

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

**January 17, 2019**

A meeting of the Land Development and Transportation Committee was held on Thursday, January 17, 2019 at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

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

**Committee Members absent were:**

**Staff Members present were:**

Emily Liu, Planning and Design Director  
Joe Reverman, Planning and Design Assistant Director  
Brian Davis, Planning & Design Manager  
Julia Williams, Planning Supervisor  
Joel Dock, Planner II  
Jay Lockett, Planner I  
Paul Whitty, Legal Counsel  
John Carroll, Legal Counsel  
Rachel Dooley, Management Assistant (minutes)  
Beth Stuber, Engineering Supervisor  
Oliva Troehler, Engineer I

**Others Present:**

Tony Kelly, Metropolitan Sewer District

The following matters were considered:

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**New Business**

**Case No. 18DEVPLAN1207**

**Request:** Floyd's Fork Overlay Review with Amendments to Conditions of Approval  
**Project Name:** Circle K  
**Location:** 14000 Taylorsville Rd  
**Owner:** Too B Enterprises  
**Applicant:** Skyline Signs  
**Representative:** Skyline Signs  
**Jurisdiction:** Louisville Metro  
**Council District:** 20 – Stuart Benson

**Case Manager:** Jay Lockett, AICP, Planner I

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:13:20 Jay Lockett presented the case (see recording for detailed presentation.)

00:16:14 Commissioner Peterson asked if there is a current violation of the sale of mulch on the site. Mr. Lockett replied while there has not been a complaint though there does seem to be a contradiction between the plan and the conditions of approval. He will find the proper interpretation of the plan.

00:17:38 Paul Whitty, legal counsel for the Planning Commission, asked if there is an approved development plan. Mr. Lockett stated there is an approved development plan. Julia Williams explained the approved development plan is not the same as plan certain. This site is part of the Floyd's Fork Review Plan, the development plan, and the site is pre-planned certain.

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**Case No. 18DEVPLAN1207**

00:19:08 In response from Commissioner Marilyn Lewis's question, Mr. Luckett confirmed the applicant is not asking to build anything different; they are making a branding change on the canopy and building on site.

00:19:19 Commissioner Carlson stated he remembers this case from a previous date and explained the reasoning behind the current conditions of approval and the stringent binding elements that allows this site to be more compatible with the area.

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

No one spoke.

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

Steve Porter, 2406 Tucker Station Road, Louisville, KY, 40299

Jeff Frank, 16509 Bradbe Road, Fisherville, KY, 40023

Harrell Hurst, 16200 Taylorsville Road, Fisherville, KY 40023

Michael Farmer, 15100 Old Taylorsville Road, Fisherville, KY, 40023

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

00:22:46: Steve Porter, representing the Fisherville Neighborhood Association, stated he had previously contacted the sign company who made the application and to a Circle K representative, with no response. He stated there is no application for change of the binding elements from the applicant. This applies to the proposed illumination, changes to size of signs, and addition of new signs on site.

00:29:45 Jeff Frank recounted the previous case for this site. He asked the Commissioners to allow a proper application from the applicant and to not change the binding elements to allow the illumination of signs.

00:31:35 Harrell Hurst, chair of the Fisherville Neighborhood Association, stated the change of signage from white to what is purposed is an unnecessary distraction to drivers. He is also opposed to any changes to the original binding elements for this site for illumination.

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00:33:56 Michael Farmer stated he is in opposition to any changes to existing binding elements and any proposed changes which would violate the original binding elements. Mr. Farmer recounted that the original design was done intentionally to uphold the rural character of the neighborhood. He would like to see any future development reflect that design. In addition, Mr. Farmer agreed with Commissioner Peterson, the mulch on site is in violation of the original binding elements.

00:36:09 In a response from questions from John Carroll, Mr. Porter replied there is no application for the change of binding elements or change of conditions of approval. The application is for the change of the signs on the property. Mr. Porter explained there is an additional concern over the size of the sign on the front of the building and any new signs being proposed on the canopy of the property.

