

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

**July 26, 2018**

A meeting of the Land Development and Transportation Committee was held on Thursday, July 26, 2018 at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

Marilyn Lewis, Chair  
Richard Carlson, Vice Chair  
Jeff Brown

**Committee Members absent were:**

Rob Peterson

**Staff Members present were:**

Joseph Reverman, Assistant Director, Planning & Design Services  
Joel Dock, Planner II  
Paul Whitty, Legal Counsel  
Chris Cestaro, Management Assistant (minutes)

**Others Present:**

Beth Stuber, Transportation Planning  
Tony Kelly, MSD

The following matters were considered:

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**Approval of Minutes**

**Approval of the July 12, 2018 LD&T Committee Meeting Minutes**

00:12:51 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 July 26, 2018.

**The vote was as follows:**

**YES: Commissioners Brown and Carlson.**  
**NOT PRESENT: Commissioner Peterson.**  
**ABSTAINING: Commissioner Lewis.**

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**New Business**

**Schedule Night Hearing – Case No. 17SUBDIV1022**

**Request:** Conservation Subdivision creating 633 buildable lots on 237.16 acres  
**Project Name:** Covington by the Park  
**Location:** 4501 Taylorsville Lake Road, 15400 Taylorsville Road, and 4200, 4201, and 4111 Yellow Brick Road  
**Owner:** Long Run Creek Property Development, Inc.  
**Applicant:** Long Run Creek Property Development, Inc.  
**Representative:** Bardenwerper, Talbott & Roberts PLLC  
Mindel Scott & Associates  
**Jurisdiction:** Louisville Metro  
**Council District:** 20 – Stuart Benson

**Case Manager:** **Brian Davis, AICP, Planning & Design Manager**

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:**

00:14:00 Joseph Reverman, Assistant Director for Planning & Design Services, presented the case on behalf of Brian Davis. He said a petition has been received for a night hearing.

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

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40222

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

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00:16:05 William Bardenwerper, the applicant's representative, briefly presented the applicant's case (see recording for detailed presentation.) He said the statute regarding Planning Commission hearings refers only to zoning cases, not to subdivisions. Subdivision reviews (approval or denial) are ministerial actions, unlike rezonings. He disagreed with having a night hearing on a ministerial action.

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

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

Harrell Hurst, 16200 Taylorsville Road, Louisville, KY 40023

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

00:22:06 Steve Porter, said the opposition wants a night hearing (see recording for detailed presentation.) He said the opposition would agree to a night hearing on August 2, 2018 at 6:30 p.m. at the Old Jail Building.

00:25:18 Harrell Hurst, representing the Fisherville Area Neighborhood Association, said there is a strong opposition in the neighborhood to this development and the neighbors want a night hearing. He said 633 homes going in on this site will have an adverse impact on traffic, Floyds Fork, and infrastructure.

**00:26:45 Commissioners' deliberation**

00:26:45 Commissioner Lewis and Mr. Reverman discussed docket size and scheduling. Paul Whitty, legal counsel for the Planning Commission, said Mr. Bardenwerper is correct that subdivisions are ministerial actions. As far as applying the Comprehensive Plan, that is specifically authorized in urban county governments but not in local consolidated governments.

Mr. Porter said Chapter 7 Part 11 of the LDC states that Conservation Subdivisions are regulated and have a relationship to the Comprehensive Plan. Mr. Bardenwerper said the Conservation Subdivisions are related to the Comprehensive Plan but the decision-making is not.

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**Schedule Night Hearing – Case No. 17SUBDIV1022**

**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.**

00:37:01 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 request to schedule this case for August 2, 2018 at 6:30 p.m. at the Old Jail Building.

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

**NOT PRESENT: Commissioner Peterson.**

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**New Business**

**Case No. 16ZONE1027**

<b>Request:</b>	Change in zoning from R-4 and C-1 to R-6 with a variance and a District Development Plan
<b>Project Name:</b>	Unity Place Apartments
<b>Location:</b>	8016 Shepherdsville Road
<b>Owner:</b>	Barrister Commercial Group
<b>Applicant:</b>	Barrister Commercial Group
<b>Representative:</b>	Heritage Engineering
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	24 – Madonna Flood

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

**Agency Testimony:**

00:37:50 Joseph Reverman, Assistant Director of Planning & Design Services, presented the case on behalf of Julia Williams. He noted that this is the fourth time this case has come before LD&T (first heard in May 2018; twice in June 2018, and again today.) He said the Committee members requested more information on transportation and traffic.. He also noted that there was a typographical error on the agenda; the requested rezoning is from R-4 and C-1 to **R-6, not R-7**. The applicant has resubmitted a plan which eliminates an entrance on Shepherdsville Road (so there are now two total entrances on Shepherdsville Road). Adding a turning lane in front of this property was discussed; some outstanding Transportation comments which have not yet been addressed. See staff report and recording for detailed presentation.

He added that a petition has been received to hold a night hearing on this case at the Central Government Center.

