

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

February 24, 2022

A meeting of the Land Development and Transportation Committee was held at 1:00 p.m. on Thursday, February 24, 2022 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:

None.

Staff Members present were:

Joseph Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning Manager
Julia Williams, Planning Supervisor
Dante St. Germain, Planner II
Jay Lockett, Planner II
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 February 10, 2022 Land Development and Transportation Committee meeting.

00:04:20 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 **APPROVE** the minutes of its meeting conducted on February 10, 2022.

The vote was as follows:

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

ABSENT: Commissioner Daniels.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
February 24, 2022

OLD BUSINESS

Case No. 21-ZONE-0068

Request: **Cont'd from the February 10, 2022 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: Dinsmore & Shohl, LLP - Cliff Ashburner
Jurisdiction: Louisville Metro
Council District: 4 - Jecorey Arthur
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:

00:05:10 Joel Dock gave an update on the proposal (see recording for detailed presentation.)

00:09:00 In response to questions from Commissioner Mims, Mr. Dock said the applicant has worked through all of the potential building code issues and the open enforcement on this case. The issue/s that staff and the LD&T Committee were having was approving a plan that could not be permitted. Staff did not feel that it was appropriate to move forward with a plan that ultimately could not receive a building permit. That would lead to the applicant having to come back with revisions. See recording for detailed discussion.

00:10:38 In response to a question from Commissioner Carlson, Mr. Dock said this plan has come before the LD&T Committee four times, counting today. Mr. Dock discussed some communication issues that had prevented this plan from being heard in entirety today.

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OLD BUSINESS

Case No. 21-ZONE-0068

The following spoke in favor of the request:

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

Summary of testimony of those in favor:

00:12:37 Cliff Ashburner, the applicant's representative, briefly re-stated the applicant's reasons for requesting a continuance.

00:14:20 In response to questions from Commissioner Mims, Mr. Ashburner said his client preferred not to continue to a date uncertain (see recording for detailed discussion.)

00:16:19 Commissioner Brown asked if there had been any changes to the plan that might trigger a new waiver. Mr. Dock said all of the necessary applications had been requested/received. Staff is aware that various waivers and variances along the property line, and where those waivers and variances have been requested. Mr. Ashburner said the new version of the plan includes a wall, instead of fencing, along the adjoining property line.

00:20:09 Commissioner Carlson and Mr. Ashburner discussed the firewall rating and who was reviewing it. Commissioner Carlson also requested that the applicant provide more detailed information about sound attenuation.

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

00:22:55 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 **March 10, 2022** Land Development and Transportation Committee meeting.

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OLD BUSINESS

Case No. 21-ZONE-0068

The vote was as follows:

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

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
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OLD BUSINESS

Case No. 21-ZONE-0134

Request:	Cont'd from the February 10, 2022 LD&T meeting - Change in zoning from R-4 & C-1 to R-6, with Detailed District Development Plan with Binding Elements
Project Name:	Greenburg Lower Hunters Trace
Location:	2328 & 2400 Lower Hunters Trace, 2403 Cady Court
Owner:	George Gagel
Applicant:	Select Homes
Representative:	Dinsmore & Shohl
Jurisdiction:	Louisville Metro
Council District:	12 - Rick Blackwell
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:

00:24:37 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) She noted that a night hearing petition has been received and verified.

00:29:17 In response to questions from Commissioner Mims regarding road improvements, Ms. St. Germain said the applicant said that proposed road improvements had been reviewed by Public Works. Commissioner Brown said he had reviewed this plan and it appears to meet all the dimensional requirements (see recording for detailed discussion.)

00:31:35 In response to questions from Commissioner Carlson, Ms. St. Germain discussed the second access point to Cady Court (see recording for detailed discussion.)

The following spoke in support of the request:

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OLD BUSINESS

Case No. 21-ZONE-0134

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

Summary of testimony of those in support:

00:33:07 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:35:35 In response to questions from Commissioner Mims, Mr. Ashburner confirmed that the Cady Court connection will be a full connection and not a gated access.

