

**PLANNING COMMISSION MINUTES**  
**November 4, 2021**

**PUBLIC HEARING**

**CASE NO. 21-ZONE-0013**

Request: SET NIGHT HEARING DATE - Change in zoning from R-4 to R-7, with Detailed District Development Plan and Binding Elements, and Variance

Project Name: KJS Multi-Family

Location: 4805 - 4907 Bardstown Road & 8004 Watterson Trail

Owner: KJS LLC

Applicant: KJS LLC

Representative: Mindel Scott & Associates

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 public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

00:11:47 Dante St. Germain said the case was previously heard at LD&T; however, a petition for a night hearing came in before the hearing today. The date suggested is Monday, November 29, 2021 at 6:00 p.m. at the Southwest Government Center, 7201 Outer Loop #129, Louisville, KY 40228.

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

Jon Bingham (was present at the Old Jail Courtroom but did not speak)  
Sheri Lamothe (was present at the Old Jail Courtroom but did not speak)  
Kathy Linares, Mindel Scott, 5151 Jefferson Boulevard, 40219

**Discussion:**

00:13:51 Ms. St. Germain noted that there are two people at the Old Jail Courtroom, Jon Bingham and Sheri Lamothe, representing the petitioners. Commissioner Carlson agreed to be the representative Planning Commissioner at the venue. Brian Davis, Planning Manager, said Mr. Bingham and Ms. Lamothe said they were fine with the proposed date, time, and location. Kathy Linares, the applicant's representative, said the proposed date, time, and location were fine.

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00:17:28 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Planning Commission does hereby schedule this case to be heard on **Monday, November 29, 2021 at the Southwest Government Center, 7201 Outer Loop #129, Louisville, KY 40228 at 6:00 p.m.**

**The vote was as follows:**

**YES: Commissioners Seitz, Carlson, Howard, Clare, Brown, Mims, and Lewis.**  
**NOT PRESENT: Commissioners Peterson, Daniels, and Sistrunk.**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES**  
**October 14, 2021**

**NEW BUSINESS**

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**Project Name:** KJS Multi-Family  
**Location:** 4805 – 4907 Bardstown Road & 8004 Watterson Trail  
**Owner:** KJS LLC  
**Applicant:** KJS LLC  
**Representative:** Mindel Scott & Associates  
**Jurisdiction:** Louisville Metro  
**Council District:** 22 – Robin Engel  
**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:**

00:24:50 Dante St. Germain discussed the case summary from the staff report and indicated that the application was ready for a public hearing (see recording for detailed presentation).

Commissioner Brown requests pedestrian stubs/connections/accommodations for the C-1 lots that will remain. Dante' St. Germain said yes, it will be required.

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

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

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

Diane Zimmerman, 12803 High Meadows Pike, Prospect, Ky. 40059

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

Kathy Linares gave a power point presentation discussing the current uses in the area. This proposal is appropriately located on a major arterial. There will be no pedestrian connection to Watterson Trail to the north (see recording for detailed presentation).

David Mindel said they went in the field and located the existing right-of-way, existing improvements and submitted an exhibit to Beth Stuber. It will be provided at the public hearing. Commissioner Brown said he's concerned about the Watterson Trail access -

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very narrow frontage and limited right-of-way. Kathy Linares said they will expand both sides of the road and taper back in on either side of the roadway.

David Mindel said a left turn lane into the site is not warranted (will check with Diane Zimmerman). Commissioner Brown said it's close to the threshold and should be discussed further for a project of this scale (see recording for detailed presentation).

Commissioner Carlson asked if the issue of taking the buildings down to 2-stories around the perimeter had been addressed (brought up by neighbors). Kathy Linares said they increased the setbacks to address that concern (see recording for detailed presentation).

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

John Bingham, 8003 Courtland Drive, Louisville, Ky. 40228  
Sherry Lamothe, 8024 Watterson Trail, Louisville, Ky. 40291

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

John Bingham said he's a member of the Eastland congregation (next door to proposal). The main concerns are as follows: request needs to be R-6 instead of R-7; traffic; request 2-story tiered buildings; parking; and request 8-foot fence (see recording for detailed presentation).

Sherry Lamothe said she's concerned about the date of the traffic study (April 2015). Ms. Zimmerman's comment stated that the January 2020 counts didn't differ much so there was no adjustment made (see recording for detailed presentation).

**Rebuttal:**

Kathy Linares said she will get confirmation regarding the fence (6-feet). The density, intensity and height of this development are very needed in Louisville and the proposed location is perfect. Additional open space is being provided.

David Mindel said there's good mass transportation and that's another good reason to approve the density at this location. There are large setbacks from the existing houses around the proposal.

Kathy Linares said the turning lane to be provided on Watterson Trail for access to Bardstown Rd. will be a significant improvement in the area.

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Commissioner Carlson requests a binding element that says if there's an increase in density or number of dwelling units, then it will require a public hearing before the Planning Commission. David Mindel agrees.

Commissioner Sistrunk requests a line of site study. David Mindel said they will provide several exhibits at the public hearing (see recording for detailed presentation).

Diane Zimmerman stated she received an email from Jason Richardson from May 2021 indicating his only concerns were some issues with the peak hour factor. Doing new counts during the pandemic would not have been rational. A study was done January 2020 north of this site at Breckinridge Ln. and Bardstown Rd. Metro Traffic Engineering provided 2015 counts with Breckinridge Ln. and Watterson Tr. These were compared and there was no substantial difference in the volumes. It's reasonable to accept the 2015 count demonstrating there had been essentially no growth in the peak hours on Bardstown Rd. (see recording for detailed presentation).

Commissioner Carlson asked if there will be a pre-blast survey. David Mindel said yes, it's a requirement. Commissioner Carlson requests a binding element for pre-blast surveys for anyone within 500-feet. David Mindel said he agrees to the binding element.

**Deliberation**

LD&T 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 November 4, 2021 public hearing.**