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

Jon Baker, Wyatt Tarrant & Combs, 500 West Jefferson Street Suite 2800,  
Louisville, KY 40202

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

00:43:77 Jon Baker, the applicant's representative, presented the applicant's case and showed a Power Point presentation showing how the plan has been adjusted in response to comments from Metro Transportation Planning and Metro Public Works. He said he has also had continuing conversations with the attorney for the opposition, Steve Porter (see recording for detailed presentation.)

00:46:45 Mr. Baker said that, at the May LD&T hearing, the applicant was requested to expand the scope of the traffic study to include Famous Way. Mr. Baker said he objected to expanding the scope of a traffic study that late in the development process. However, the applicant did it and the updated traffic study has been provided to Transportation Planning.

00:51:12 Mr. Baker discussed some of the conversations the applicant has had with Mr. Porter. Some of Mr. Porter's concerns include: sight lines / building placement, the proximity of the parking lot (the applicant proposed berming the property perimeter), the tree-story structures in the front (the applicant maintains that three-story structures are appropriate along Shepherdsville Road.) No vehicular connection.

00:54:19 Commissioner Brown asked for more details about the Park and Ride for Phase II. Mr. Baker said the timing for that is dependent on TARC. Commissioner Brown also asked for a cross-section rendering that would give some idea of the viewshed from the surrounding residential properties.

00:55:24 Commissioner Carlson asked about a planned daycare facility, which is mentioned on page 7 of the traffic study. Mr. Baker said the daycare facility "is not...a priority for Phase I construction". Commissioner Brown said that a facility like that is considered "a pass-by use". Trips are internal to the site. He said the proposed improvements more than accommodate the increase in intensity.

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00:56:58      Commissioner Carlson also said he was concerned about the two-lane bridge across the stream and that there was not enough ROW to widen that. He was also concerned about pedestrian safety, and asked if maybe there could be a pedestrian bridge? Mr. Baker pointed out a pedestrian bridge that is included in the plan elsewhere on the site. He discussed the costs of having to acquire more ROW and building another bridge.

01:00:48      In response to a question from Commissioner Brown, Mr. Baker discussed a proposed sidewalk contribution for Robbs Lane. Further information will be provided about that at the public hearing.

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

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

Mary Kilkelly, 5003 Cedar Brook Court, Louisville, KY 40219

Gerry A. Boone, 8013 White Cedar Drive, Louisville, KY 40219

Rita Bernauer, 8206 Red Cedar Way, Louisville, KY 40219

Samuel and Judith Bennett, 8105 Shepherdsville Road, Louisville, KY 40219

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

Steve Porter spoke on behalf of his clients in opposition (see recording for detailed presentation.) He said issues raised from the last three meetings still have not been addressed; the only issue addressed by this new plan were the turning lanes off Shepherdsville Road. He requested another LD&T meeting to address the issues and also give his clients time to look at the new plan. Opposition issues include parking near his residents' homes in the Cedar area; height of the buildings; and whether or not a berm or buffer will be built/planted. Mr. Porter requested that the case be continued, or that any public hearing be put off a ways to allow for conversation between the applicant and the opposition.

01:05:50      Samuel Bennett Samuel Bennett lives across from the site on Shepherdsville Road. He said he is concerned about Robbs Lane and other roads being too narrow, and pedestrian safety. He said the developer won't meet with the opposition.



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01:07:17 Rita Bernauer is an adjacent property owner. She reiterated that neighbors were not informed or contacted about changes to the plan. She said the Committee has asked the applicant for traffic at Famous Way and Shepherdsville Road that has not been addressed. She said Famous Way is "vitally important" to this subdivision and is already heavily used for current residential and commercial traffic. She emphasized how busy the nearby shopping centers are off Judge Boulevard (Super WalMart, credit union, etc..) and other retail centers in the area. She reiterated that there is no room for sidewalks on Robbs Lane. Robbs Lane is a connecting road, which current residents use to get on the highway. It is a very heavily-traveled road with many accidents and heavy trucks. It cannot handle additional traffic and the road itself is starting to buckle from heavy trucks. She noted that there is already a daycare across the street from the development. She said there are State proposals to widen Shepherdsville Road in 2035, but none for the foreseeable future.

01:24:13 Gerry Boone discussed a report from KY State Police regarding accidents that are already happening along Robbs Lane / Shepherdsville Road area. The accidents are right in front of the subject site. Why are there going to be five-foot sidewalks in front of the property that aren't connected to anything? She entered a printout from the Kentucky State Police into the file record.

01:25:39 Mary Kilkelly asked about water runoff drainage into her property. The development site is above hers. She said she agreed with her neighbors regarding insufficient infrastructure and traffic.

**Rebuttal:**

01:29:13 Mr. Baker said there will be two detention basins on the site to handle drainage. Also, MSD is requiring the applicant to retain 50% more than current runoff. He discussed the back property line and said the applicant is coming up with solutions to address that. He said full color renderings will be shown at the public hearing. He added that he is willing to have a conversation with any neighbors about this development, whether or not they are represented by Mr. Porter.

