

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

November 14, 2019

A meeting of the Land Development and Transportation Committee was held on Thursday, November 14, 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
Jeff Brown
Ruth Daniels (arrived 1:08 p.m.)

Committee Members absent were:

Staff Members present were:

Emily Liu, Director, Planning & Design Services
Joseph Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning Manager
Julia Williams, Planning Supervisor
Joel Dock, Planner II
Dante St. Germain, Planner II
Mark Dutrow, Engineer II
Laura Ferguson, Legal Counsel
Rachel Dooley, Management Assistant (minutes)

Others Present:

Tony Kelly, MSD

The following matters were considered:

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Approval of Minutes

Approval of the October 24, 2019 LD&T Committee Meeting Minutes

00:03:25 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on October 24, 2019.

The vote was as follows:

YES: Commissioners Brown

ABSENT: Commissioner Daniels

ABSTAIN: Commissioner Lewis, Peterson, and Carlson

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Case No. 19-ZONE-0065

Request: Change in Form District from Neighborhood to Suburban Workplace, change in Zoning from R-4 to PEC with Landscape Waivers, and a Detailed Development Plan

Project Name: Logistics Airpark North

Location: 5400 & 5402 Minor Lane & 3101, 3201, 3202, & 3206 Dupin Drive

Owner: Evangel World Prayer Center of KY Inc.

Applicant: Nicklies Development Inc.

Representative: Milestone Design Group; Nicklies Development

Jurisdiction: Louisville Metro

Council District: 13- Mark Fox

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.

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:

00:04:59 Julia Williams presented the case (see staff report and recording for detailed presentation.) Ms. Williams noted staff stated concerns with access points for industrial traffic on Minor Lane next to residential neighborhoods.

The following spoke in favor of the request:

Jim Calvary, 6060 Dutchmans Lane, Louisville, Kentucky, 40205

Summary of testimony of those in favor:

00:12:18 Jim Calvary clarified there is no industrial traffic through Minor Lane as of today and there is a proposed entrance onto the development. Mr. Calvary presented exhibits to Commissioners to indicate parking lots, entrances, and proposed berms.

00:17:18 Commissioner Carlson suggested signage at the intersection of Preston Highway and Minors Lane to deter industrial traffic on Minor Lane.

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Commissioner Carlson and Jim Calvary discussed barriers and gates (see recording for detailed presentation.)

00:23:30 Commissioner Lewis questioned the waiver, 10.2.12, regarding the justification to not provide ILAs or ILA plantings around the school area. Jim Calvary showed where proposed parking development will be, and the waiver area staff recommended. Mr. Calvary detailed the berm frontage on the development along Minor Lane.

00:24:30 Commissioner Brown asked Julia Williams if the berm will be part of the binding elements at Planning Commission. Julia replied it will be present in the binding elements.

The following spoke in opposition to the request:

No one spoke.

Commissioner Deliberation:

00:25:00 Commissioners' discussion (see recording for detailed discussion.)

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 placed this case for the **December 5, 2019** Planning Commission public hearing at the Old Jail Building.

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November 14, 2019

New Business

Case No. 19-ZONE-0023

Request: Change in zoning from R-4 to C-2, with Detailed District Development Plan and Binding Elements, and associated Waiver

Project Name: Chenoweth Run Road Contractor's Shop

Location: 3109, 3115, 3119 Chenoweth Run Road

Owner: Rober Lopez Castellanos

Applicant: Rober Lopez Castellanos

Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 11 – Kevin Kramer

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:

00:27:10 Dante St. Germain presented the case (see staff report and recording for detailed presentation.) Ms. St. Germain gave photos from the opposition to Commissioners. Dante stated there is a proposed night hearing at the East Government Center on December 16, 2019.

The following spoke in favor of the request:

John Talbott, 1000 N. Hurstbourne Parkway, Louisville, Kentucky, 40223

Summary of testimony of those in favor:

00:33:23 John Talbot presented a Power Point slide show (see recording for detailed presentation.) Mr. Talbott detailed the history of the site and addressed previous noise complaints voiced at neighborhood meetings. He noted the use and binding elements proposed would be a good transitional use for this

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New Business

Case No. 19-ZONE-0023

property. John explained the development plan, landscaping along Blankenbaker Parkway, and future plans to purchase an adjacent lot from KYTC.

