Case No. 20-ZONE-0066

Request:	Change in Zoning from PRD & R-4 to R-6, with Detailed District Development Plan and Binding Elements, and Variance - Request for a Night Hearing
Project Name:	Cooper Chapel Apartments
Location:	6600 & 6702 Cooper Chapel Road
Owner:	Gary & Cherrlynn Eibeck Living Trust
Applicant:	LDG Development
Representative:	Dinsmore & Shohl LLC
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:

00:06:50 Dante St. Germain said there is a confirmed petition for the night hearing and did not add anything to the full presentation of this case which was presented at the January 28, 2021 LD&T Committee meeting.

00:08:13 Brian Davis, Planning Manager with Louisville Metro Planning & Design Services, spoke after the applicant's representative (see below.) Mr. Davis said this case was at LD&T on January 28, 2021. The case was presented and discussed, and the LD&T Committee decided that the case was ready to go to public hearing but could not establish a firm public hearing date, so it was continued to today's meeting. It was decided by staff and the applicant to have the night hearing on **Monday, April 5, 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.

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Old Business

Case No. 20-ZONE-0066

The following spoke in favor of the request:

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

Summary of testimony of those in favor:

00:07:50 Cliff Ashburner the applicant's representative, said the applicant agrees to the date and location that was proposed by staff.

The following spoke in opposition to the request:

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.

00:10:33 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 5, 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.

NO: No one.

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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:	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:

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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Old Business

Case No. 20-ZONE-0060

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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Old Business

Case No. 20-ZONE-0060

NO: No one.

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Commissioners' Discussion

Case No. 20-ZONE-0121

Request:	Change in Zoning from R-4 to R-6, with Detailed District Development Plan and Binding Elements, and Waiver
Project Name:	Smyrna Parkway Apartments
Location:	9301-9309 Smyrna Parkway, Parcels 066202630000, 066202760000
Owner:	Robert & Pauline Penrod
Applicant:	GKG Investments LLC
Representative:	Dinsmore & Shohl LLC
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:

00:14:35 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:18:01 In response to a question from Commissioner Carlson, Ms. St. Germain said she received renderings from the applicant this morning; however, they did not meet LDC requirements, so she did not add them to the staff report (see recording for detailed discussion.) She noted that there is a binding element within the staff report stating that renderings have to be approved by staff prior to receiving a building permit. Commissioner Carlson said this area is covered by the Highview Neighborhood Plan; if the Committee cannot see the renderings, how can they know if the renderings meet the Highview Neighborhood Plan? Ms. St. Germain said that the renderings provided showed just one "sample" building and did not meet the LDC requirements as shown.

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Commissioners' Discussion

Case No. 20-ZONE-0121

The following spoke in favor of the request:

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

Mike Hill, 503 Washburn Ave # 101, Louisville, KY 40222

Summary of testimony of those in favor:

00:20:48 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He said the applicant will be making modifications to the rendering before the public hearing, based on staff comments.

00:27:46 In response to a question from Commissioner Carlson, Mr. Ashburner discussed why a pedestrian connection was not provided to the Dollar General store and other retail (see recording.)

00:28:54 Mike Hill, an applicant's representative, said there are two adjacent commercial properties – the Dollar General store, and a bank to the north. He discussed the concrete drainage ditch, the proposed detention basin, and why those prohibit pedestrian traffic to the bank (see recording for detailed discussion.) He said there is an existing, shared access easement which connects this site to the Dollar General store. Mr. Hill noted that there is pedestrian connectivity throughout the development, and maybe a striped crosswalk/area could be added to get over to the center, which has a sidewalk leading out to the development entrance and out toward the Dollar General entrance. Using an aerial photo, Mr. Ashburner said there is a sidewalk on Smyrna Parkway, and the development has a sidewalk leading out to that.

00:35:41 Mr. Hill said the proposed walking trail system also does not seem to show up on the renderings. Commissioner Carlson pointed out some gaps in the development's sidewalk system; Mr. Hill said the sidewalk system can be reviewed and improved prior to the public hearing.