**01:32:45 Commissions' deliberation.**

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**Case No. 16ZONE1027**

**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 on **Wednesday, August 22<sup>nd</sup>, 2018** at 6:30 p.m. at the Central Government Center, 7201 Outer Loop.

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**New Business**

**Case No. 18ZONE1015**

**Request:** Change in zoning from R-4 to CM with a Detailed District Development Plan, variance, and waivers

**Project Name:** Bluegrass Lawn & Garden

**Location:** 6502 Blevins Gap

**Owner:** James Kilgore

**Applicant:** James Kilgore

**Representative:** Dinsmore & Shohl, LLP

**Jurisdiction:** Louisville Metro

**Council District:** 14 – Cindi Fowler

**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:**

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

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

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

Jim Kilgore, 4509 Blevins Gap Road, Louisville, KY

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

Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He said that, at the neighborhood meeting, Councilwoman Fowler and neighbors

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**Case No. 18ZONE1015**

expressed concerns about sidewalks on Dixie Highway. It was agreed that sidewalks on Blevins Gap would not make much sense, but would be better on Dixie Highway; therefore, the applicant is offering the fee-in-lieu.

01:46:26 He discussed screening the loading area, and the gate. The gate could be closed at night for security reasons, but opened during the day when deliveries would be made. He said this could alleviate Metro Public Works' concerns about trucks backing up onto Blevins Gap. This could be resolved in the form of a binding element.

01:48:00 In response to a question from Commissioner Carlson, Mr. Ashburner discussed hours of operation (about 8:00 a.m. through 8:00 p.m.)

01:48:57 Jim Kilgore, the applicant, said that the only things planned to be stored in this area will be lawnmowers (in crates), etc. that are sold at Bluegrass Lawn & Garden. NO pesticides, fertilizers or chemicals.

01:50:10 Commissioner Carlson asked that an example of what the fence would look like be provided at the public hearing.

01:50:40 Commissioner Brown asked how the stored products get over to the showroom. Mr. Kilgore said one or two at a time, on a trailer. There will be no repairs going on in this building.

01:51:41 Commissioner Carlson said there appears to be parking for only two cars. Mr. Ashburner said that is correct.

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

No one spoke.

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**Case No. 18ZONE1015**

The Committee by general consensus scheduled this case to be heard at the **August 16, 2018** Planning Commission public hearing.

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**July 26, 2018**

**New Business**

**Case No. 18ZONE1022**

**Request:** Change in zoning from R-4 to C-1 with a Revised Detailed District Development Plan and street closure

**Project Name:** Ghasem – Factory Lane

**Locations:** 12910 Factory Lane

**Owner:** Ghasem Properties, LLC

**Applicant:** Ghasem Properties, Inc.

**Representative:** Bardenwerper, Talbott & Roberts PLLC

**Jurisdiction:** Louisville Metro

**Council District:** 19 – Julie Denton

**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:**

01:54:04 Joel Dock presented the case (see staff report and recording for detailed presentation.)

01:57:04 Mr. Dock noted that there was an omission from the staff report regarding the street closure. There was no discussion in this staff report regarding the street closure. He said he has been coordinating with utility agencies and forwarding their comments to Mark Madison (an applicant's representative). Any easements that any of the utility companies require will be provided prior to recording the street closure plat.

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

William Bardenwerper, Bardenwerper, Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40222

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**New Business**

**Case No. 18ZONE1022**

Mark Madison, Milestone Design Group, 108 Daventry Lane Suite 300,  
Louisville, KY 40223

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

01:58:00 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation (See recording for detailed presentation.)

02:03:35 Mark Madison, engineer for the project, continued the presentation and discussed the site plan in more detail.

02:07:48 In response to a question from Joseph Reverman, Assistant Director of Planning & Design Services, Mr. Madison said he did not know if a waiver had been approved for an existing building (see recording for location of building.) Mr. Bardenwerper said this information will be researched and presented at the Planning Commission meeting.

02:08:29 Mr. Bardenwerper finished the presentation.

02:09:26 In response to a question from Commissioner Carlson, Mr. Bardenwerper and Mr. Madison discussed sidewalks around the rear of the property. Mr. Madison said sidewalks would go to the far end of the building, but no sidewalks behind the building. Commissioner Carlson pointed out the location of an outside stairway behind the building and said that fire codes may require a sidewalk back there.

02:12:01 Commissioner Brown discussed the limits of the road closure. He was concerned about no sidewalks, public ROW, and no connectivity.

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

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

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

02:14:04 Cliff Ashburner, representing the owner of the adjacent property, spoke in opposition (see recording for detailed presentation.) He discussed the number of waivers, and how ROW dedication would change the plan.

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**Rebuttal:**

02:19:22 Commissioner Brown and Mr. Bardenwerper discussed the road closure, ROW, and making or not making connection/s. See recording for detailed discussion.

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00:24:39 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the **August 23, 2018** Land Development and Transportation Committee meeting.

**The vote was as follows:**

**YES: Commissioner Brown, Carlson, and Lewis.**

**ABSENT: Commissioner Peterson.**



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**The meeting adjourned at approximately 3:24 p.m.**

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***Chairman***

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***Division Director***