

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

**August 23, 2018**

A meeting of the Land Development and Transportation Committee was held on Thursday, August 23, 2018 at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

Rob Peterson, Vice Chair  
Richard Carlson  
Jeff Brown

**Committee Members absent were:**

Marilyn Lewis, Chair

**Staff Members present were:**

Emily Liu, Director, Planning & Design Services  
Joseph Reverman, Assistant Director, Planning & Design Services  
Julia Williams, Planning Supervisor  
Jay Lockett, Planner I  
Joel Dock, Planner II  
Travis Fiechter, Legal Counsel  
John Carroll, 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 August 9, 2018 LD&T Committee Meeting Minutes**

00:01:59 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 **APPROVE** the minutes of its meeting conducted on August 9, 2018.

**The vote was as follows:**

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

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**New Business**

**Case No. 18SUBDIV1012**

<b>Request:</b>	Revised Major Preliminary Subdivision – Request to CONTINUE to 9/13/18 LD&T meeting per Applicant
<b>Project Name:</b>	Catalpa Farms
<b>Location:</b>	3208 Old Clark Station Road
<b>Owner:</b>	Rhodes Group, LLC
<b>Applicant:</b>	Catalpa Farms, LLC
<b>Representative:</b>	Land Design & Development
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	20 – Stuart Benson

**Case Manager:** Jay Lockett, Planner I

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:**

00:02:37 Jay Lockett explained that the applicant is requesting a continuance because the property owner was not able to attend this meeting.

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

No one spoke.

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

No one spoke.

**An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning &**

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**New Business**

**Case No. 18SUBDIV1012**

**Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

00:04:16 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 September 13, 2018 LD&T Committee meeting.

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

**NOT PRESENT: Commissioner Lewis.**

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**New Business**

**Case No. 18ZONE1022**

<b>Request:</b>	Continued from 7/26/18 LD&T - Change in zoning from R-4 to C-1 with Revised Detailed District Development Plan and street closure
<b>Project Name:</b>	Ghasem – Factory Lane
<b>Location:</b>	12910 Factory Lane
<b>Owner:</b>	Ghasem Properties, Inc.
<b>Applicant:</b>	Ghasem Properties, Inc.
<b>Representative:</b>	Bardenwerper, Talbott & Roberts PLLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	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:**

00:04:43 Joel Dock requested that this case be continued to the September 13, 2018 LD&T meeting. He said staff received revised plans on Monday which had "significant changes". Staff, Public Works, and MSD will all need more time to review the revised plans.

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

No one spoke.

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

No one spoke.

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**New Business**

**Case No. 18ZONE1022**

**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.**

00:05:24 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 September 13, 2018 LD&T Committee meeting.

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

**NOT PRESENT: Commissioner Lewis.**

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**August 23, 2018**

**New Business**

**Case No. 18ZONE1038**

**Request:** Change in zoning from R-5B to C-1 with a Detailed District Development Plan and landscape waiver

**Project Name:** 1749 Frankfort Avenue

**Location:** 1749 Frankfort Avenue

**Owner:** Land Barker & Emily King

**Applicant:** Alexa Properties

**Representative:** Cliff Ashburner / Daniel O’Gara – Dinsmore & Shohl LLP

**Jurisdiction:** Louisville Metro

**Council District:** 9 – Bill Hollander

**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:**

00:06:03 Joel Dock presented the case (see staff report and recording for detailed presentation.)

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

Daniel O’Gara, Dinsmore & Shohl, 101 South Fifth Street Suite 2500, Louisville, KY 40202

Mike O’Leary, 1963 Payne Street, Louisville, KY

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

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**New Business**

**Case No. 18ZONE1038**

00:08:08 Daniel O’Gara, the applicant’s representative, presented the applicant’s case and showed a Power Point presentation (see recording for detailed presentation.)

00:15:10 Mike O’Leary, president of the Clifton Community Council, said the Board of Directors has voted to support the proposal.

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

No one spoke.