00:54:16 Commissioner Brown asked if property is acquired from KYTC, would need to be rezoned. John Talbott stated it would need to be rezoned and the lot would remain as noise barrier.

The following spoke in opposition to the request:

Bob Rountree, 3905 Landherr Drive, Louisville, Kentucky, 40299

Robert Mosser, 3201 Chenoweth Run Road, Louisville, Kentucky, 40299

Joe Simon, 3205 Chenoweth Run Road, Louisville, Kentucky, 40299

Eleanor Stevens, 12105 Buck Horn Place, Louisville, Kentucky, 40299

Nola Osborne, 12103 Buckhorn Place, Louisville, Kentucky, 40299

Summary of testimony of those in opposition:

00:56:14 Bob Rountree, representing Deer Creek and Landherr Estates, presented petitions to Commissioners. Mr. Rountree stated concerns with increased noise. He noted the business would not enhance the neighborhood form district as it is not a commercial development useful for the surrounding residential areas.

01:06:34 Robert Mosser, adjacent property owner, stated the area is residential and not suited for commercial use. Mr. Mosser noted the noise from trucks and tree removal equipment on site.

01:08:34 Joe Simon presented photos to Commissioners (see recording for detailed presentation.) Mr. Simon expressed concerns with noise, debris on site, in/out traffic throughout the day, and diesel fumes from trucks. He asked who will enforce regulations if the rezoning is approved.

01:17:25 Eleanor Stevens, lives in adjacent property, stated concerns with traffic, noise, trash, drainage, and the possibility of direct road access to Blankenbaker Parkway (see recording for detailed presentation.)

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New Business

Case No. 19-ZONE-0023

01:21:36: Nola Osborne stated she agrees with previous opposition statements regarding waste management and decreased property value. Ms. Osborne noted she can see trucks and equipment on the site from Blankenbaker Parkway.

The following spoke in neither for nor against:

Scott Harrington, 601 W. Jefferson St. Louisville, Kentucky, 40202

Summary of those neither for nor against:

01:23:20 Scott Harrington asked if there will be access to information or in the public record detailing zoning enforcement actions. Dante St. Germain answered information from zoning enforcement will be included in the commissioner packets for the Planning Commission public hearing. Mr. Harrington requested clarification on the courts view regarding alleviating concerns via binding elements. Commissioner Lewis replied the applicant can address his question.

Rebuttal:

01:25:28 John Talbott address comments regarding this process not following rules or regulations (see recording for detailed presentation.) Mr. Talbott stated if the KYTC property is purchased it would remain as a buffer. Commissioner Brown and John Talbott discussed access to public records and binding elements (see recording for detailed presentation.)

Commissioner Deliberation:

01:28:36 Commissioners' discussion (see recording for detailed discussion.)

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 placed this case on the December 16, 2019 Planning Commission public night hearing at the East Government Center at 6:30 p.m.

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New Business

Case No. 19ZONE1029

Request: Change in zoning from R-4 to R-6, with Detailed District Development Plan and Binding Elements, and associated Waivers

Project Name: Hurstbourne Multi-Family

Location: 7000 Ridge Creek Road, 6601 Sunny Hill Road, 7191 S Hurstbourne Parkway

Owner: Hurstbourne Corporate Group, Bruce m Plymale Revocable Trust

Applicant: Hurstbourne Corporate Group

Representative: Mindel Scott & Associates

Jurisdiction: Louisville Metro

Council District: 2 – Barbara Shanklin, 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:

01:30:10 Dante St. Germain presented the case (see staff report and recording for detailed presentation). Dante noted technical questions for connections at Quail Ridge Road and Ridge Creek Road.

01:36:40 Commissioner Brown asked if Metro Council makes the final decision for development to extend road connections. Dante St. Germain detailed the LDC process for road connections (see recording for detailed presentation.)

The following spoke in favor of the request:

Kathy Linares, 5151 Jefferson Boulevard, Louisville, Kentucky, 40219.

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New Business

Case No. 19ZONE1029

Kent Gootee, 5151 Jefferson Boulevard, Louisville, Kentucky, 40219.