00:37:13 Joe Reverman inquired if the site is not plan certain. Mr. Porter replied he believes it is plan certain and pointed out the binding elements and conditions of approval via the staff report. Mr. Reverman stated the cases notice was "Floyd's Fork Overlay Review with Modifications to Conditions of Approval". He detailed the difference of plan certain sites, revised development plans, conditions of approval, and binding elements for this case.

00:41:37 Paul Whitty, legal counsel for the Planning Commission, asked since the applicant is not present, he has not heard any justification for change of signs.

00:42:28 Commissioner Peterson asked if conditions of approval are enforceable the same way as binding elements.

00:42:49 Commissioners' deliberation.

00:43:25 Commissioner Brown asked the commissioners and legal counsel if this were to be denied could the applicant file an appeal for smaller scale signing and come close to compliance with the conditions of approval and binding elements. Paul Whitty replied the applicant could reapply for if this proposal if it was denied.

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00:43:46 Mr. Reverman proposed this would be best given the applicant is not present. This would give them the choice to modify the current application and come back to a future committee.

00:44:14 Commissioner Carlson stated it would be best to deny this case. The applicant could pursue this and reapply. This case will most likely go to the Planning Commission regardless if it is continued or if it is denied.

00:46:36 Commissioner Peterson noted the mulch display would be ok if it follows the binding elements and conditions of approval. Emily Liu, Director of Planning & Design, stated they will look into the approved development plan to see if there is a violation.

**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.**

00:47:57 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted.

**RESOLVED**, the Land Development and Transportation Committee does hereby **DENY** this case based on the testimony of the opposition and the lack of justification provided by the applicant.

**The vote was as follows:**

Yes: Commissioners Lewis, Peterson, Brown, Carlson, Daniels

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**New Business**

**Case No. 18STREETS1003**

**Request:** Closure of Public Right-of-Way  
**Project Name:** Stamford Dr Closure  
**Location:** Stamford Dr at Oxmoor Woods Pkwy  
**Owner:** City of Hurstbourne  
**Applicant:** City of Hurstbourne  
**Representative:** John Singler  
**Jurisdiction:** Hurstbourne  
**Council District:** 18 – Marilyn Parker

**Case Manager:** Jay Lockett, AICP, Planner I

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:49:47 Jay Lockett presented the case. The road closure is to prevent any further development on parcel 3 from being able to utilize the proposed closed road for a connection. The outstanding concern is the access and easement between the parcels of land becoming land locked due to the closure of this right-of-way (see staff report and recording for detailed presentation.)

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

John Singler, 209 Old Harris Creek Road, Louisville, KY 40223

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

00:52:27 John Singler, attorney representing for the City of Hurstbourne, recounted the previous cases for these connecting properties. He said the parcels of land cannot be land locked due to the statements from case 9-15-02 (see staff report and recording for detailed presentation.)

00:55:02 Commissioner Brown inquired if there is a current access in use for this parcel of land. Mr. Singler replied there is not nor is there a Right-of-Way on

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**Case No. 18STREETS1003**

the end of the connecting property. Commissioner Brown also asked if the City of Hurstbourne would require the property owner to get an encroachment permit or another type of approval from the city to gain access to the City of Hurstbourne roads, Mr. Singler replied yes. Commissioner Brown further inquired if the City of Hurstbourne could deny an application for a permit to access one of Hurstbourne's roads, Mr. Singler replied yes.

00:55:54 Commissioner Carlson addressed rather than closing the road access to please consider emergency access be allowed.

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

Jon Baker, Wyatt Tarrant & Combs, 500 W. Jefferson St. Suite # 2800, Louisville, KY, 40202

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

00:57:08 Jon Baker, present on behalf of property owners WMB1 LLC and TWB Oxmoor 1 LLC, property owners of tract three as shown on Hurstbourne notification for the request of closure of this section of right-of-way. Mr. Baker addressed the closure of this right of way would take away the address assigned to this parcel of land. Before the next meeting Mr. Baker asked for clarification of the purpose of leaving a three foot space on either side of the right-of-way closure.

01:00:28 In response to a question from John Carroll about the size of parcel three, Mr. Baker replied that it is 3.94 acres.

