

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

January 13, 2022

A meeting of the Land Development and Transportation Committee was held at 1:00 p.m.on Thursday, March 11, 2021 via Webex Teleconferencing.

Committee Members present were:

Te'Andre Sistrunk, Chair
Jim Mims, Vice Chair
Rich Carlson
Ruth Daniels
Jeff Brown

Committee Members absent were:

No one

Staff Members present were:

Joseph Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning Manager
Julia Williams, Planning Supervisor
Dante St. Germain, Planner II
Molly Clark, Planner I
Joel Dock, Planning Coordinator
Laura Ferguson, 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 minutes of the December 9, 2021 Land Development and Transportation Committee meeting.

00:07:29 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 December 9, 2021.

The vote was as follows:

YES: Commissioners Carlson and Brown.

NO: No one.

ABSTAIN: Commissioners Mims and Sistrunk.

NOTE: Due to technical issues, Commissioner Daniels was present but was not able to vote.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
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NEW BUSINESS

Case No. 21-STRCLOSURE-0028

Request:	A proposed street closure for Linde Lane
Project Name:	Street Closure
Location:	Linde Lane, a street located near the intersection of Nash Road and Outer Loop
Owner:	Ayala Transport, LLC.
Applicant:	Mohammad Nouri, Concept 21, PLLC.
Representative:	Mohammad Nouri, Concept 21, PLLC.
Jurisdiction:	Louisville Metro
Council District:	13 - Mark Fox
Case Manager:	Molly Clark, Planner I

Agency Testimony:

00:10:06 Molly Clark presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:12:34 In response to a question from Commissioner Mims, Ms. Clark confirmed that the surrounding properties are owned by the same owner.

The following spoke in favor of the request:

Mohammad Nouri, Concept 21 PLLC, 1119 Rostrevor Circle, Louisville, KY 40205

Summary of testimony of those in favor:

00:13:46 Mohammad Nouri, the applicant's representative, presented the applicant's case (see recording for detailed presentation.) He noted that all of the surrounding parcels have been consolidated under one owner.

The following spoke in opposition to the request:

No one spoke.

Deliberation

00:15:44 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.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
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NEW BUSINESS

Case No. 21-STRCLOSURE-0028

00:16:49 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby place this case to be heard on the Consent Agenda at the **January 20, 2022** Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Mims, Carlson, Brown, Daniels, and Sistrunk.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
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NEW BUSINESS

Case No. 21-ZONE-0068

Request:	Cont'd from November 11, 2021 LD&T meeting - Change in zoning from R-6 to C-1, commercial with conditional use permit for outdoor alcohol sales and revised development plan
Project Name:	Ciao's Restaurant
Location:	1203 Payne Street
Owner:	Alfred Pizzonia, Jr. & Angelica Webster
Applicant:	Craig Priddy
Representative:	Bardenwerper Talbott & Roberts
Jurisdiction:	Louisville Metro
Council District:	4 - Jecorey Arthur
Case Manager:	Joel Dock, AICP, Planning Coordinator

Agency Testimony:

00:18:26 Brian Davis presented on behalf of Joel Dock. He said the applicant is requesting a two-week continuance, to the January 27, 2022 Land Development and Transportation Committee meeting.

The following spoke in support of the request:

Cliff Ashburner, Dinsmore & Shohl, 101 S 5th St #2500, Louisville, KY 40202

Summary of testimony of those in support:

00:19:07 Cliff Ashburner, the applicant's representative, confirmed that the applicant is requesting a two-week continuance to allow the applicant time to complete a required survey.

The following spoke neither for nor against 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 & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

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NEW BUSINESS

Case No. 21-ZONE-0068

00:20:16 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the **January 27, 2022** Land Development and Transportation meeting.

The vote was as follows:

YES: Commissioners Mims, Carlson, Brown, Daniels, and Sistrunk.

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NEW BUSINESS

Case No. 21-ZONE-0104

NOTE: Due to technical issues, Commissioner Daniels left the meeting at approximately 1:50 p.m. and did not hear or vote on this or the remaining cases.