The following spoke in opposition:

Ken Rogers, 6505 Cady Drive, Louisville, KY

Summary of testimony of those in opposition:

00:38:29 Ken Rogers expressed concerns about flooding, traffic, and density. He said he does not have any issues about the proposed left turn lane. He said he will testify more about his concerns at the public hearing.

Rebuttal

00:40:11 No rebuttal.

Deliberation:

00:40:27 Commissioners' deliberation.

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00:43:43 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby schedule this case to be heard on **March 14, 2022 at**

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OLD BUSINESS

Case No. 21-ZONE-0134

**6:00 p.m. at the Southwest Government Center, located at 7219 Dixie Hwy,
Louisville, KY 40258.**

The vote was as follows:

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

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February 24, 2022

OLD BUSINESS

Case No. 21-ZONE-0102

Request:	Cont'd from the February 10, 2022 LD&T meeting - Change in zoning from R-4 to R-7 with a landscape waiver
Project Name:	Freys Hill Multi-Family
Location:	3323 & 3325 Freys Hill Road
Owner:	Deerfield Co. Inc.
Applicant:	LDG Multi-family LLC
Representative:	Dinsmore and Shohl PLLC. & Sabak Wilson and Lingo
Jurisdiction:	Louisville Metro
Council District:	17- Markus Winkler
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:

00:43:48 Julia Williams said the applicant is requesting that this case be **continued to the March 10, 2022** Land Development and Transportation Committee meeting. The applicant is requesting this because they are working out a second entrance and defining where that location is. They should have a plan showing that entrance by the next LD&T meeting.

The following spoke in favor of the request:

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

Kelli Jones, Sabak Wilson & Lingo, 608 S 3rd St, Louisville, KY 40202 (was present but did not speak)

Summary of testimony of those in favor:

00:45:15 Cliff Ashburner, the applicant's representative, reiterated Ms. Williams' presentation.

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OLD BUSINESS

Case No. 21-ZONE-0102

The following spoke in opposition to the request:

Mary Boyce, 10410 Kimberly Hill Boulevard, Louisville, KY 40241

Summary of testimony of those in opposition:

00:47:13 Mary Boyce expressed concerns about traffic and transportation issues; the height of three stories of the buildings; lighting; and security.

Rebuttal:

00:48:29 Mr. Ashburner declined rebuttal.

Deliberation:

00:48:38 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.

00:55:02 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 **March 10, 2022** Land Development and Transportation Committee meeting.

The vote was as follows:

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

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
February 24, 2022

NEW BUSINESS

Case No. 22-STRCLOSURE-0004

Request:	Closure of Public Right-of-Way
Project Name:	Fegenbush Ln Closure
Location:	Portion of Fegenbush Ln ROW adjacent to 5905 Fegenbush Ln
Owner/Applicant:	Hull St Condominiums
Jurisdiction:	Louisville Metro
Council District:	2 - Barbara Shanklin
Case Manager:	Jay Lockett, AICP, 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. 5th Street.)

Agency Testimony:

00:56:17 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:57:46 Commissioner Mims asked why the Louisville Metro Council did not agree with this closure. Joe Reverman, Assistant Director of Planning and Design Services, said Metro Council's main concern was that there was not a proposed development Plan associated with this request when it was put before thme about a year ago. He said nothing is different from the last time it came through; the last plan is expired. Mr. Lockett said the applicant has a presentation which addresses proposed use of the land.

The following spoke in favor of the request:

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

Matt Elder, 5905 Fegenbush Lane, Louisville, KY

Summary of testimony of those in favor:

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NEW BUSINESS

Case No. 22-STRCLOSURE-0004

01:00:53 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:05:35 Commissioner Carlson asked how closing this ROW and blocking the access would address illegal dumping. Mr. Pregliasco said that, once this property is enclosed and passed to the ownership of the applicant, the applicant would be responsible for stopping the dumping and obligated for maintaining it. Mr. Reverman said the adjacent property owners are required to maintain the ROW in front of their property anyway. See recording for detailed discussion.

