

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
March 12, 2020**

A meeting of the Land Development and Transportation Committee was held on, March 12, 2020 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Rob Peterson, Vice Chair
Richard Carlson
Jeffrey Brown
Ruth Daniels

Committee Members absent were:

Marilyn Lewis, Chair

Staff Members present were:

Emily Liu, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning and Design Manager
Julia Williams, Planning and Design Supervisor
Dante St. Germain, Planner II
Laura Ferguson, Legal Counsel
Beth Stuber, Engineering Supervisor
Pamela M. Brashear, Planning and Design Management Assistant

Others present:

Tony Kelly, Metropolitan Sewer District

The following matters were considered:

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
March 12, 2020**

APPROVAL OF MINUTES

FEBRUARY 27, 2020 LD&T COMMITTEE MEETING MINUTES

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

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on February 27, 2020.

The vote was as follows:

YES: Commissioners Brown, Carlson and Daniels

NOT PRESENT FOR THIS CASE: Commissioner Lewis

ABSTAINING: Commissioner Peterson

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
March 12, 2020

NEW BUSINESS

19-ZONE-0086

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

Project Name: South Park Road Apartments

Location: 4011 and 4201 South Park Road, 9007 Blue Lick Road

Owner: Joseph and Jacinta Kenny, LDG Development LLC, LDG Land Holdings LLC

Applicant: LDG Development LLC

Representative: Dinsmore & Shohl LLC

Jurisdiction: Louisville Metro

Council District: 24 – Madonna Flood

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:

00:03:50 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

Ms. St. Germain stated this case is not ready for a public hearing date to be set. Issues with MSD, Transportation Planning and Public Works need to be worked out. It's fine to hear this case in 2 weeks but if the issues are not resolved, it needs to be continued to a date uncertain.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, LLC, 101 South 5th Street, Suite 2500, Louisville, Ky. 40202

Michael Gross, LDG Development, 1469 South 4th Street, Louisville, Ky. 40204

Summary of testimony of those in favor:

00:09:32 Mr. Ashburner represents LDG Development and gave a power point presentation. One of the major concerns discussed at the neighborhood meeting was the fate of the neighbors on Narcissus Dr. and Delee Way. How will those streets be treated and what kind of disruptions would the connection of this development to those streets create to the residents of the neighborhood? They don't want the connections. There are entrances on South Park Rd. and Blue Lick Rd. Delee Way would have an

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
March 12, 2020

NEW BUSINESS

19-ZONE-0086

emergency gated entrance. The people that live on Delee Way and Narcissus Dr. will be provided with a dedicated turn around area and a potential emergency access.

The height variance is due to the 9 foot ceilings, an added cost to the developer but it produces a better product.

00:15:40 Mr. Ashburner stated he thought the issue regarding the drainage easement had been resolved. The alternative would be to go across another property on Narcissus Dr. to get down to the creek or look at re-grading the site.

00:16:33 Commissioner Carlson asked about the timing for this project. Blue Lick Rd. is being widened and was completely shut down for the drainage work. South Park Rd. is heavily travelled. The construction of the apartments should not take place at the same time as the Blue Lick Rd. widening. Mr. Ashburner said he thinks the widening is under way now and shouldn't be an issue. Commissioner Carlson asked him to confirm it.

00:17:56 Commissioner Carlson asked if there will be any pavement widening on South Park Rd. Mr. Ashburner said it's not shown on the plan and hasn't been requested. Also, is there a traffic study? Mr. Ashburner said yes, but he doesn't have a copy of it. Commissioner Carlson said traffic is backed up during peak hours and if there's an emergency, an emergency vehicle would have a very hard time getting through especially since there are no shoulders.

00:20:01 Commissioner Carlson said he found 2 mistakes in the justification statement. Mr. Ashburner will look at it.

00:22:04 Commissioner Carlson stated emergency services developed a list regarding gating. Can that be incorporated as a binding element? Mr. Ashburner said yes. Also, regarding the property that's being developed on Jefferson Blvd. by LDG, the fire department is having issues with them following the guidelines for the gate operation. Mr. Gross said he's not aware of that issue but will look into it. LDG has done many gated communities and there has never been an issue.