Request:	Change in zoning from R-4 to R-7, with Detailed District Development Plan with Binding Elements
Project Name:	Old Preston Highway Apartments
Location:	10410 & 10414 Old Preston Highway
Owner:	Skaggs Family Trust
Applicant:	Highgates Development
Representative:	Mindel Scott & Associates John Talbott – Bardenwerper Talbott & Roberts PLLC
Jurisdiction:	Louisville Metro
Council District:	24 - Madonna Flood
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:

00:21:19 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:24:47 Ms. St. Germain reviewed some proposed binding elements that addressed some issues that come up at a prior LD&T meeting held in December, 2021 (see recording).

00:26:19 In response to a question from Commissioner Mims, Ms. St. Germain briefly discussed the conclusions of the traffic study (see page 10 of the study) and said that the applicant can give more details about the findings of the study.

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NEW BUSINESS

Case No. 21-ZONE-0104

00:27:47 In response to questions from Commissioner Mims, Ms. St. Germain discussed the spacing of landscape islands.

00:28:21 In response to a question from Commissioner Carlson, Ms. St. Germain discussed the access easement for the garage (it is permanent.)

The following spoke in favor of the request:

John Talbott, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

David Mindel, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Diane Zimmerman, 12803 High Meadows Pike, Louisville, KY 40059

Summary of testimony of those in favor:

00:29:31 John Talbott, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He mainly focused on some of the issues that were raised at the previous LD&T meeting and briefly reviewed the karst and geotechnical study, which was previously presented (done in July, 2021).

00:43:37 Commissioner Carlson asked if the traffic study took into consideration a recent rezoning at the Commerce Crossings and Old Preston intersection. Diane Zimmerman discussed details of the traffic study. Commissioner Carlson, Ms. Zimmerman and Mr. Talbott discussed this intersection in more detail, particularly with regard to left-turn traffic flow (see recording for detailed discussion.)

00:53:05 Commissioner Brown asked if the Fire Department has reviewed the proposed 30-foot easement that will serve the existing single-family lot. David Mindel said the applicant has not received any input from the Fire Department about that yet but will follow up with them.

00:54:22 In response to a question from Commissioner Mims, Ms. Zimmerman and Commissioner Brown reviewed some of the improvements to this intersection that will be provided by Thornton's for their project (see recording.)

00:57:58 Mr. Talbott concluded the applicant's presentation.

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NEW BUSINESS

Case No. 21-ZONE-0104

00:58:54 Commissioner Carlson and Mr. Talbott discussed follow-up discussions with a neighbor on Walden, stemming from concerns raised at the last LD&T meeting. Commissioner Carlson said he wanted a statement from the Fire Department regarding the easement, either prior to or at the public hearing.

The following spoke in opposition to the request:

No one spoke.

Deliberation:

01:01:02 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.

01:02:12 The Committee by general consensus scheduled this case to be heard at the **February 3, 2022** Planning Commission public hearing.

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NEW BUSINESS

Case No. 21-ZONE-0070

Request:	Change in zoning from UN to C-1 with a waiver
Project Name:	Portland House
Location:	2430 Portland Ave
Owner:	McKree Properties LLC
Applicant:	McKree Properties LLC
Representative:	McKree Properties LLC
Jurisdiction:	Louisville Metro
Council District:	5- Donna Purvis
Case Manager:	Joel Dock, AICP, Planning Coordinator

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:

01:02:57 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:08:02 In response to a question from Commissioner Mims, Mr. Dock said all of the parking is on-street; because the building is well over 50 years old, there is no minimum parking required per the revised Land Development Code.

01:08:40 In response to questions from Commissioner Brown, Mr. Dock confirmed that there is an existing driveway that could continue to serve the site, although no off-street parking is proposed. A rezoning could allow the Planning Commission to require the driveway to be removed and sidewalk improvements done.

01:09:32 In response to questions from Commissioner Mims, Mr. Dock confirmed that the sidewalks are concrete, not brick; Commissioner Brown said they appear to be granite curbs.

