

PLANNING COMMISSION
February 16, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0079

Note: This case was heard out of order. It was listed as number 8 on the Agenda.

Request:	Change in Zoning from R-4 to R-6 with Detailed District Development Plan with Binding Elements
Project Name:	Mud Lane Apartments
Location:	3902 Mud Lane
Owner/Applicant:	Hubert L. Hester Living Trust
Representative	Wyatt, Tarrant and Combs
Jurisdiction:	Louisville Metro
Council District:	13 – Dan Seum Jr.
Case Manager:	Jay Lockett, 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 Planning Commission meeting. (The Staff Report is part of the case file maintained in Planning and Design Services offices, 444 South 5th Street.)

Agency Testimony:

00:13:00 Jay Lockett requested a continuance of the case.

An audio/visual recording of the Planning Commission 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.

00:13:37 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** the requested Change in Zoning from R-4 to R-6 with Detailed District Development Plan with Binding Elements to the March 2nd, 2023 Public Hearing.

The Vote Was as Follows:

YES: Commissioner Brown, Carlson, Cheek, Pennix, Sistrunk, and Lewis
ABSENT: Commissioners Clare, Fischer, Howard, and Mims

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
January 12, 2023

NEW BUSINESS

22-ZONE-0079

Request:	Change in zoning from R-4 to R-6, with Detailed District Development Plan with Binding Elements
Project Name:	Mud Lane Apartments
Location:	3902 Mud Ln
Owner:	Hubert L Hester Living Trust
Applicant:	Hubert L Hester Living Trust
Representative:	Wyatt, Tarrant and Combs
Jurisdiction:	Louisville Metro
Council District:	13 – Dan Seum, Jr.
Case Manager:	Jay Lockett, 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. 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:

02:37:02 Jay Lockett discussed the case summary from the staff report and indicated that the application was ready for a public hearing (see video for presentation). The applicant is requesting a change in zoning to construct 252 multi-family dwelling units on approximately 15.26 acres.

02:39:50 Commissioner Mims asked if the applicant had addressed the intersection of Blue Lick Road and Mt. Washington Road. Jay Lockett said there have been discussions with KYTC about making the intersection a three-way stop.

02:41:15 Commissioner Carlson asked there had been any consideration about having a right turn lane for people wanting to turn to go north on Mt. Washington Road. Jay Lockett said the applicant will address that during their presentation.

The following spoke in favor of this request:

Jonathan Baker, Wyatt, Tarrant, Combs, 400 W Market Street, Suite 2000 Louisville, KY 40202

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NEW BUSINESS

22-ZONE-0079

Derek Triplett, Land, Design and Development, 503 Washburn Ave, Suite 101,
Louisville, KY 40202

Adam Kirk, Traffic Engineering Consultant, 137 McClelland Springs Drive, Georgetown,
KY 40324

Summary of testimony of those in favor:

02:42:14 Jonathan Baker spoke in support of the application and gave a PowerPoint presentation (see recording). This case was continued from the November 10th, 2022 meeting. The applicant will be adding a left turn lane at the first access point into the development. The traffic distribution was recalibrated based on the comments and conversations with Transportation Planning and Public Works.

02:46:15 Derek Triplett spoke in support of the application. Triplett stated two of the items from the continuance are: coordinated with the fire department on the single crossing of the stream to get to the rear of the site and potential road improvements along the frontage.

02:51:11 Adam Kirk spoke in support of the application. The applicant was originally asked to look at the turn lane warrants; more specifically looking at the Right and Left turn lane warrants into the site. The applicant was able to look at traffic either right in front of the site or further down towards Preston Highway and Blue Lick Road

02:57:44 Commissioner Carlson would like to see the inclusion of a binding element stating the applicant will install additional fire hydrants as requested by the fire department.

02:59:29 Commissioner Carlson asked if KYTC made any further comments on the proposed improvements. Beth Stuber stated she has not heard anything further from them.

03:02:05 Commissioner Brown asked the applicant if they were able to check the collision history at the Mudd Lane and Blue Lick intersection. Adam Kirk stated he believes there were five crashes over a five year period.

The following spoke as a neutral party to the request:

Jake Souder, 1611 Ahrlar Drive, Louisville, KY 40213

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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Summary of testimony of those as neutral:

03:03:59 Jake Souder spoke as a neutral party to the application. Souder stated that he couldn't find any information pertaining to the potential loss of the wetlands or what impact the development could have on the existing streams on site. Derek Triplett stated the wetlands are non-jurisdictional and the stream is an ephemeral stream, therefore it is not regulated by Land Development Code.

Deliberation

03:03:30 Land Development and Transportation Committee 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.

03:07:00 The Committee by general consensus scheduled this case to be heard at the **February 16, 2023** Planning Commission public hearing.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
November 10, 2022

NEW BUSINESS

CASE NO. 22-ZONE-0079

Request: Change in zoning from R-4 to R-6, with Detailed District Development Plan with Binding Elements
Project Name: Mud Lane Apartments
Location: 3902 Mud Ln
Owner: Hubert L Hester Living Trust
Applicant: Hubert L Hester Living Trust
Representative: Wyatt, Tarrant and Combs
Jurisdiction: Louisville Metro
Council District: 13 – Mark Fox
Case Manager: Jay Lockett, 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:

01:07:56 Jay Lockett 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:

Jon Baker, Wyatt, Tarrant and Combs, 400 West Market Street, Suite 2000, Louisville, Ky. 40202
Derek Triplett, Land Design and Development, 503 Washburn Avenue, Suite 101, Louisville, Ky. 40222

Summary of testimony of those in favor:

01:18:16 Jon Baker gave a power point presentation discussing open space, trees on the site and the two access points on property (see recording for detailed presentation).

01:27:47 Derek Triplett discussed the drainage, parking spaces, tree canopy and streams (see recording for detailed presentation).

01:35:30 Jon Baker discussed the Traffic Impact Study Report and renderings/materials used (see recording for detailed presentation).

Deliberation

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
November 10, 2022

NEW BUSINESS

CASE NO. 22-ZONE-0079

01:48:01 Land Development and Transportation 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 Carlson, seconded by Commissioner Brown, the following resolution was adopted.

RESOLVED, that the Land Development & Transportation Committee does hereby **CONTINUE** this case to the January 12, 2023 LD&T meeting to allow the applicant time to research the issues discussed today.

The vote was as follows:

YES: Commissioners Brown, Carlson, Mims and Sistrunk