00:24:26 Commissioner Carlson asked if there are any concerns with the number of units being built. Are we over-saturating the market? Mr. Gross said there's a high demand for apartments and that demand is increasing.

00:27:57 Commissioner Carlson asked if there will be access to Fireman Park from the apartments. A bridge would be a nice amenity. Mr. Gross said he spoke with the neighbors but they are against it because people are trespassing on their property to

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
March 12, 2020

NEW BUSINESS

19-ZONE-0086

get there now. The trespassers don't know the boundaries between the park and the homeowners' properties.

The following spoke in opposition to this request:

Terry Rabalais, 9015 Blue Lick Road, Louisville, Ky. 40219
Carol Hadley, 4207 South Park Road, Louisville, Ky. 40219
Kimberlee Dettlinger, 4205 South Park Road, Louisville, Ky. 40219

Summary of testimony of those in opposition:

00:32:09 Ms. Rabalais stated the apartments are situated beside and behind her home. The following issues have been hard to deal with from the Circle K and storage unit across the street: traffic, trash, lights and noise. There are only 2 residences trapped between these. Other concerns are the wildlife and fencing.

00:39:51 Ms. Rabalais said she prefers a subdivision instead of the apartments.

00:47:47 Ms. Hadley stated her main concern is people in the 3-story building looking down on her back deck, back yard and family room. The traffic on South Park Rd. was unbearable when Blue Lick was closed. South Park Rd. needs to be widened. Other issues are drainage and height restrictions – the 3 stories does not fit into the aesthetics of the surrounding neighborhood. The subject property is elevated which will make the 3 stories even taller. No fencing or trees will help this situation.

00:51:41 Ms. Hadley stated there are tunnels under the quarry as well as sinkholes. They need to be checked out.

Ms. Hadley remarked, instead of trying to repair or renovate, there is a tendency to continue building more and more.

Ms. Hadley submitted pictures into the record.

00:55:58 Ms. Dettlinger stated her home has been broken into and she has a motion sensor on the front yard that is set off 2-3 times a week. It will be uncomfortable swimming in the pool because of the apartments and extra people. Traffic is an issue as well as people turning around in her driveway.

Ms. Dettlinger said she was told by the previous owner that there is a sinkhole on 4201 South Park Rd. Also, the tunnel across from her driveway has caved in and was filled in with bricks and rocks. The land (subject site) will be disrupted and could possibly cause a natural disaster.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
March 12, 2020

NEW BUSINESS

19-ZONE-0086

The following spoke neither for nor against the request:

Brenda Jackson, 9004 Delee Way, Louisville, Ky. 40219

Summary of testimony of those neither for nor against:

00:41:18 Ms. Jackson stated she is opposed to the connection to her neighborhood. The children play outside/in the street and there will be a safety issue with this connection. An emergency gate is fine.

00:43:04 Ms. Jackson submitted pictures into the record. The subdivision is small, the roads are narrow and there are more cars parked on the road. It's hard to get in and out now, so with additional traffic it will be worse. The roads are in bad shape as well (potholes).

00:46:11 Ms. Jackson stated she's not opposed to the development or LDG as they do very good work.

Rebuttal:

00:59:39 Mr. Ashburner stated the traffic study was submitted in February and there was no recommendation for road improvements. A karst study has been performed as well and there were no surface manifestation of karst features that needed to be worked around. Under the zoning designation of R-6, 3-stories is allowed and the 35 foot building height limitation is allowed under R-4.

01:01:44 Mr. Ashburner requests coming back to LD&T in 2 weeks to work out the easement issue. Commissioner Carlson asked if the applicant would be willing to do more landscaping than is required. Mr. Ashburner said Mr. Gross is working on it – planting more and planting early. Commissioner Carlson said he believes there might have been tunnels in the quarry (very deep), even though the karst report says there's no indication of any tunnels. Mr. Gross said there were 2 karst studies done and both revealed no tunnels on the subject property. Commissioner Carlson asked how far down they go to test for tunnels; also, if there is a tunnel they may not be detecting. Mr. Gross said he can ask again, but if there's a tunnel so far down as to not be detected, it does not create a negative impact on the proposed development.