00:37:21 Commissioner Carlson asked for clarification regarding part of the Highview Neighborhood Plan said the "entry to individual units" should be "highlighted" – what does that mean, and how will the applicant comply with that? Mr. Ashburner said that would be addressed at the public hearing.

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00:38:25 In response to a question from Commissioner Carlson, Mr. Ashburner discussed how the applicant planned to address the concerns of the adjacent single-family residents who had objected to having three-story buildings looking down into their yards/homes. Mr. Ashburner said the applicant will provide a 50-foot landscape buffer; screening, and attempting to reduce the amount of activity on that side of the building (see recording for detailed discussion.)

00:42:43 Commissioner Peterson had some issues with the architectural design. He noted that the ends of the buildings do not reflect the façade all the way around; the rear of one of the buildings faces Smyrna Parkway; and the rear of another faces the common area of the subdivision. He also said the rooflines appeared to be “barracks-like” and asked if the applicant could address that. Mr. Ashburner said those issues will be addressed at the public hearing.

00:44:13 In response to a question from Commissioner Daniels, Mr. Hill pointed out the locations of the dumpster areas (see recording.) They are located approximately 50 feet away from the property line adjacent to the single-family residential homes. He added that, along that east property line, there is a 15-foot tree preservation strip. The applicant is committed to preserving the trees along the east and south property lines.

00:46;16 Joe Reverman, Assistant Director of Louisville Metro Planning & Design Services, asked Ms. St. Germain to address the 20% tree preservation requirement (see recording for detailed discussion.)

The following spoke in opposition to the request:

Robin Wells, 9304 Smyrna Parkway, Louisville, KY

00:50:30 Commissioners' deliberation.

00:54:25 Brian Davis, Planning Manager with Louisville Metro Planning & Design Services, interjected to notify the Commissioners that someone wished to speak in opposition. The Commission came out of deliberation to allow the speaker.

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Case No. 20-ZONE-0121

00:54:38 Robin Wells said she lives directly across the street from this site. She said her concern is that there seems to be only one way in/one way out for these 144 units, which could mean 288 people. She said she is one of two homes that are located directly on Smyrna Parkway, and is concerned that this increased traffic on Smyrna would make it more difficult for her and her neighbor to get out of their driveways. In response to a question from Mr. Ashburner, Ms. Wells said she had not been notified and only learned about this proposal from Councilman James Peden's newsletter. She said she owns the property but does not live there (**does** have a tenant there.) See recording for detailed discussion.

00:59:30 Joe Reverman, Assistant Director of Planning & Design Services, addressed Ms. Wells' concern about having only one access point to the development. He said that the proposal does meet the Land Development Code requirements for the number of access points (see recording) and that the proposal has been reviewed by Metro Transportation. He advised Ms. Wells that she could contact the case manager directly for more information, or that the case manager can put her in contact with Metro Transportation personnel if needed.

01:00:01 Mr. Ashburner said the applicant is willing to postpone this case for two weeks to allow time to address some concerns raised today.

01:00:19 Commissioner Peterson added that he felt the dumpster locations could be reviewed and improved, particularly the one proposed for the southeastern corner. He said he is concerned that this one might create noise issues for the neighbors.

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.

01:01:21 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution was adopted:

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Commissioners' Discussion

Case No. 20-ZONE-0121

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the **March 11, 2021** LD&T meeting.

The vote was as follows:

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

NO: No one.

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Commissioners' Discussion

Case No. 20-ZONE-0066

01:03:44 John Torsky, representing Councilman James Peden's office, discussed the night hearing for this case scheduled for today. He said the Councilman's office did not know that the Jeffersonian was the venue picked for the night hearing. He said that venue is not close to the area/site location. He asked what other venues were contacted for this hearing. He said Jefferson Mall has a lot of space – the Councilman's office is willing to help find a more acceptable venue.

01:06:33 Brian Davis, Planning Manager with Louisville Metro Planning & Design Services, discussed the search and choice of venues (see recording.) he said many places are not renting out their spaces due to COVID; social distancing is not possible in smaller spaces.

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The meeting adjourned at approximately 2:15 p.m.

Chairman

Division Director