

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
February 10, 2022

NEW BUSINESS

Case No. 21-ZONE-0075

Request:	Change in zoning from R-4 to C-1
Project Name:	Hurstbourne Labs
Location:	9021 Taylorsville Road
Owner:	Barry and Dale Crawford
Applicant:	Barry and Dale Crawford
Representative:	Paul Whitty - Bardenwerper Talbott and Roberts PLLC. & Miller Wihry
Jurisdiction:	Louisville Metro
Council District:	11- Kevin Kramer
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. 5th Street.)

Agency Testimony:

02:11:21 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

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

Summary of testimony of those in favor:

02:17:20 Paul Whitty, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He noted that the City of Forest Hills is "adamantly opposed" to having any vehicular access onto Axminster Drive. He asked that a binding element be put on the General Plan stating that there be no vehicular access from the subject site onto Axminster Drive.

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02:30:47 Commissioner Carlson and Mr. Whitty discussed the C-1 zoning classification for the proposed use. Commissioner Carlson's concern was that some C-1 uses may not be appropriate for a residential area.

The following spoke neither for nor against the request ("Other"):

Scott Harrington, legislative assistant to Councilman Kevin Kramer, 601 West Jefferson Street, Louisville, KY 40202

Summary of testimony of those neither for nor against ("Other"):

02:34:56 Scott Harrington reiterated Commissioner Carlson's concerns that some uses in C-1 would not be appropriate for a residential area. He requested that, if there is a change of use, not only does it come back before the Planning Commissioners, it should go before the Louisville Metro Council as well.

02:38:09 Mr. Whitty said the applicant would be willing to agree to a binding element limiting uses to medical laboratories, and also require Planning Commission and Metro Council approval.

The following spoke in opposition to the request:

David Poynter, 2117 Canterbrook Drive, Louisville, KY 40299

Summary of testimony of those in opposition:

02:39:25 David Poynter reiterated Commissioner Carlson's concerns. He discussed a nearby property (across the street) that had been rezoned as C-1 for a martial arts school which did not develop; however, that C-1 zoning has now allowed for a proposed dog kennel. He said the one-entrance neighborhood has experienced a lot of "turnaround traffic" coming in from Taylorsville and Hurstbourne.

Rebuttal:

02:41:33 Mr. Whitty said Mr. Poynter's concerns had also been explained to the applicant by the legal counsel for the City of Forest Hills. He said the applicant must have access to Taylorsville Road, and that is why the Childers' site has a note on its plan stating that they would have to provide access for the subject site in the event that the site will be a non-residential use. He said the applicant is willing to agree to a binding element stating that the use on the subject site will be a medical lab only, and that any change of use would have to

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go before the Planning Commission and Metro Council. See recording for detailed presentation.

Deliberation:

02:43:38 Commissioner Brown questioned the proposed binding element/s regarding no access to Axminister Drive. He said that, if the crossover access does not go through on the Childers' property, then the subject site would have no access to Taylorsville Road. Mr. Whitty said that was correct; and unless and until the applicant has that agreement, the plan cannot go forward.

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