The following spoke in favor of the request:

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NEW BUSINESS

Case No. 21-ZONE-0070

Tess Krebs, McKree Properties LLC, 11400 Seatonville Road, Louisville, KY 40291

Summary of testimony of those in favor:

01:11:30 Tess Krebs, the applicant's representative, presented the applicant's case (see recording for detailed presentation.) She noted that the sidewalk is concrete, is extra-wide, and is in very good condition.

01:12:51 In response to a question from Commissioner Brown, Ms. Krebs said the intended use of the existing driveway is mostly aesthetic. It may be useful for rear-of-house deliveries.

The following spoke in opposition to the request:

No one spoke.

Deliberation:

01:15:17 Commissioners' deliberation.

Commissioner Brown expressed concern about the driveway, and commercial access. Joe Reverman, Assistant Director of Planning & Design Services, asked if there was a way to keep the driveway but limit the driveway/access to employee parking only. Mr. Dock said the State had no comment; however, this is a Land Development Code issue. See recording for detailed discussion.

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.

01:29:43 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the **January 27, 2022 Land Development and Transportation Committee meeting** to allow the applicant time to consider options and courses of action.

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NEW BUSINESS

Case No. 21-ZONE-0070

The vote was as follows:

YES: Commissioners Mims, Carlson, Brown, and Sistrunk.

ABSENT: Commissioner Daniels.

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NEW BUSINESS

Case No. 21-ZONE-0085

Request:	Change in zoning from R-4, OR, C-1, & C-2 to R-5A with a waiver
Project Name:	LDG on Cane Run Road
Location:	4516, 4524, & 4518 Cane Run Road
Owner:	Cane Run Properties LLC, Nutstreams LLC, & LDG Land Holdings LLC
Applicant:	LDG
Representative:	Cliff Ashburner - Dinsmore and Shohl LLP
Jurisdiction:	Louisville Metro
Council District:	1- Jessica Green
Case Manager:	Joel Dock, AICP, Planning Coordinator

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:

01:30:41 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) He noted that the existing binding elements from the rezoning in 2015 will be abandoned and new binding elements, specific to this project, would be adopted.

01:36:35 In response to a question from Commissioner Carlson, Mr. Dock discussed the existing binding elements, which were specific to uses that were being proposed at that time. The proposed binding elements have been written specifically for what is being proposed for this site. See recording for detailed discussion.

01:38:05 In response to a question from Commissioner Brown, Mr. Dock discussed entrances and possible restrictions on when certain buildings could be built, but said the applicant could provide more information on that (see recording.)

01:39:34 In response to a question from Commissioner Mims, Mr. Dock said the property only abuts Cane Run Road.

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NEW BUSINESS

Case No. 21-ZONE-0085

The following spoke in favor of the request:

Cliff Ashburner, Dinsmore and Shohl LLP, 101 South Fifth Street, Louisville, KY 40202

Derek Triplett, Land Design & Development, 503 Washburn Ave # 101, Louisville, KY 40222

Summary of testimony of those in favor:

01:40:47 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:47:26 Derek Triplett, an applicant's representative, discussed details about the entrance to the project (see recording.)

01:49:48 In response to questions from Commissioner Mims, Mr. Ashburner and Mr. Triplett discussed the roadway near Riverport Landings (the roadway is similarly constructed, and is the same width.)

01:52:39 In response to a question from Commissioner Carlson, Mr. Triplett said that tree preservation fencing will be erected along the 15-foot Landscape Buffer Area to protect the trees between the single-family housing and the proposed development. In response to another question from Commissioner Carlson, Mr. Triplett said there is no additional screening proposed between this site and the single-family properties adjacent to it except for the 15-foot Landscape Buffer Area and tree canopy. Both Mr. Triplett and Mr. Ashburner said there was very little neighborhood comment about landscaping or buffering.

The following spoke in opposition to the request:

No one spoke.

Deliberation:

01:55:05 Commissioners' deliberation.

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. 21-ZONE-0085

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 **February 3, 2022** Planning Commission public hearing.

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The meeting adjourned at approximately 2:56 p.m.

Chairman

Division Director