

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

June 10, 2021

New Business

Case No. 21-ZONE-0003

Request:	NIGHT HEARING PETITION – Change in zoning from R-4 to R-6, with Detailed District Development Plan and Binding Elements
Project Name:	Lodges at Prospect
Location:	7312 River Road
Owner:	Eastwood Construction and Development
Applicant:	AGS Development LLC
Representative:	Dinsmore & Shohl
Jurisdiction:	Louisville Metro
Council District:	16 – Scott Reed
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:

00:06:13 Brian Davis explained there were parties interested in having an evening hearing but there were not enough signatures, due to some of them being disqualified. The night hearing is scheduled for the June 17, 2021 Planning Commission meeting. Dante St. Germain explained she let the individual organizing the petition know that it would be last on the agenda and the case would not be heard before 5:30 PM.

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.

No vote was necessary.

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May 27, 2021

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Agency Testimony:

00:05:20 Dante St. Germain presented the case and showed a PowerPoint presentation for the multi-family development with 44 units (see staff report and recording for detailed presentation.) She recommended this plan be sent to the Planning Commission for a public hearing.

The following spoke in support of the request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Louisville, Ky. 40202
Mark Madison, S.J. Anderson Builders Inc., 108 Daventry Lane, Suite 200,
Louisville, KY 40223

Summary of testimony of those in support:

Cliff Ashburner, the applicant's representative, discussed the proposed development of the plan. (See recording for detailed discussion and presentation.)

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In response to Commissioner Carlson's question about sidewalk connectivity, Cliff Ashburner responded that there weren't really any sidewalks along River Road and most of the sidewalks in the area are along Timber Ridge Drive. If residents wanted to walk, they would have to use the proposed sidewalk area along the frontage and then use the roadbed or in the right-of-way until getting to Timber Ridge Drive.

In response to Commissioner Carlson's question about other road improvement projects along River Road and their location in relation to this project, Cliff Ashburner explained there was one initiative between downtown and Zorn Avenue that would have road construction and additional pedestrian access. Another area in Indian Hills Trail has had discussion around additional pedestrian and biking infrastructure. Commissioner Brown explained this was still in planning and there was no proposed construction.

Commissioner Carlson asked if the trees along River Road would be preserved or removed. Cliff Ashburner said the trees are proposed to be preserved, however, once they dedicate the right-of-way, the trees will be under Louisville Metro's authority.

The following spoke in opposition to the request:

David Dafoe, 6302 Transylvania Beach Road, Prospect, KY 40059
Amanda Weinert, 6511 Mayfair Ave, Prospect, KY 40059
Meme Sweets Runyon, River Fields Inc., 1205 Story Ave, Suite 215, Louisville, KY 40204

Summary of testimony of those in opposition:

David Dafoe said he doesn't think it makes sense to put that many units in that small of a space. He also explained when it rains on Mayfair, there is water from that corner all the way to Mason Boulevard and that the water will stay there for days. He also said he is building a building close to this area and MSD is requiring a huge retention tank; for this project he noticed has the retention tank is off the Northeast corner when all the water will be on the south Mayfair side. He is concerned about this.

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Amanda Weinert asked what the criteria was for approving the waiver request for the right-of-way. She said there was a comment about existing sidewalks in the area, but there are not any sidewalks. She believes this comment might be the reason the waiver was approved and wanted further clarification. She also said the turning radius on Mayfair Avenue encroaches on the neighbor's property line. She also asked if the site plan has ensured that the fire department has proper access. Weinert commented that detached accessory structures, the covered parking units, appear to be longer than 100 feet in length which exceeds the limit. She also said the grating for sidewalk installation would have an impact on the mature tree roots. She also asked what the mitigation strategy for the root trees would be in case they were damaged by the sidewalk construction. She also asked if the sewer and stormwater connections would be made in River Road or in the easement to south and whose property those would be run-on to. Weinert said all the houses on the street are on septic. This exacerbates the issue of the stormwater runoff. She also asked if there is another site plan that hasn't been made available to the public that calls out those sewer and stormwater connections. She also asked if the downstream sanitary capacity facility requests had been received. She has concerns about the sanitary and stormwater exiting into the stream behind the complex, noting it is a significant amount of water. She also asked if MSD acknowledges the presence of hydric soils on the site and if they will need approval because these are considered wetlands. She also commented that the mulch path would not be easy to maneuver for people with accommodations such as strollers and wheelchairs and they should consider extending the sidewalk.

Meme Sweets Runyon has concerns about the density of the apartment complex on the parkway area. She explained they asked the developers to decrease the density because it would be the densest development on River Road. She also had concerns about the buffering and said they asked the developers to at least equal the same amount of buffering as Smithfield Greene, but the buffering is about half the size. She would like explanation for the waiver of the right-of-way. Commissioner Brown explained that under the Land Development Code, when properties meet a threshold, they are required to dedicate right-of-way, but they can apply for a waiver. Since River Road is classified as a minor arterial, the compromise was a 50-foot right-of-way dedication since it's likely more than that would never be needed to accommodate future improvements to River Road. Runyon also had concerns about the standing water and acute flooding in the area and would like an explanation for how all the water would be managed. Runyon expressed concerns for the trees along River Road. She believes there needs to be some evergreen buffering for the parkway. She said River Fields can

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not be in favor of this proposal, but they would like to work with the developers to find common ground if the plan is passed.

Rebuttal:

Cliff Ashburner said they would look at breaking up of the carports. He also said the fire department should be aware of the turning radius but will contact them to make sure. He believes the turning radius on Mayfair Avenue is within standard public works practice but would confirm that as well.

Mark Madison addressed the runoff water concerns and the lack of sewers in the area. He explained the process of using a stormwater detention basin to enter into the stream system. In response to Amanda Weinert's concern of the turning radius encroaching on the neighbor's property line, Madison responded that they can reduce it however many feet to make sure it isn't a problem. Weinert asked if it was the Transportation Department's request to make the entrance off Mayfair Avenue instead of River Road, to which Madison responded that was correct.

Commissioners' deliberation.

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The Committee by general consensus scheduled this case to be heard at the **June 17, 2021** Planning Commission public hearing.