

**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE  
October 8, 2020**

A meeting of the Land Development and Transportation Committee was held on, October 8, 2020 at 1:00 p.m. via Cisco Webex Video Teleconferencing. On the recommendation of the Louisville Metro Department of Health and Wellness regarding congregate events and social distancing, the Land Development and Transportation Committee meeting set for today was held online.

**Committee Members present were:**

Marilyn Lewis, Chair  
Rob Peterson, Vice Chair  
Richard Carlson  
Jeffrey Brown  
Ruth Daniels

**Staff Members present were:**

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

The following matters were considered:

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
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**APPROVAL OF MINUTES**

**SEPTEMBER 24, 2020 LD&T COMMITTEE MEETING MINUTES**

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

**RESOLVED**, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on September 24, 2020.

**The vote was as follows:**

**YES: Commissioners Brown, Peterson and Lewis**  
**NOT PRESENT FOR THIS CASE: Commissioner Daniels**  
**ABSTAINING: Commissioner Carlson**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES**  
**October 8, 2020**

**NEW BUSINESS**

**CASE NO. 20-STRCLOSURE-0013**

Request:	Closure of Public Right-of-Way
Project Name:	Magazine Street Apartments Alley Closure
Location:	Unnamed Alley off of 29 <sup>th</sup> Street
Owner:	Louisville Metro
Applicant:	LDG Development
Representative:	Cliff Ashburner, Dinsmore & Shohl
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Lacey Gabbard, AICP, Planner I

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:**

00:06:00 Ms. Gabbard discussed the case summary, standard of review and staff analysis from the staff report.

00:08:26 Commissioner Brown said the staff report states the alley extends southbound to Magazine St. but the plat has it extending north to Chestnut. Ms. Gabbard said the staff report is incorrect.

00:09:56 Commissioner Carlson asked if all the agencies have reviewed this proposal. Ms. Gabbard said it was distributed to the agencies. If they don't comment, there's usually no issue.

00:11:18 Mr. Reverman added, if there are any utility easements, we will need the comments before going to a public hearing.

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

Clifford Ashburner, Dinsmore and Shohl, 101 South 5<sup>th</sup> Street, Louisville, Ky. 40202  
Kelli Jones, Sabak, Wilson and Lingo, 608 South 3<sup>rd</sup> Street, Louisville, Ky. 40202

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

00:12:10 Mr. Ashburner said they have received approval from the Board of Zoning Adjustment, BOZA to construct the multi-family community. The proposal is to remove the existing industrial buildings and replace them with multi-family. The 2 alleys need to be closed. They are not being used and 1 has a building built over it. There is 100%

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**NEW BUSINESS**

**CASE NO. 20-STRCLOSURE-0013**

consent from property owners as well as the staff's support, we ask that this case be scheduled for Consent Agenda on next weeks' Planning Commission meeting.

00:17:00 Commissioner Daniels asked if they will be removing buildings from 29<sup>th</sup> St. to 30<sup>th</sup> from Magazine to Chestnut? Mr. Ashburner said yes.

00:18:49 Ms. Jones stated the alley shown going east/west is part of the closure. The other portion goes from the end of that alley to the north. It is not reflected as an alley in the LOJIC property lines.

**Deliberation**

00:21:24 Planning Commission deliberation.

**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 Carlson, seconded by Commissioner Peterson, the following resolution based on the 100% consent from property owners, Staff Analysis and Standard of Review and testimony heard today was adopted

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **SCHEDULE** this case for the October 15, 2020 Planning Commission Consent Agenda.

**The vote was as follows:**

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

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**NEW BUSINESS**

**CASE NO. 20-MSUB-0007**

Request:	Major Preliminary Subdivision
Project Name:	Olmsted Place Subdivision
Location:	2000 and 2050 Millvale Road
Owner:	Heel Give Plant, LLC and Donald and Myrna Hinkebein
Applicant:	RLM Construction Co. Inc.
Representative:	Land Design and Development
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Joel P. Dock, 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:23:41 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

00:30:20 Commissioner Brown inquired about the conditions of approval for the bridge bond. Mr. Dock said he will work at getting the language together and finalized.