01:09:11 Commissioner Carlson asked if there had been any communication regarding this case to the Metro Councilperson for this district (Councilperson Shanklin.) Mr. Pregliasco said there had been discussion; he can provide more detail about that at the public hearing. He said this case is ready for a public hearing because there are no technical issues or aspects requiring further review. This would be a public hearing item; **NOT** a Consent Agenda item. See recording for detailed discussion.

01:12:58 Commissioner Mims asked Mr. Pregliasco if he/the applicant has been communicating with Wyatt Tarrant & Combs (the developer's attorneys) regarding this closure issue. Mr. Pregliasco said he is representing the owner/s of the property immediately adjacent to this site. See recording.

01:15:29 In response to a question from Commissioner Sistrunk, Mr. Pregliasco said other reasons for closing the ROW are: it is excess ROW that is no longer needed or being used; it is not being maintained; and the adjoining property owner is looking to develop this property and is looking to present a visual street frontage.

01:16:53 Matt Elder, the owner of the adjacent property, said that, since the proposal was denied by Metro Council the last time, the applicant has spoken with Councilpersons Flood, Peden and Shanklin regarding how the land would be used. (See recording for detailed presentation and discussion.)

The following spoke in opposition to the request:

No one spoke.

Rebuttal:

01:20:35 There was no rebuttal.

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Case No. 22-STRCLOSURE-0004

Deliberation:

01:20:46 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 **April 7, 2022** Planning Commission public hearing.

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NEW BUSINESS

Case No. 20-ZONE-0126

Request:	Change in zoning from R-5 to R-6, with Detailed District Development Plan with Binding Elements, Variances and Waivers
Project Name:	N Crestmoor Avenue Rezoning
Location:	100 N Crestmoor Avenue
Owner:	Michael Frank & Lauren Riney
Applicant:	Michael Frank Representative: Mindel Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	9 - Bill Hollander
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:

01:23:40 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:31:25 In response to a question from Commissioner Mims, Ms. St. Germain discussed the carriage house garage. She pointed out a unit on the plan that may not meet the definition of an accessory dwelling unit (see recording for detailed discussion.)

01:34:28 In response to questions from Commissioner Mims, Ms. St. Germain used an aerial photo to point out some types of developments in this area that may be similar to this one.

01:35:42 In response to a question from Commissioner Carlson, Ms. St. Germain said it is the property owners' responsibility to prevent residents from parking on the driveway. Commissioner Carlson also asked if the owners' have a Certificate of Occupancy for residential use on the upper story of the garage. Ms. St. Germain said it was not considered by the Building Department to be a separate dwelling unit, but it was residential space. Joe Reverman, Assistant Director of

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NEW BUSINESS

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Louisville Metro Planning & Design Services, said some type of permit would be necessary because they are changing the occupancy type.

01:38:21 Commissioner Carlson pointed out that the alley is shown on the plan as 18-feet wide. If it is to be used for fire/emergency vehicle access, it should be 20 feet wide.

01:39:06 In response to a question from Commissioner Mims, Beth Stuber, with Metro Transportation Planning, said that the alley appears to be about 15 feet wide (based on site visits and scaling on the plan.) Ms. Stuber said Transportation Planning has not seen any widening plan regarding this and has no commitment from the developer to widen it.

01:41:18 In response to questions from Commissioner Daniels, Ms. St. Germain said there is a standard binding element stating that a Certificate of Occupancy must be obtained before opening up the dwelling unit over the garage

The following spoke in favor of the request:

Kent Gootee, Mindel Scott & Associates, 5151 Jefferson Blvd, Louisville, KY 40219

Michael Frank, 100 North Crestmoor Avenue, Louisville, KY 40206

Summary of testimony of those in favor:

01:42:15 Kent Gootee, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He showed new elevations and noted that the driveway has been shown to be removed.

01:55:35 Michael Frank said that, when he was processing plans for the garage, he had hired a developer and "went through all the proper channels" on the permits (electric, fire resistance, etc.) and had the property inspected. He said that he had Captain Philip Sabo, Fire Department District 9, come out to inspect the property and note the location of fire hydrants. He said he and the Fire representatives measured the road, which is 16 feet. He discussed in detail what was covered with the Fire Department (see recording for detailed presentation.)

