

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
December 9, 2021**

A meeting of the Land Development and Transportation Committee was held at 1:00 PM on Thursday, December 9, 2021 via Webex Teleconferencing.

Committee Members present were:

Richard Carlson – Acting Chair
Jeff Brown
Ruth Daniels

Committee Members absent were:

Te'Andre Sistrunk, Vice Chair

Staff Members present were:

Joseph Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning Manager
Julia Williams, Planning Supervisor
Joel Dock, Planner II
Dante St. Germain, Planner II
Molly Clark, Planner I
Laura Ferguson, Legal Counsel
Pamela M. Brashear, Management Assistant

Others present:

Beth Stuber, Transportation Planning

The following matters were considered:

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
December 9, 2021**

APPROVAL OF MINUTES

NOVEMBER 11, 2021 LD&T COMMITTEE MEETING MINUTES

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

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on November 11, 2021.

The vote was as follows:

YES: Commissioners Brown and Carlson

NOT PRESENT FOR THIS CASE: Commissioner Sistrunk

ABSTAINING: Commissioner Daniels

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
December 9, 2021

NEW BUSINESS

CASE NO. 21-STRCLOSURE-0030

Request: A proposed alley closure located between Grand Avenue and Greenwood Avenue
Project Name: Alley Closure
Location: Alley located between Grand Avenue and Greenwood Avenue
Owner: Reynolds Consumer Products
Applicant: Michael Clayton – CFW Associates
Charles Weber – CFW Associates
Representative: Michael Clayton – CFW Associates
Charles Weber – CFW Associates
Jurisdiction: Louisville Metro
Council District: 1 – Jessica Green
Case Manager: Molly Clark, Planner I

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:

00:07:47 Molly Clark discussed the case summary from the staff report and indicated that the application was ready for a public hearing.

The following spoke in favor of this request:

Charles Weber, 9200 Lees Gate Road, Louisville, Ky. 40222

Summary of testimony of those in favor:

Charles Weber explained why the alley closure is necessary (see recording for detailed presentation).

Deliberation

LDT deliberation.

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.

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
December 9, 2021**

NEW BUSINESS

CASE NO. 21-STRCLOSURE-0030

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

RESOLVED, that the Land Development & Transportation Committee does hereby place this case on the Consent Agenda of the December 16, 2021 public hearing meeting.

The vote was as follows:

YES: Commissioners Brown, Daniels and Carlson

NOT PRESENT AND NOT VOTING: Commissioner Sistrunk

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
December 9, 2021

NEW BUSINESS

CASE NO. 21-ZONE-0068

Request: Cont'd from November 11, 2021 LD&T meeting – Change in zoning from R-6 to C-1, commercial with conditional use permit for outdoor alcohol sales and revised development plan

Project Name: Ciao's Restaurant
Location: 1203 Payne Street
Owner: Alfred Pizzonia, Jr. & Angelica Webster
Applicant: Craig Priddy
Representative: Dinsmore & Shohl, LLP
Jurisdiction: Louisville Metro
Council District: 4 – Jecorey Arthur
Case Manager: Joel Dock, AICP, Planning Coordinator

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:

01:14:52 Joel Dock discussed the case summary from the staff report and indicated that the application was not ready for a public hearing.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl LLP, 101 South 5th Street, Suite 2500, Louisville, Ky. 40202
Craig Priddy,
Bridgette Pizzonia,

Summary of testimony of those in favor:

Cliff Ashburner gave a power point presentation (see recording for detailed presentation).

Craig Priddy said they will be rectifying all concerns regarding the structure. The property will be brought into compliance (see recording for detailed presentation).

Bridgette Pizzonia said she has spoken with the neighbors and they are o.k. with what's being done (see recording for detailed presentation).

Deliberation

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
December 9, 2021

NEW BUSINESS

CASE NO. 21-ZONE-0068

LDT deliberation.

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 Brown, seconded by Commissioner Daniels, the following resolution based on the testimony heard today was adopted.

RESOLVED, that the Land Development & Transportation Committee does hereby **CONTINUE** this case to the January 13, 2022 LDT meeting to give the applicant the opportunity to clearly show what is being proposed as far as construction that is compliant with the Building Code.

The vote was as follows:

YES: Commissioners Brown, Daniels and Carlson

NOT PRESENT AND NOT VOTING: Commissioner Sistrunk

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
December 9, 2021**

NEW BUSINESS

CASE NO. 21-ZONE-0104

Request: Change in zoning from R-4 to R-7, with Detailed District Development Plan with Binding Elements
Project Name: Old Preston Highway Apartments
Location: 10410 & 10414 Old Preston Highway
Owner: Skaggs Family Trust
Applicant: Highgates Development
Representative: Mindel Scott & Associates
Jurisdiction: Louisville Metro
Council District: 24 – Madonna Flood
Case Manager: Dante St. Germain, AICP, Planner II

NOTE: THIS CASE WAS HEARD OUT OF ORDER – 4th on agenda moved to 3rd

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:

00:16:31 Dante St. Germain discussed the case summary from the staff report and indicated that the application was ready for a public hearing.

Commissioner Brown asked if a traffic impact study was performed. Dante St. Germain said it was not requested by Transportation Planning.