David Mindel, 5151 Jefferson Boulevard, Louisville, Kentucky, 40219

Summary of testimony of those in favor:

01:37:34 Kathy Linares, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Ms. Linares detailed the development plans for Tract I and Tract II. Kathy addressed road extensions to Ridge Creek Road and Quail Ridge Road and how this would affect the development (see recording for detailed presentation.)

01:49:16 Commissioner Lewis asked about management contact and postal service location for Tract II. Kathy Linares replied Kent Gootee will be able to answer her questions. Kent Gootee detailed apartments on Tract II will have a separate management entity from Tract I and postal service information will be available at the Planning Commission meeting.

01:52:24 Commissioner Daniels asked if the club house will only be available to residents on Tract I. Kathy Linares replied yes.

The following spoke in opposition to the request:

Joy Lynn, 5901 Woodhaven Ridge Court, Louisville, Kentucky, 40291

Rachel Jennette, 5907 Wood Haven Ridge Court, Louisville, Kentucky, 40291

Tosha Macon, 7103 Ridge Creek Road, Louisville, Kentucky, 40291

Joseph Wahlen, 7107 Ridge Creek Road, Louisville, Kentucky, 40291

Summary of testimony of those in favor:

01:53:40 Joy Lynn stated concerns with preservation of habitat and increased through traffic from the proposed connection (see recording for detailed presentation.)

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New Business

Case No. 19ZONE1029

01:56:38 Rachel Jennette stated concerns with road, multi-family use housing density, damage/noise from construction, and drainage. Ms. Jennette requested an environmental study to prevent destruction of habitat.

02:00:40 Tosha Macon expressed concerns with the road connection to Ridge Creek Road (see recording for detailed presentation.) She proposed a gate at the connection would prevent increased traffic while providing access to apartments for emergency services.

02:04:15 Joseph Wahlen stated Ridge Creek Road is a residential street and the road would need to be widened to accommodate the increased traffic. Mr. Wahlen noted the ideal connection is Quail Ridge Road (see recording for detailed presentation.)

02:06:36 Tosha Macon asked the development team would be opposed to a security gate (see recording for detailed presentation.)

Rebuttal:

02:08:00 Kathy Linares addressed the pre-blast survey, connection to Ridge Creek Road, security gate at the road connection, and preservation of the wildlife habitat for Tract I and Tract II (see recording for detailed presentation.)

Commissioner Deliberation:

02:11:28 Commissioners' discussion (see recording for detailed presentation.) Commissioner Brown noted Quail Ridge Road would be the ideal connection for the development and it would become a public road. Commissioner Carlson addressed the pros and cons of gated access to this development from Ridge Creek Road. Commissioners, Julia Williams, Kent Gootee, and David Mindel discussed the connection of Quail Ridge road to the development (see recording for detailed presentation.)

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New Business

Case No. 19ZONE1029

02:25:55 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 **CONTINUE** this case for the **December 12, 2019** Land Development and Transportation Committee meeting.

The vote was as follows:

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

Committee recessed for 10 minutes

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New Business

Case No. 19-ZONE-0057

Request: Change in zoning from R-4 to R-7, with Detailed District Development Plan and Binding Elements
Project Name: Clover Senior Housing
Location: 108 Urton Lane
Owner: Middletown Fire Protection District
Applicant: Clover Communities Urton LLC
Representative: McBride Dale Clarion
Jurisdiction: City of Middletown
Council District: 19 – Anthony Piagentini

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:

02:28:07 Dante St. Germain presented the case (see staff report and recording for detailed presentation). Dante noted there will be one public access to Meridian Hills Drive and a small private access to the adjacent fire station.

The following spoke in favor of the request:

Rob Sweet, 5721 Dragon Way, Suite #300, Cincinnati, Ohio, 45227

Andy Longstreet, 108 Urton Lane, Louisville, Kentucky, 40223

Summary of testimony of those in favor:

02:30:55 Rob Sweet, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Sweet noted binding element #7, "The multi-family units shall be age restricted to 55 years of age and older to comply with the Fair Housing Act and the Housing for Older Persons Act."

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New Business

Case No. 19-ZONE-0057

02:34:35 Commissioner Brown asked about the cut through complaint. Rob Sweet replied neighbors expressed concerns there would be a direct connection onto Urton Lane and create traffic.