00:30:50 Commissioner Carlson is requesting conditions of approval regarding the Geotechnical report – recommendations were made and the construction team needs to follow them. Mr. Dock said if they encounter any issues that weren't included in the report, they will need to work in close coordination with the Geotechnical Engineer during site development. Mr. Dock will get the language together by the end of the hearing.

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

Tanner Nichols, 400 West Market Street, Louisville, Ky. 40202  
Mike Hill, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222  
Bob Mc Auliffe, RLM Construction Company, Inc.

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

00:32:39 Mr. Nichols stated the plan fits the character of the neighborhood, but the 2 outstanding technical issues are the plan and the Geotechnical survey. We will work with the surveyor on creating as little disturbance as possible. Also, there will be roadwork – widening from 14 to 18 feet and work on the bridge.

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**CASE NO. 20-MSUB-0007**

00:34:47 Mr. Hill gave a power point presentation. The proposed site is surrounded on 3 sides by single family residential and the last side by a rehabilitation home. A significant amount of trees will remain as well as planting some street trees. We have been working (preliminary) with MSD regarding a stormwater runoff plan.

Mr. Hill said this proposed plan has no variances or waivers, no zone change request and it meets all the dimensional requirements of the Land Development Code. There are slopes on the property. There are no sidewalks in the area to connect to and it will be difficult to preserve the bridge and provide sidewalks across the bridge. The fee-in-lieu option will be utilized.

00:51:41 Mr. McAuliffe discussed the Woodford Place Trail that abuts the proposed site.

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

Shelly Niche, 211 Southern Walnut Place, Louisville, Ky. 40205  
Larry Sloan, 2304 Woodford Place, Louisville, Ky. 40205  
Rabbi Laura Metzger, 2179 Millvale Road, Louisville, Ky. 40205  
Mary Kay Korfhage, 2424 Douglas Boulevard, Louisville, Ky. 40205  
Erwin Cutler, 2249 Woodford Place, Louisville, Ky. 40205  
Leila George, Olmstead Parks Conservancy, Louisville, Ky.

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

00:54:05 Ms. Niche said she has questions about the staff report. Why did it refer to Cooper Chapel Rd.? Mr. Dock said he may have posted some incorrect information.

Ms. Niche asked if a traffic impact study will be done for the area. The new development will increase traffic in the area. Mr. Dock said no, it's not warranted. Ms. Stuber explained a little further.

00:59:57 Ms. Niche said the Geotechnical Report was submitted yesterday and the public didn't have enough time to review it.

01:06:26 Ms. Niche said it's misleading, in the staff report Case Summary, to say it's one open space lot when it's really access to the bridge. The applicant representative said the open lot is south of the bridge.

01:07:12 Ms. Niche said she's in favor of adding a trail off Woodford Place (in Neighborhood Plan), however MSD has spent thousands of dollars putting in a drainage basin. The applicant representative said it's all preliminary and worth exploring.

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01:12:15 Ms. Niche requests a walk-through of the proposed site. The applicant representative said yes, because there was a virtual neighborhood meeting on June 29<sup>th</sup> and September 11<sup>th</sup> and a walk-through with some of the neighborhood associations.

01:14:04 Mr. Sloan asked if it's possible to look at Woodford Pl. as being closed rather than building the trail. It will be a hazard for pedestrians. Commissioner Brown answered, the fee-in-lieu money will go into an account that will be at the discretion of the council member that represents district 8 so it's too premature to say those funds will go towards a path on Woodford Pl. If it comes to that point, there will be plenty of public involvement. This development will have no impact on Woodford Pl. as far as the trail is concerned.