01:59:32 Mr. Gootee concluded his presentation.

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NEW BUSINESS

Case No. 20-ZONE-0126

02:00:02 In response to questions from Commissioner Carlson, Joe Reverman, Assistant Director of Planning & Design Services, noted that it is a joint decision between Fire Departments and the Director of Public Works to determine whether a road is wide enough. See recording for detailed discussion.

02:04:15 In response to a question from Commissioner Carlson, Mr. Gootee said the property is in a karst district and so the applicant had to perform a karst survey; however, there is no karst on the site. Mr. Gootee expressed no objection to a binding element stating that recommendations from a geotechnical survey will be followed prior to construction (see recording.)

02:06:30 Commissioner Carlson and Mr. Frank discussed the Certificate of Occupancy and the deed restriction put on the property which prohibits the accessory dwelling unit from being sold separately (see recording.)

02:08:22 Mr. Reverman discussed the pavement width/ Arterburn Avenue issue. If Metro Transportation has not signed off on this, then this is a key technical issue that should be resolved before moving the case forward.

The following spoke in opposition to the request:

Emily Paprocki, 135 Blackburn Avenue, Louisville, KY

Grace Hawkins, 101 Blackburn Avenue, Louisville, KY 40206

Edward Harlan, 102 North Crestmoor Avenue, Louisville, KY 40206

Summary of testimony of those in opposition:

02:11:55 Emily Paprocki, a nearby resident, said the zoning category was put in place to prevent this type of development from taking place. She said there were no images of the existing house or carriage house from street level view in the presentation that the neighbors were shown. She said there were no elevations or a site plan associated when the garage was built. She said she is concerned about a tri-plex in the backyard, given the issues with the garage. She asked if the existing garage wall is required to be fire-rated. She said the applicant has taken down the large elm tree shown on the site plan. She also has questions about parking.

02:15:30 Grace Hawkins said she lives directly behind the property. She showed pictures of two large trees that would have to be removed to accomplish

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the road widening. She said the renderings are “deceiving” and the project does not fit in with the neighborhood.

02:17:36 Edward Harlan, an adjacent property owner, said he would prefer to defer his comments to a future LD&T meeting, if there is one. He said he requested that the plan receive sign-offs from Fire and Metro Public Works/Transportation before the next LD&T meeting and before the public hearing date is set. He discussed the 10-foot LBA and said the current 6-foot fence is “ineffective”.

Rebuttal:

02:21:17 Mr. Gootee discussed various topics, including: the Type A trees and other screening proposed for the 10-foot landscape buffer area; increasing the pavement width/s; and the removal of trees in the unimproved alley (there may be a utility line there as well). See recording for detailed presentation.

Deliberation:

02:25:48 Commissioners’ deliberation. Commissioner Daniels requested that a plan to replace the trees being removed be presented the next time this case is heard.

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.

02:32:58 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the **March 24, 2022** Land Development and Transportation Committee meeting.

The vote was as follows:

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

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NEW BUSINESS

Case No. 21-ZONE-0105

Request:	Change in zoning from C-1 to C-2, with Detailed District Development Plan with Binding Elements, Conditional Use Permit, Variance and Waiver
Project Name:	Second Nature Lawn Care
Location:	7411 St. Andrews Church Road
Owner:	LNB Properties LLC
Applicant:	LNB Properties LLC
Representative:	Frost Brown Todd LLC
Jurisdiction:	Louisville Metro
Council District:	25 - Amy Holton Stewart
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:

02:41:27 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

02:45:41 In response to questions from Commissioner Carlson, Ms. St. Germain said the Fire Department has not commented on the 18-foot wide driveway. Commissioner Carlson and Joe Reverman, Assistant Director of Planning & Design Services, discussed ordinance requirements for road width (see recording for detailed discussion.) Ms. St. Germain said she would email the plan to the responsible Fire Department District.