01:01:07 Commissioner Peterson asked if Mr. Baker's clients received a notification. Mr. Baker presented the notice his clients received. He pointed out the differences between the plat received and the one that is presented today.

**Commissioners' deliberation.**

01:03:27 Commissioner Peterson questioned if this case is ready for Planning Commission due to the differences in plats presented. Jay Lockett explained there were revisions to the plat during the pre-application stage and the formal filling stage. This current plat can be revised before next public meeting.

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**Case No. 18STREETS1003**

01:04:43 Commissioner Brown inquired if there is a state statute that defines land locking a parcel. He stated there is technically frontage for this property.

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The Committee by general consensus scheduled this case to be heard at the **February 21, 2019** Planning Commission public hearing.



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**New Business**

**Case No. 18STREET1004**

<b>Request:</b>	Closure of Public Right-of-Way
<b>Project Name:</b>	Cheffield Dr Closure
<b>Location:</b>	8509 Sheffield Dr
<b>Owner:</b>	City of Hurstbourne
<b>Applicant:</b>	City of Hurstbourne
<b>Representative:</b>	John Singler
<b>Jurisdiction:</b>	Hurstbourne
<b>Council District:</b>	18 – Marilyn Parker

**Case Manager:** Jay Lockett, AICP, Planner I

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**Agency Testimony:**

01:08:02 Jay Lockett presented the case. (see staff report and recording for detailed presentation.)

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

John Singler, 209 Old Harris Creek Road, Louisville, KY 40223

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

01:08:55 John Singler had the same comments for this case and referred to statements from case 9-15-02 (see staff report and recording for detailed presentation.) He addressed the questions to the plat change. Mr. Singler also detailed the maintenance of the road closures.

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

Jon Baker, Wyatt Tarrant & Combs, 500 W. Jefferson St. Suite # 2800, Louisville, KY, 40202

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**New Business**

**Case No. 18STREET1004**

**Summary of testimony of those in opposition of the request**

01:11:44 Jon Baker, present on behalf of property owners WMB1 LLC and TWB Oxmoor 1 LLC, opposes this road closure because it goes against the comprehensive plan. He disagrees with the strip of land left for maintenance.

**Commissioners' deliberation.**

01:13:24 Commissioner Brown asked if the roads of Hurtsbourne were dedicated by record plat, Mr. Singler replied yes. Commissioner Brown also asked if the roads were dedicated for public use or for the benefit of the residents of the City of Hurtsbourne, Mr. Singler replied they were dedicated for public use.

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**New Business**

**Case No. 18STREETS1025**

**Request:** Closure of Public Right-of-Way  
**Project Name:** Goodfellas Pizza Alley Closure  
**Location:** 1250 E Broadway  
**Owner:** Louisville Metro  
**Applicant:** Louisville Metro  
**Representative:** Long Construction Management  
**Jurisdiction:** Louisville Metro  
**Council District:** 8 – Brandon Coan

**Case Manager:** Jay Luckett, AICP, Planner I

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

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**Agency Testimony:**

01:14:32 Jay Luckett presented the case (see staff report and recording for detailed presentation.)

01:16:18 Commissioner Brown asked if the other half of the alley was being dedicated to the Vantage Center, LLC parcel. Mr. Luckett said the parcel is owned by the restaurant. The applicant will be able to clarify the consolidation of this closure with the Vantage Center, LLC parcel.

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

Frank Colberson, 3104 Pinkard Pike, Versailles, KY, 40383.

Alex Coats, 407 Spring Street, Lexington, KY, 40508

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**Case No. 18STREETS1025**

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

01:18:02 Frank Colberson stated the intention of this closure is so the restaurant has the capabilities to have an outdoor dining area. They are providing an access easement so the rest of the alley will continue to be able to access Broadway.

01:19:18 In response to a question from Commissioner Brown, Mr. Colberson said the alley is brick.