**The following spoke neither for nor against the request:**

Councilman Bill Hollander, 202 S. Peterson Avenue, Louisville, KY 40206

**Summary of testimony of those neither for nor against:**

00:16:03 Councilman Bill Hollander said he is concerned that no intended use has been stated. He said there is significant opposition along the street against additional bars or restaurants. He said it has been his position on Metro Council to not approve rezonings on Frankfort Avenue unless the intended use is stated, and unless binding elements are in place stating that, if the use changes, an additional hearing would be required.

00:17:13 Mr. O’Gara said the applicant will provide the intended use for the presentation at public hearing, and will also look at the condition of the portion of the fence that will be preserved.

00:18:31 Commissioner Carlson stated that, in the past, sometimes binding elements can be added which “bind out” certain uses if they are not appropriate, particularly in residential neighborhoods.

00:19:17 John Carroll, legal counsel for the Planning Commission, requested that the applicant submit the intended use of the property “well in advance” of the public hearing. Mr. O’Gara said the applicant would provide that information a week before the public hearing. Councilman Hollander said he would like to put this information in the District newsletter, since there is a great deal of interest among the neighbors.

00:21:03 Commissioner Brown suggested that the bike parking location be moved to the front of the building instead of at the rear.



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**New Business**

**Case No. 18ZONE1038**

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00:21:30 The Committee by general consensus scheduled this case to be heard at the **September 20, 2018** Planning Commission public hearing.

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**New Business**

**Case No. 18ZONE1039**

**Request:** Change in zoning from R-7 to C-1 with a Detailed District Development Plan, Conditional Use Permit for off-street parking in a residential zoning district, and a landscape waiver.

**Project Name:** 1860 Frankfort Avenue  
**Locations:** 1860 Frankfort Avenue  
**Owner:** Ally Properties  
**Applicant:** Alexa Properties  
**Representative:** Cliff Ashburner – Dinsmore & Shohl, LLP  
**Jurisdiction:** Louisville Metro  
**Council District:** 9 – Bill Hollander

**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:**

00:26:50 Joel Dock presented the case (see staff report and recording for detailed presentation.) He noted that there is a small error on the plan – “R-6” is stated, but should have been “R-7”. This error will be corrected before the public hearing. He also said he has received some public comments between the publishing of the staff report and today’s meeting – he handed out copies of those comments to the Commissioners.

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

Cliff Ashburner, Dinsmore & Shohl, 101 South Fifth Street Suite 2500, Louisville, KY 40202

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**New Business**

**Case No. 18ZONE1039**

Chris Crumpton, Bluestone Engineers (signed in to answer questions but did not speak.)

Mike O'Leary, 1963 Payne Street, Louisville, KY

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

00:29:28 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:38:13 Mike O'Leary, president of the Clifton Community Council, read a letter from the Board of Directors into the record (on file.) He said the Board has voted to support the proposed change in zoning and the Conditional Use Permit for the parking lot. However, the vote was not unanimous. Issues of concern include commercial zoning in this residential block; noise; parking; alcohol sales; and unruly patrons.

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

No one spoke.

**The following spoke neither for nor against:**

Councilman Bill Hollander, 202 S. Peterson Avenue, Louisville, KY 40206

**Summary of testimony of those neither for nor against:**

00:42:19 Councilman Bill Hollander said he has received calls from nearby residents, especially those in the adjoining properties, who are concerned that no intended use has been stated. He said there is significant opposition along the street against additional bars or restaurants. He said it has been his position on Metro Council to not approve rezonings on Frankfort Avenue unless the intended use is stated, and unless binding elements are in place stating that, if the use changes, an additional hearing would be required.

**Rebuttal:**

00:44:00 Mr. Ashburner said the applicant is aware of the neighbors' concerns about not knowing the use proposed for this site. He said that, between now and the public hearing, the applicant will prepare a list of "boundary

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conditions” - a list of uses that are objectionable, or not objectionable, and will work with residents.

00:45:02 Commissioner Brown suggested relocating the bike parking areas to the front of the building instead of the rear. Also, he asked about the “event space in the basement” – is that accounted for in the square footage? Mr. Dock explained about uses (see recording for detailed discussion.) The “event center” notations on the plans should be removed. Commissioner Brown asked about parking calculations.