Acting Chair Carlson requests a binding element for blasting. Dante St. Germain said she will provide it.

The following spoke in favor of this request:

John Talbott, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
David Mindel, Mindel, Scott and Associates, Louisville, Ky. 5151 Jefferson Boulevard, Louisville, Ky. 40219
Diane Zimmerman, 12803 High Meadows Pike, Prospect, Ky. 40059

Summary of testimony of those in favor:

John Talbott gave a power point presentation (see recording for detailed presentation).

David Mindel stated there will be one entrance and a mix of 1 and 2 bedroom buildings. The shared driveway is in poor condition (see recording for detailed presentation).

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
December 9, 2021

NEW BUSINESS

CASE NO. 21-ZONE-0104

Diane Zimmerman said a traffic impact study was not required but a traffic count was performed at the intersection of Old Preston and Maple Springs (see recording for detailed presentation).

John Talbott finished the presentation (see recording for detailed presentation).

The following spoke in opposition to this request:

Mr. and Mrs. Cslank, 4606 Walden, Louisville, Ky. 40229
Sherry Hassler, 10412 Old Preston Highway, Louisville, Ky. 40229

Summary of testimony of those in opposition:

Mrs. Cslank said she has massive sinkholes on her property and if the applicant does any blasting, it will cause substantial damage to her garage and home. Traffic will be terrible as well (see recording for detailed presentation).

Mr. Cslank said the trees are being negatively impacted as well (dying) (see recording for detailed presentation).

John Talbott agrees to have the Geotechnical person look at the sinkholes on Mr. and Mrs, Cslank's property (they agree to allow them on their property) (see recording for detailed presentation).

Sherry Hassler discussed the road that leads out to Old Preston. Also, the clubhouse is too close to her home (see recording for detailed presentation).

Rebuttal:

John Talbott said the applicant is providing an access easement to Ms. Hassler (see recording for detailed presentation).

David Mindel said he met with Ms. Hassler 6-8 weeks ago but will be glad to meet with her again (see recording for detailed presentation).

Deliberation

LDT deliberation. Commissioner Brown requests the traffic impact study before moving this case forward to a public hearing (see recording for detailed presentation).

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
December 9, 2021

NEW BUSINESS

CASE NO. 21-ZONE-0104

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 Brown, seconded by Commissioner Daniels, the following resolution was adopted.

RESOLVED, that the Land Development & Transportation Committee does hereby **CONTINUE** this case to the January 13, 2022 LDT meeting to give the applicant an opportunity to submit a traffic impact study for review and resolve a few of the geotechnical and karst questions that came up during testimony today.

The vote was as follows:

YES: Commissioners Brown, Daniels and Carlson

NOT PRESENT AND NOT VOTING: Commissioner Sistrunk

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
December 9, 2021**

NEW BUSINESS

CASE NO. 21-ZONE-0127

Request: Change in zoning from R-4 to R-6, with Detailed District Development Plan with Binding Elements
Project Name: Flats at Bardstown
Location: 2100/2044 Buechel Bank Road & 4134 R Bardstown Road
Owner: Hook Family Land LLC
Applicant: Marian Development
Representative: Dinsmore and Shohl PLLC.
Jurisdiction: Louisville Metro
Council District: 2- Barbara Shanklin
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:

01:56:35 Julia Williams discussed the case summary from the staff report and indicated that the application was ready for a public hearing.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Suite 2500, Louisville, Ky. 40202
Ashley Bartley,

Summary of testimony of those in favor:

Cliff Ashburner gave a power point presentation (see recording for detailed presentation).

Ashley Bartley said there's a significant amount of grade change and there will likely be a retaining wall behind the dumpster and building (see recording for detailed presentation).

Ashley Bartley discussed the site plan and right-of-way dedication (see recording for detailed presentation).

The following spoke in opposition to this request:

Johnny Bald, 4041 Busath Avenue, Louisville, Ky.
Norma Howard, 2020 Buechel Bank Road, Louisville, Ky.

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
December 9, 2021

NEW BUSINESS

CASE NO. 21-ZONE-0127

Pastor Mark Carter, 2105 Buechel Bank Road, Louisville, Ky.

Summary of testimony of those in opposition:

Johnny Bald asked why the number of units has decreased (from 168 to 144). Also, the traffic is horrible (see recording for detailed presentation).

Norma Howard said the road is a country road and has never been improved. The infrastructure is not in place (see recording for detailed presentation).

Pastor Mark Carter said he is concerned about the following: water flow; safety; busy traffic flow all day; and he didn't receive notification for this meeting (see recording for detailed presentation).

Rebuttal:

Cliff Ashburner stated most of the opposition had questions regarding systemic issues with regard to traffic and drainage (see recording for detailed presentation).

Cliff Ashburner said the number of units was lowered to reduce the intensity of the overall development (see recording for detailed presentation).

Ashley Bartley discussed flood plain compensation and detention (see recording for detailed presentation).

Deliberation

LDT deliberation.

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 January 6, 2022 public hearing.

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
December 9, 2021**

ADJOURNMENT

The meeting adjourned at approximately 3:55 p.m.

Chair

Planning Director