NEW BUSINESS

Case No. 21-ZONE-0104

NOTE: Due to technical issues, Commissioner Daniels left the meeting at approximately 1:50 p.m. and did not hear or vote on this or the remaining cases.

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 John Talbott – Bardenwerper Talbott & Roberts PLLC
Jurisdiction:	Louisville Metro
Council District:	24 - Madonna Flood
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:

00:21:19 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:24:47 Ms. St. Germain reviewed some proposed binding elements that addressed some issues that come up at a prior LD&T meeting held in December, 2021 (see recording).

00:26:19 In response to a question from Commissioner Mims, Ms. St. Germain briefly discussed the conclusions of the traffic study (see page 10 of the study) and said that the applicant can give more details about the findings of the study.

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00:27:47 In response to questions from Commissioner Mims, Ms. St. Germain discussed the spacing of landscape islands.

00:28:21 In response to a question from Commissioner Carlson, Ms. St. Germain discussed the access easement for the garage (it is permanent.)

The following spoke in favor of the request:
John Talbott, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

David Mindel, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Diane Zimmerman, 12803 High Meadows Pike, Louisville, KY 40059

Summary of testimony of those in favor:
00:29:31 John Talbott, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He mainly focused on some of the issues that were raised at the previous LD&T meeting and briefly reviewed the karst and geotechnical study, which was previously presented (done in July, 2021).

00:43:37 Commissioner Carlson asked if the traffic study took into consideration a recent rezoning at the Commerce Crossings and Old Preston intersection. Diane Zimmerman discussed details of the traffic study. Commissioner Carlson, Ms. Zimmerman and Mr. Talbott discussed this intersection in more detail, particularly with regard to left-turn traffic flow (see recording for detailed discussion.)

00:53:05 Commissioner Brown asked if the Fire Department has reviewed the proposed 30-foot easement that will serve the existing single-family lot. David Mindel said the applicant has not received any input from the Fire Department about that yet but will follow up with them.

00:54:22 In response to a question from Commissioner Mims, Ms. Zimmerman and Commissioner Brown reviewed some of the improvements to this intersection that will be provided by Thornton's for their project (see recording.)

00:57:58 Mr. Talbott concluded the applicant's presentation.

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00:58:54 Commissioner Carlson and Mr. Talbott discussed follow-up discussions with a neighbor on Walden, stemming from concerns raised at the last LD&T meeting. Commissioner Carlson said he wanted a statement from the Fire Department regarding the easement, either prior to or at the public hearing.

The following spoke in opposition to the request:
No one spoke.

Deliberation:
01:01:02 Commissioners' deliberation.

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.

01:02:12 The Committee by general consensus scheduled this case to be heard at the **February 3, 2022** Planning Commission public hearing.

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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).

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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).

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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