00:46:48 John Carroll, legal counsel for the Planning Commission, asked Mr. Ashburner when they would have the intended uses submitted. Mr. Ashburner said the list would be submitted far enough in advance that it would be included in the staff report.

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The Committee by general consensus scheduled this case to be heard at the **September 20, 2018** Planning Commission public hearing.

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**New Business**

**Case No. 18ZONE1037**

**Request:** Change in form district from Regional Center to Suburban Workplace; change in zoning from R-4 and C-1 to CM with Waivers and a Detailed District Development Plan with binding elements

**Project Name:** New Cut Road Warehouse

**Locations:** 6008, 6108, & 6110 New Cut Road

**Owner:** George's Mobile Home Park; Mark & Terri Hass

**Applicant:** Exeter Property Group, LLC

**Representative:** Land Design & Development  
Galloway Egan Greenwald, PLLC

**Jurisdiction:** Louisville Metro

**Council District:** 13 – Vicki Aubrey Welch

**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:**

00:48:01 Julia Williams presented the case (see staff report and recording for detailed presentation.) She noted that she has been working with the applicant on screening a loading area that faces Outer Loop. She said the applicant will submit a landscape exhibit by the time of the public hearing.

00:52:07 In response to a question from Commissioner Carlson, Ms. Williams confirmed that this is an enlargement of an existing form district to the south (see recording for detailed discussion.)

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**Case No. 18ZONE1037**

00:53:37 Ms. Williams said she received letters from adjacent property owners in opposition to the proposal, and she handed out copies of those comments to the Commissioners.

00:53:53 Commissioner Brown asked why the building is not oriented the other way, so that the loading docks do not face Outer Loop. Ms. Williams said the applicant should provide details about this.

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

Kyle Galloway, 9750 Ormsby Station Road, Suite 210, Louisville, KY 40223

Ann Richard, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Tom Theobald, 5455 West 74<sup>th</sup>, Indianapolis, IN 46268

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

00:54:50 Kyle Galloway, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:56:52 Mr. Galloway showed the Development Plan, which shows the proposed screening for the loading area facing Outer Loop (previously mentioned by Ms. Williams during her presentation.)

00:57:07 He addressed Commissioner Brown's question about the orientation of the proposed structure.

00:58:28 He discussed cross-access agreements.

00:59:11 In response to a question from Commissioner Brown about a proposed signalized intersection, Mr. Galloway said the applicant is in discussions with KYDOT regarding traffic, a traffic study, and the intersection. Commissioner Brown also asked about a newly-started planning study for Outer Loop; Mr. Galloway said he was not familiar with this, but both agreed that it would not affect this development.

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01:00:24 In response to a question from Commissioner Carlson, Ann Richard, an applicant's representative, discussed trip generation and need for a traffic report. She said the trip generation level for this proposal is too low to trigger a traffic study requirement.

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

Jeff Donohue, 2101 Top Hill Road, Louisville, KY 40118

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

01:01:31 Representative Jeff Donohue spoke in opposition. He said there are enough warehouses in this area and the residents would like to see development more in keeping with the "Village Plan" to improve quality of life here. He noted some empty existing commercial development along New Cut Road, and also some empty existing warehouses.

**The following spoke neither for nor against the proposal:**

Elizabeth Alexander, Louisville, KY 40206

**Summary of testimony of those neither for nor against:**

01:05:19 Elizabeth Alexander, speaking on behalf of Councilman Vickie Aubrey Welch, said there has been a lot of citizen input regarding this development and requested a night hearing out in the district.

**01:06:25 Commissioners' deliberation**

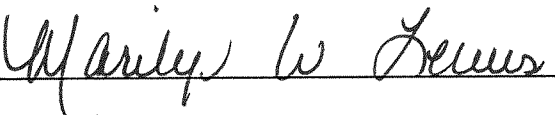
**An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**


The Committee by general consensus scheduled this case to be heard at the **September 20, 2018** Planning Commission public hearing.

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The meeting adjourned at approximately 2:10 p.m.

  
\_\_\_\_\_  
*Chairman*

  
\_\_\_\_\_  
*Division Director*