**The following spoke neither for nor against the request:**

John Grantz, 1222 East Broadway, Louisville, KY, 40104

**Summary of testimony of those neither for nor against:**

01:20:00 John Grantz, adjacent property owner, stated his main concern is the ingress and egress of the delivery vehicles that will be coming in to service the restaurant. Mr. Grantz described the type of traffic in the area and the closure of this alley way could cause traffic congestion. He asked if there is a possibility of modifying the plan to expand the turning radius and the ingress and egress off of Broadway for delivery vehicles.

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

Scott Stephans, 1236 & 1238 East Broadway, Louisville, KY, 40204

Ken Combs, 2604 Evergreen Wynde, Louisville, KY, 40223

**Summary of testimony of those in opposition of the request**

01:23:05 Scott Stephans, adjacent property owner, agrees with Mr Grantz's statement and he would like to see more clarification as to where the alley way will be opened, and the frontage of the property be available for turning for dumpster trucks.

01:25:03 Ken Combs detailed the area of fence line via staff report plan. He explained that he would like to see a previously closed alley opened for traffic which would alleviate displaced traffic from this alley closure.

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**Case No. 18STREETS1025**

01:27:39 Mr. Grantz pointed out via the staff report there is an access from Broadway, the alley way connecting to Broadway is not a "straight shot" for drivers because of existing building in the way. He would like to see clarification for this alley way.

01:28:46 Alex Coats explained how trucks would access the site, detailed the location of dumpster and the expressed concern of dumpster truck navigation and the access and navigation of the site (see staff report and recording for detailed presentation.)

01:31:26 In response to a question from Commissioner Lewis, Mr. Coats stated there will be a way in and a way out for semi food delivery trucks. In addition, Mr. Coats stated they feel 25 feet is adequate space for dumpster trucks to turn around in that area.

**Commissioners' deliberation**

01:32:51 Commissioner Brown asked if there will be a Condition of approval and note on the plat stating that the bricks from the alleyway be salvaged and stored. Mr. Luckett replied they have had an email specifically about following metro code. This is already in a metro code requirement, but it can also be placed in conditions of approval.

01:33:51 Mr. Coats inquired if the pavers be repurposed for this project. Commissioner Brown replied all paver bricks must be salvaged for use in restoration projects in other public rights-of-way.

**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.**

The Committee by general consensus scheduled this case to be heard at the February 21, 2019 Planning Commission public hearing.

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**New Business**

**Case No. 18STREETS1028**

**Request:** Alley Closure for an unnamed alley between E. Gray Street and Springer Alley  
**Project Name:** Gray and Clay  
**Location:** 709/715 E. Gray Street, 710, 712, & 716 E. Chestnut Street, & 616-634 S. Shelby Street  
**Owner:** Louisville Metro Government  
**Applicant:** LDG Multi-Family  
**Representative:** Sabak Wilson and Lingo Inc.; Dinsmore and Shohl LLP  
**Jurisdiction:** Louisville Metro  
**Council District:** 4- Barbara Sexton Smith

**Case Manager:** **Julia Williams, AICP, Planning Supervisor**

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

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**Note: This case was heard with Case No. 18ZONE1052** (see staff report and recording for detailed presentation.)

**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.**

The Committee by general consensus scheduled 18STREETS1028 and 18ZONE1052 to be heard at the **February 7, 2019** Planning Commission public hearing.

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**January 17, 2019**

**New Business**

**Case No. 18ZONE1052**

**Request:** Change in zoning from OR-2 and M-2 to C-2 with building height and setback variances  
**Project Name:** Gray and Clay  
**Location:** 709/715 E. Gray Street, 710, 712, & 716 E. Chestnut Street, & 616-634 S. Shelby Street  
**Owner:** TKW, LLC & Roman Catholic Bishop of Louisville  
**Applicant:** LDG Multi-Family  
**Representative:** Sabak Wilson and Lingo Inc.; Dinsmore and Shohl LLP  
**Jurisdiction:** Louisville Metro  
**Council District:** 4- Barbara Sexton Smith

**Case Manager:** **Julia Williams, AICP, Planning Supervisor**

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

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**Agency Testimony:**

01:35:56 Julia Williams presented the case. (see staff report and recording for detailed presentation.)

