

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**December 10, 2020**

**OLD BUSINESS**

**CASE NO. 19-ZONE-0091**

Request: Change in Zoning from R-4 to R-5A with Detailed District Development Plan and Binding Elements  
Project Name: Regency Park  
Location: 8816-8820 West Manslick Road, Parcel 104900700000  
Owner: Cat VVB LLC  
Applicant: Cat VVB LLC  
Representative: Wyatt Tarrant & Combs  
Jurisdiction: Louisville Metro  
Council District: 14 – Cindi Fowler  
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:**

01:53:53 Ms. St. Germain 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

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

01:56:56 Mr. Baker stated, this case was continued to get an opinion from legal counsel, work with Planning and Design and Metro Public Works concerning the roads.

**The following spoke as other for this request:**

Councilwoman Cindi Fowler

**Summary of testimony of those neither for or against:**

02:03:08 Ms. Fowler asked what changes were made. Mr. Baker explained the request is still a condo regime. Ms. Fowler expressed her concerns regarding owners having financial issues, specifically, who would take over the property.

**Deliberation**

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02:01:30 LD&T deliberation.

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**The Committee by general consensus scheduled this case for the January 7, 2021 public hearing to be held online via Webex.**

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**Agency Testimony:**

03:06:12 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

03:10:49 Commissioner Brown stated, you said there's not enough width for public right-of-way and the applicant/developer wants to make a private driveway. Is that pavement width? Ms. St. Germain said it's the width between the front of the condos on one side and the front on the other side of the road.

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

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

Chris Thieneman, 3510 Bluegrass Park Drive, Louisville, Ky. 40218

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

03:12:12 Mr. Baker gave a power point presentation. There have been 3 in-person meetings and 1 virtual meeting with the neighbors. There has been a lot of feedback and some of the concerns include: drainage and the old trailer park and lack of accountability for the appearance of it. This is an opportunity to provide affordable housing (very needed). There needs to be numerous housing solutions and not just conventional apartment complexes. The proposal is a condominium regime' of mini-houses which will be built and brought to the site to be permanently placed on a foundation.

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Mr. Baker described the area. There will be perimeter screening. The number of units was decreased a couple of times.

03:26:16 Mr. Triplett stated the roadways are in bad shape but still existing on site. To keep the proposed units as affordable as possible, it makes sense to utilize the existing roadway network and make revisions/repairs as needed. The main drive is currently located within an access easement. The lots will be consolidated so the access easement will not be required any longer and can be released. There will be open space and other community recreational facilities within the development to provide amenities to the residents of this community. Some of the amenities include: pool, playground, picnic tables and gazebo. There will be walkways. The drainage will be collected and diverted off-site. There will also be dense plantings along the perimeter of the property as required. The stormwater will be captured on the property with swales, catch basins and underground pipes and diverted through the adjacent MSD property and outlet it to Pond Creek. The parking spaces will be adjacent to the clubhouse.

03:34:24 Mr. Baker showed some renderings of the small homes and the owners will be able to have input on the exterior design. The interior is small but there is a market for these types of homes. The same building materials will be used in small homes just as they are in larger homes.

03:37:20 Ms. Liu asked, even though the homes are built off-site, do they still meet the local building codes? Mr. Baker said they have to pass international building code as well as local. Also, can you elaborate more on the private street. Mr. Baker answered, no streets are proposed as it's going to be one lot. The driveways were a part of serving the previous use and it was taken over as is. It will be rebuilt so the driveway meets specifications in terms of how it's built, will meet a level of quality (durable) and Metro Public Works can inspect it. They aren't streets, public or private.

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

Renee Davis, 2907 Blevins Gap Road, Louisville, Ky.  
John Nolte, 107 Ridge Lake Circle, Peachtree City, Georgia  
Councilwoman Cindi Fowler, 14206 Polystaff Road, Louisville, Ky. 40272

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

03:39:19 Ms. Davis stated this proposal is the same as the former trailer park. Manslick Rd. will not be able to handle the additional traffic – a turning lane is needed. The proposal does not fit into the neighborhood development plan (density). This proposal will be the first of its kind in Jefferson County.

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03:41:14 Mr. Nolte said he is an adjacent property owner and would like to know the final number of units being proposed. Also, can the fire department adequately access the development?

03:42:02 Councilwoman Fowler stated she has the following concerns regarding this development: rural location with no sidewalks; no amenities close-by (not even accessible convenient store); modular-built home and the fact that the lots will not be owned by persons who build the homes – Will there be a lot rent?; What is the cost of the home?; What happens if a person builds a home, falls on hard times and loses their home, will it be sold or become a rental property?; Also, did the last neighborhood meeting pertain to this plan?

03:45:13 Mr. Baker said 95 units are being proposed. There is no lot rent as it's being set up as a condominium regime' – each unit will be owned by the resident. Once the Condo Association is turned over, collectively all residents will own the property. Mr. Thieneman said the cost per unit will be \$90,000 - \$100,000. Mr. Baker stated, the proposal is R-5A (not high for area) and there are a number variety of densities in the area. There's a convenient store not far away from the proposed site. The proposal is compatible, especially given the history of this site and its proximity to job sources. It's a great opportunity to put in some quality units at an affordable price with a creative design. Mr. Triplett said fire trucks will be able to access the property. Commissioner Carlson asked for the pavement width. Mr. Triplett said between 28 and 29 feet wide, some width will be dedicated to a walkway, which will leave 24 to 25 feet. Commissioner Carlson asked if there are any measures being taken to keep people from parking on the street. Mr. Triplett said it will be put in the Condo Association regulations. Also, each lot has extended driveways and garages for parking. Commissioner Carlson said some people may have large families and parking can spill out into the streets. This could be an issue for emergency vehicles. Mr. Triplett said these homes are not really made for large families. Commissioner Brown asked what the fees would be for the common area and maintenance. Mr. Thieneman said the Condo Association will make the determination of how much to collect. Commissioner Brown asked if the roads will support a 30-ton fire truck. Mr. Triplett said he doesn't know but can do some testing to find out. Mr. Thieneman said that's one of the first things his contractor wants to do is see what they're working with to determine a price. Commissioner Carlson said that information needs to be known sooner rather than later. Mr. Baker said it should be done at the construction phase. Ms. Liu said there should be a binding element. Ms. St. Germain said she doesn't have the language for that binding element at this time. Mr. Triplett said note 9 on the plan states: Existing drive lanes shall be modified to meet Public Works standards. Commissioner Brown asked what will be done regarding 6.2.1D requiring the directors of Public Works and Planning and Design Services to approve the situation of the private driveways on these lots. Mr. Baker said they're not creating private streets and they're not individual lots. Ms. Liu said a justification is needed regarding the street issue.

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**Deliberation**

04:14:33 LD&T deliberation.

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

**RESOLVED**, that the Land Development & Transportation Committee does hereby **CONTINUE** this case to the December 10, 2020 LDT meeting to allow the applicant and staff time to review the public/private road issue.

**The vote was as follows:**

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