01:05:53 Commissioner Carlson remarked if the opposition sees any evidence of karst features, they need to photograph it and bring it to the next meeting to let the experts explain it.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
March 12, 2020

NEW BUSINESS

19-ZONE-0086

01:06:10 Mr. Gross said he just texted the Construction Project Manager, regarding the gates at Jefferson Green, and there are no issues with the fire department. If Commissioner Carlson finds out otherwise, it will be addressed.

Deliberation

01:09:25 Vice Chair Peterson asked Ms. St. Germain if the 2 week time period is appropriate for this case. Ms. St. Germain stated she has no objections, but if they're not ready in 2 weeks, it will need to be continued to a date uncertain.

01:09:46 Commissioner Brown asked Ms. Stuber if she has reviewed the traffic impact study and did it look at turn lane warrants at South Park Rd. Ms. Stuber said she will check with Mark Dutrow. He's working on this case.

An audio/visual recording of the Land Development & 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.

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the March 26, 2020 LD&T meeting.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels and Peterson
NOT PRESENT AND NOT VOTING: Commissioner Lewis

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
March 12, 2020

NEW BUSINESS

20-ZONE-0007

Request: Change in zoning from R-4 to C-1, with Detailed District Development Plan and Binding Elements and associated Waivers with abandonment of CUP

Project Name: Mike's Carwash

Location: 2962 Breckinridge Lane

Owner: Taylorsville Road Realty

Applicant: Mike's Carwash

Representative: Dinsmore & Shohl LLC

Jurisdiction: Louisville Metro

Council District: 26 – Brent Ackerson

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:

01:12:20 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, LLC, 101 South 5th Street, Suite 2500, Louisville, Ky. 40202

Summary of testimony of those in favor:

01:18:20 Mr. Ashburner gave a power point presentation. A large portion of the parking will be converted to green space. Mike's Carwash is a family owned company based out of Ohio.

There's one customer entrance. There will be an express lane and it's a clean and well maintained operation. They walk the site every 2 hours to pick up trash.

Mr. Ashburner discussed the access points, which are existing, and the landscaping. The same kind of buffering concept that was in place when the Frisch's was approved is going to be carried over for Mike's Carwash.

The following spoke in opposition to this request:

Renee' Aldrich, 5151 Jefferson Boulevard, Suite 102, Louisville, Ky. 40219

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
March 12, 2020

NEW BUSINESS

20-ZONE-0007

Summary of testimony of those in opposition:

01:25:26 Ms. Aldrich with Paragon Management Group, the Association Manager for El Conquistador Condominiums Association stated there's a car wash being built 2,000 - 3,000 feet away on a very busy intersection already. Traffic is horrendous and people cut through El Conquistador's parking lot. Also, noise and continuous encroachment on the residential are concerns.

Ms. Aldrich said she received the first notice for this case, but not the second notice.

Rebuttal:

01:30:43 Mr. Ashburner said he will double-check the notice process. It's unusual for someone to be on the first list but not make it to the second. Regarding traffic and noise, after crossing Hikes Ln. and Breckinridge Ln., the noise will not be discernable. There is more road noise from Breckinridge Ln.

01:31:51 Mr. Ashburner stated, this site is best suited for auto-centric uses, on major roads and major intersections where there will be lots of cars. It's a great place for a car wash. The case is ready to go to the public hearing.

1:33:01 Commissioner Carlson requests a binding element regarding hours of operation. Mr. Ashburner agrees. Also provide a binding element for noise or some evidence regarding the sound pressures generated by the equipment versus the traffic noise. Mr. Ashburner said it's a central vacuum system so the motor for the vacuum is not actually at the car. Mr. Ashburner will provide that information for the record.

01:34:14 Commissioner Daniels asked if there will be signage for no loud music. Mr. Ashburner said yes.

Deliberation

01:36:03 Planning Commission deliberation.

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**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
March 12, 2020**

NEW BUSINESS

20-ZONE-0007

The Committee by general consensus placed this case on the April 2, 2020 public hearing at the Old Jail Building.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
March 12, 2020

ADJOURNMENT

The meeting adjourned at approximately 2:38 p.m.

Chair

Planning Director