01:38:34 Paul Whitty, legal counsel to the Planning Commission, asked if the current facility has a hazardous use CUP requirement. Ms. Williams replied that it does, and she can provide more information at the public meeting.

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

Cliff Ashburner, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, KY, 40202

Kelli Jones, 608 S. 3<sup>rd</sup> Street, Louisville, KY, 40202

Michael Gross, 1469 South 4<sup>th</sup> Street, Louisville

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**New Business**

**Case No. 18ZONE1052**

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

01:39:21 Cliff Ashburner, representing LDG Development, presented Power Point slide show of proposed development, the alley proposed to be closed, and current photos of site. Mr. Ashburner expressed that Springer Alley will remain open and he presented current photos of said alley. He noted they plan to provide street side trees, a courtyard, and a parking garage. Mr. Ashburner provided commissioners with information from the national register of historic places.

00:01:46 Commissioner Brown inquired if information can be provided at the next meeting to help explain the 0 foot set back for the alley and to show the site distance and variance requirements can be met. Mr. Ashburner replied it will be available.

01:47:02 Joe Reverman asked if there is enough distance on the sidewalk to have the tree well dimensions plus the passable footage needed. Kelli Jones described the sidewalks surrounding the development and if need be pedestrian grates can be placed over the tree wells.

01:48:20 In response to a question from Commissioner Daniels, Mr. Ashburner answered there will be no retail in this development. There will be dwelling units on the first floor as well as community rooms, a small business center and other common spaces on corner of site.

**The following spoke neither for nor against the request:**

Doug McGee, 1139 E. Broadway, Louisville, KY, 40204

**Summary of testimony of those neither for nor against:**

01:49:37 Doug McGee Stated he does not oppose the alley closer or development. However, he does have concern with the zero lot lines and the size of the building. Mr. McGee is ok with the use of the proposed building for affordable housing. He would like to see more green space and more angles of the elevations from Springer Alley.

**Rebuttal**

01:53:29 Mr. Ashburner said the original proposed building has been reduced in height, and he feels the size of the proposed development fits the area. He also stated he will have more elevations available by the next meeting.



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**Case No. 18ZONE1052**

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

No one spoke

**01:54:38 Commissioners' deliberation**

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The Committee by general consensus scheduled 18STREETS1028 and 18ZONE1052 to be heard at the **February 7, 2019** Planning Commission public hearing.

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**New Business**

**Case No. 18ZONE1038**

**Request:** Change in zoning from R-7, Multi-Family to C-1, Commercial and detailed district development plan with setback variances and site design waivers

**Project Name:** Taylor Center

**Location:** 3343-3425 Taylor Blvd

**Owner:** Multiple owners

**Applicant:** The McCartin Company, Inc.

**Representative:** Accurus Engineering

**Jurisdiction:** Louisville Metro

**Council District:** 15 – Kevin Triplett

**Case Manager:** **Joel Dock, AICP, Planner II**

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**Agency Testimony:**

01:56:19 Joel Dock presented the case. Mr. Dock noted the case was previously heard in 2017, and it was continued indefinitely due to the access to Taylor Blvd. Curb cuts and access to Taylor Blvd. had not been approved by the Kentucky Transportation Cabinet until now. (see staff report and recording for detailed presentation.)

02:00:11 Commissioner Brown asked is there a binding element for cross connectivity from lot 3 to the property in the future. Mr. Dock explained binding element number 5 is to include this future design (see staff recording for detailed presentation.)

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

Jennifer Caummisar-Kern, 2780 Jefferson Centre Way, Suite 204, Jeffersonville, IN 47130

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**New Business**

**Case No. 18ZONE1038**

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

02:01:40 Jennifer Caummisar-Kern had multiple discussions with the Kentucky Transportation Cabinet for approval of entrances on the site. She explained the various entrances on site and detailed the rezoning request. Ms. Caummisar-Kern also spoke about the traffic and access in the surrounding area.