02:35:12 Commissioner Carlson asked for the purpose of the gate connecting this development to the fire station. Rob Sweet replied the gate is to prevent traffic from cutting through this development and the fire station parking lots. Andy Longstreet, fire chief, stated the department requested this gate access. Mr. Longstreet said this new access point would help the station to avoid the intersection of Selbyville Road and Urton Lane. It would allow smaller vehicles faster response time to senior living facilities in the area.

The following spoke in opposition to the request:

Timothy England, 12609 Bernay Place, Louisville, Kentucky, 40243

Summary of testimony of those in favor:

02:37:18 Timothy England stated he is glad to know this development will not be affecting Urton Lane directly and the fire department is ok with this development.

Commissioner Deliberation:

02:37:59 Commissioners' discussion (see 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 placed this case for the **December 19, 2019** Planning Commission public hearing at the Old Jail Building.

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November 14, 2019

New Business

Case No. 19-ZONE-0028

Request: Change in zoning from R-4, single-family to R-7, multi-family with detailed plan
Project Name: Commerce Crossing Apartments
Location: 9711 Cooper Church Drive
Owner: James S and Jeanette Conder
Applicant: Capstone Realty, Inc.
Representative: Dinsmore & Shohl, LLP
Jurisdiction: Louisville Metro
Council District: 24 – Madonna Flood

Case Manager: Joel P. 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. 5th Street.)

Agency Testimony:

02:38:56 Joel Dock presented the case (see staff report and recording for detailed presentation). Mr. Dock noted the staff findings in the technical review are topographic issues, the requirements for sidewalks, and open space.

02:42:35 Commissioner Lewis and Joel Dock discussed sidewalk waiver applications (see recording for detailed presentation.)

The following spoke in favor of the request:

Cliff Ashburner, 101 S. 5th Street, Suite #2500, Louisville, Kentucky, 40202

Summary of testimony of those in favor:

02:43:20 Cliff Ashburner, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Ashburner noted the sidewalk technical issues will be resolved before the Planning Commission meeting.

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New Business

Case No. 19-ZONE-0028

02:46:32 Commissioner Carlson inquired if the apartments will need sound proofing material. Cliff Ashburner replied the sound study shows one apartment building will require treatment and the other proposed building is outside the 250 foot buffer area.

02:48:50 Commissioner Carlson and Cliff Ashburner discussed the future widening of Cooper Church Road (see recording for detailed presentation.)

The following spoke in opposition to the request:

No one spoke.

Commissioner Deliberation:

02:51:31 Commissioners' discussion (see recording for detailed presentation).

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The Committee by general consensus placed this case for the **December 5, 2019** Planning Commission public hearing at the Old Jail Building.

**MINUTES OF THE MEETING
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November 14, 2019

New Business

Case No. 19-ZONE-0060

Request: Change in zoning from R-4, single-family & OR-3, office-residential to C-2, commercial with detailed plan and variance(s)

Project Name: Commerce Crossings Retail

Location: 5210 Commerce Crossings Drive

Owner: Elda Acquisition, LLC

Applicant: Capstone Realty, Inc.

Representative: Dinsmore & Shohl, LLP

Jurisdiction: Louisville Metro

Council District: 24 – Madonna Flood

Case Manager: **Joel P. 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. 5th Street.)

Agency Testimony:

02:52:17 Joel Dock presented the case (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Cliff Ashburner, 101 S. 5th Street, Suite #2500, Louisville, Kentucky, 40202

Summary of testimony of those in favor:

02:54:33 Cliff Ashburner, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Ashburner detailed the subject property, walkability of the site, and the shared entrance with the adjacent office space business.

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New Business

Case No. 19-ZONE-0060

The following spoke in opposition to the request:

No one spoke.

Commissioner Deliberation:

02:54:33 Commissioners' discussion (see recording for detailed presentation).

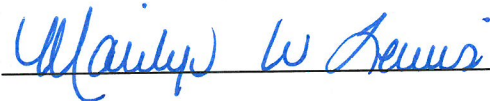
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The Committee by general consensus placed this case for the **December 5, 2019** Planning Commission public hearing at the Old Jail Building.

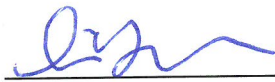
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The meeting adjourned at approximately 04:10 p.m.



Chairman



Division Director