01:16:12 Rabbi Metzger said the land is very hilly and choppy. What mitigation will there be for the neighborhood given that construction will require tree removal, bringing heavy equipment and blasting? The entire neighborhood will have to deal with these issues. Also, what effort will be made to deal with the traffic, noise, dirt and blasting damage for the neighborhood at large? Mr. Hill stated, regarding tree removal, we will comply with the Land Development Code as far as tree canopy. The requirement will be to keep a total of 40% covered with tree canopy. That will be a mixture of existing trees and future planted trees. A detailed landscape plan will be submitted to the Louisville Metro Planning and Design staff landscape architect that will specifically outline the 40%. The intent is to disturb as little as possible. All regulations will be adhered to regarding construction traffic. There is a main and rear entrance to the site. The developer is aware of the sensitive nature of the area (regarding blasting). The Geotechnical preliminary report indicates the proposed site is suitable for residential development with certain recommendations and guidelines being followed (local, state and federal). There is buffering around the proposed 6 lots.

01:26:06 Ms. Korfhage stated she's concerned about the environment, wildlife and sustainability of the area.

Ms. Korfhage asked the developer to explain to the committee, their experience of building a neighborhood. The applicant representative stated they are a well-known reputable company in Louisville and have been doing this work for a number of years.

01:34:55 Ms. Niche asks the LD&T committee to postpone making a decision today to allow the public to review the Geotechnical Report that was not part of the documents prior to today's meeting.

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01:35:18 Mr. Cutler asked, if the plan is or isn't approved today, what is the next step? Mr. Dock explained the process.

01:37:34 Ms. Korhage said she looked on Zillow and found the sale price for the 6 proposed lots to be \$2 million. Also, all the construction truck traffic will be using Douglas and Millvale. Ms. George said it sounds like the applicant intends to access the property off Millvale. Mr. Dock stated, roads are public and can be used by everyone.

**Rebuttal:**

01:44:23 The applicant representative stated they do not want to be delayed. The proposal is in compliance with the Land Development Code/Subdivisions. This is a preliminary phase and when it goes to construction phase, the Geotechnical Report can be reviewed.

01:46:18 Commissioner Brown asked, why isn't the proposed private access easement an extension of the public right-of-way up to the common property line? This will require written approval from the directors of Transportation and Planning and Design Services. Mr. Dock said the stub wouldn't be required because of the size. The applicant representative said they will dedicate it, but don't want to construct it.

Commissioner Brown said he would like more time to review the Geotechnical Report. The applicant representative stated the map and report both represent minimal, almost negligible, issues related to over 20% slopes.

01:55:02 Commissioner Brown stated (regarding road widening), by Ordinance 97, the road has to be reconstructed for width. The applicant representative said they will do whatever is required.

01:55:45 Commissioner Brown said language should be discussed for 2 conditions of approval. Mr. Dock said conditions of approval related to the Geotechnical investigation will be 15. The language for the bond on the roadwork will be condition of approval 16. Condition of approval 17 discusses the bridge repair recommendation. Another condition deals with blasting options and being in compliance with KRS. Commissioner Carlson said blasting regulations are not included in the Kentucky Revised Statutes, KRS, they are administrative regulations adopted pursuant to KRS. Commissioner Carlson recommended the following condition of approval: The developer shall offer pre-blast and post-blast surveys consistent with the Kentucky Blasting Regulations. The applicant representative agrees.

**Deliberation**



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02:15:36      Planning Commission deliberation.

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the October 15, 2020 Planning Commission meeting, limiting discussion to the Geotechnical Report (ONLY).

**The vote was as follows:**

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

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**ADJOURNMENT**

The meeting adjourned at approximately 3:21 p.m.

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**Chair**

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**Planning Director**

# LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES

## October 8, 2020

### ADJOURNMENT

The meeting adjourned at approximately 3:21 p.m.

DocuSigned by:

*Marilyn Lewis*

Chair

DocuSigned by:

*[Signature]*

Planning Director