02:04:36 Commissioner Brown questioned if the state reviewed the proposal for the five-lane section of the development. Ms. Caummisar-Kern said yes, it was part of the final traffic study approval and part of the report; a copy of it is available. Commissioner Brown asked if there is also a proposal to restripe the block and the dedicated turn lanes. Ms. Caummisar-Kern said yes they will be restriping for those lanes.

02:05:14 Commissioner Daniels inquired if the traffic studies included the times during peak traffic from Churchill Downs when they have meets. Ms. Caummisar-Kern replied the traffic studies were based from normal peak times in traffic and they will be able to have more information available at the next public meeting.

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

No one spoke

**02:07:37 Commissioners' deliberation**

02:07:57 Joel Dock stated a clarification for the binding elements number 5 (see staff recording for detailed presentation.)

02:09:13 Paul Whitty, legal counsel for Planning Commission, inquired if the binding elements cover lots 1, 2, and 3 in the event of the lot towards the south was development. Mr. Dock stated binding element number 5 (see staff recording for detailed presentation.)

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The Committee by general consensus scheduled this case to be heard at the **February 21, 2019** Planning Commission public hearing.

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**New Business**

**Case No. 18ZONE1049**

**Request:** Change in zoning from R-4, R-7 & C-2 to PEC, Planned Employment Center, Change in form from Suburban Marketplace Corridor & Neighborhood to Suburban Workplace, and district development plan with landscape waiver and waterway buffer variance

**Project Name:** Logistics Airpark

**Location:** 5530-5540 Minor Lane

**Owner:** Land Holdings, LLC

**Applicant:** Nicklies Development

**Representative:** Nicklies Development

**Jurisdiction:** Louisville Metro

**Council District:** 13 – Mark Fox

**Case Manager:** **Joel Dock, AICP, Planner II**

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**Agency Testimony:**

02:12:14 Joel Dock presented the case (see staff report and recording for detailed presentation.)

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

Jim Calvery, 6060 Dutchmans Lane, Louisville, KY, 40205

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

02:17:43 Jim Calvery explained the history and layout of this development. He proposed this development to be a logistics site for various businesses. Mr. Calvery noted there is an archeological site located on this development. It will remain as is and it will not be affected by the proposed development.

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

**January 17, 2019**

**New Business**

**Case No. 18ZONE1049**

02:20:24 Commissioner Brown inquired if the traffic impact study makes a recommendation for road improvements will it be incorporated into the binding elements or will there be an exhibit that can be referenced as a binding element. Mr. Calvery replied the exhibit in the study can be referenced.

02:20:43 Commissioner Carlson asked if the previously proposed traffic plans for the previous development plan still apply to this development. Mr. Calvery replied what is shown as of today is what is going to be used for the new development.

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

Charles Bullard, 5501 and 5503 Minor Lane, Louisville, KY, 40219

Paul Elble, 1014 Clay Ave, Louisville, KY, 40219

**Summary of testimony of those in opposition of the request**

02:27:49 Charles Bullard expressed concern over the congestion of traffic from semi-trucks and the traffic speed. He also stated concerns with the current landscaping of the development, buffers for the increased traffic noise, and the traffic created from development business hours.

02:34:10 Paul Elble is opposed due to the concerns of pollution from increased traffic volume, and noise created from increased traffic from the new development.

**Rebuttal**

02:36:15 Jim Calvery stated that access to the site is from the south and noted that semi trucks should not be driving down smaller residential roads. Signs will be posted to prevent that. Mr. Calvery stated there will be additional traffic that will be mitigated but peak times should not be affected due to business hours of the development.

**02:37:43 Commissioners' deliberation**

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**January 17, 2019**

**New Business**

**Case No. 18ZONE1049**

**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.**

The Committee by general consensus scheduled this case to be heard at the **February 7, 2019** Planning Commission public hearing.

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

**January 17, 2019**

**New Business**

**Case No. 18ZONE1051**

**Request:** Change in zoning from R-4 & R-7 to PRD, Planned Residential Development and district development plan with sidewalk waiver

**Project Name:** Forest Creek Subdivision

**Location:** 4826-4838 Valla Road and unaddressed lots to the rear of 4800-4838 Valla Road

**Owner:** AH Land Trust

**Applicant:** Creek Alley Contracting, LLC

**Representative:** AL Engineering, Inc.

**Jurisdiction:** Louisville Metro

**Council District:** 2 – Barbara Shanklin

**Case Manager:** **Joel Dock, 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

02:38:46 Joel Dock presented the case (see staff report and recording for detailed presentation.)

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

Berry Baxter, 117 W. Main Street, LaGrange, KY, 40031

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

02:43:53 Berry Baxter presented PowerPoint slide show to explain proposed zone change. He stated the current Multi-Family Zoning (R-7) is no longer compatible with the surrounding area. Mr. Baxter explained aerial photos, plans for development site, water detention site, and the differences in roadway connecting new development to main roadways. He presented elevations and floor plans of the development. He also requested to have a waiver application to provide sidewalks on east side of the road and around the green space on site.

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**New Business**

**Case No. 18ZONE1051**

02:51:06 Commissioner Brown confirmed from Mr. Baxter there is no access to Valla Road from this development.

**The following spoke neither for nor against the request:**  
Ricky Smith, 601 W Jefferson, Louisville, KY, 40202

**Summary of testimony of those neither for nor against:**

02:52:17 Ricky Smith stated he is not opposed to the development, although he had a concern of the overflow traffic affecting access to Valla Road.

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

Paul Beamus Jr., 4823 Valla Road, Louisville, KY, 40213

James Lynch, 4822 Valla Road, Louisville, KY, 40213

Clara Cunningham, 4829 Valla Road, Louisville, KY, 40213

Natalie D. Jacobs, 4811 Valla Road, Louisville, KY, 40213

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

02:53:05 Paul Beamus stated he does not like the idea of having access to this development from Valla Road and he does not believe that this development should have changed zones.

02:54:33 James Lynch, adjacent property owner, expressed his concerns for road connections. Mr. Lynch asked if there will be a divider between properties so there is no chance of crossover traffic.

02:56:55 Clara Cunningham, adjacent property owner, is opposed to the change of zoning to PRD. She is also opposed to the increase of traffic noise and the possibility of raised crime rates in the area from the new development.

02:59:20 Natalie Jacobs stated her main concern is with the number of homes, maintenance of the road, and the drainage from the displaced water from the new homes. Ms. Jacobs also stated she had another concern with safety due to the develop properties being so close to existing homes.



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**New Business**

**Case No. 18ZONE1051**

**Rebuttal**

03:02:00 Fred Levein,(Representing the trust owner of the property, 154 Thierman Lane, Louisville, KY, 40207), acknowledged the concerns with density of development, the development having their own access road, and the increase of traffic from the new development.

**Commissioners' deliberation**

03:03:34 Commissioner Carlson asked developer where the access of right-of-way will be located on the property.

03:04:00 Berry Baxter showed via PowerPoint the access road location for the development and explained the issue with the auto shop parking on the right-of-way has been resolved.

03:00:00 Joel Dock further described the right-of-way for the development via plan; there will be enough room for the new development which will be behind an existing multifamily development.

03:06:35 Clara B Cunningham stated the concerns of increased traffic and asked if the development could be moved to be on the opposite side of Poplar Level Road.

03:08:32 Paul Beamus expressed concerns of access to new development from Poplar Level Road. He described the low visibility for traffic and road conditions on Poplar Level Road.

**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.**

The Committee by general consensus scheduled this case to be heard at the **February 21, 2019** Planning Commission public hearing.

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

**January 17, 2019**

**Approval of Minutes**

**Approval of the December 13, 2018 LD&T Committee Meeting Minutes**

03:11:19 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on **December 13, 2018**

**The vote was as follows:**

**YES: Commissioners Lewis, Brown, Carlson, and Daniels**

**ABSTAIN: Commissioner Peterson**

MINUTES OF THE MEETING  
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January 17, 2019

The meeting adjourned at approximately 4:13 p.m.

A handwritten signature in cursive script, appearing to read "Robert Peterson", written over a horizontal line.

**Chairman**

A handwritten signature in cursive script, appearing to read "John", written over a horizontal line.

**Division Director**