02:50:32 In response to questions from Commissioner Brown, Ms. St. Germain said she had questions the State Department of Transportation regarding the second entrance, and they had already permitted it. Commissioner Brown pointed out that there are sidewalks just to the west of this site at Forest Hills; Ms. St. Germain said the Planning Commission could require of the applicant as a condition of the zoning change.

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NEW BUSINESS

Case No. 21-ZONE-0105

02:51:33 Commissioner Mims asked that Metro Transportation Planning address whether sidewalks were constructable here due to the creek.

The following spoke in favor of the request:

Tanner Nichols, Frost Brown Todd, 400 West Market Street, Louisville, KY 40202

Lyndon Anderson, 7211 Windemere Drive, Louisville, KY 40214

Sharon Blair, 7209 Supreme Drive, Louisville, KY

Steven Yount, 7411 St. Andrews Church Road, Louisville, KY 40214

Summary of testimony of those in favor:

02:52:19 Tanner Nichols, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He noted that the entrance is currently about 10-12 feet wide; the applicant has agreed to widen it to 18 feet.

02:56:57 In response to questions from Commissioner Carlson, Mr. Nichols said the applicant can be open to a binding element regarding hours of operation. Ms. St. Germain read a standard binding element commonly used in these circumstances into the record, as follows:

No power equipment that will cause a noise disturbance will be run between the hours of 10:00 p.m. and six a.m.

03:00:18 In response to a question from Commissioner Daniels, Ms. St. Germain said there was no day limit, so the binding element would apply seven days per week.

03:01:27 Lyndon Anderson, a nearby resident, said he did not have any issues with this business. He said he has lived in his residence for three years and never heard any noise or had any problems. He said the applicant takes care of the property (keeps yard clean and mowed, etc.)

03:04:01 Sharon Blair, a nearby resident of 28 years, spoke in support. She reiterated that the house, property, and yard look very nice and well-kept.

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03:07:42 Steven Yount, a nearby resident, spoke in support. He said he was a former employee. He said the property was very bad before the applicant bought it and cleaned, mowed, sprays for bugs, built a nice fence along the property, etc. He said the property looks great now. He said he lives in the closest proximity to the site and there is no noise or annoyance.

Rebuttal:

03:12:10 Mr. Nichols gave closing remarks (see recording.) He said the applicant agrees to the proposed binding element.

Deliberation:

03:13:03 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 **April 7, 2022 Planning Commission public hearing.**

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NEW BUSINESS

Case No. 21-ZONE-0153

Request:	Change in zoning from C-1 to C-2 with a landscape waiver
Project Name:	Breeze Bar
Location:	1247 S Shelby Street
Owner:	Breitenstein Properties LLC
Applicant:	Breitenstein Properties LLC
Representative:	Heritage Engineering LLC
Jurisdiction:	Louisville Metro
Council District:	6- David James
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:

03:15:32 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

03:20:09 In response to a question from Commissioner Mims, Ms. Williams said the applicant could provide more information about incidental food sales.

03:20:56 Commissioner Mims and Ms. Williams discussed fire-rated walls or fire-resistant construction. Ms. Williams noted that this is an existing structure over 50 years old.

03:21:53 In response to questions from Commissioner Daniels, Ms. Williams pointed out the locations of the patio area and the drive that is proposed to be closed off to make outdoor seating. The applicant has proposed to enclose the outdoor area with a wall, landscaping, and a buffer area between the site and the adjacent residential property.

03:23:29 Commissioner Carlson and Ms. Williams discussed what the prior use of the building may have been. Commissioner Carlson said that fire ratings

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may not necessarily come into play because the applicant is going from one similar-type use group to another.

03:25:04 Commissioner Brown requested that, prior to the public hearing, the applicant should note the removal of the curb cut and the restoration of the sidewalk on the site plan. Ms. Williams said this is noted on the stamped plan she received; there is also a binding element to that effect on the stamped plan.

The following spoke in favor of the request:

Camille Hesen, Heritage Engineering, 642 South 4th St. Suite 100, Louisville, KY 40202

Summary of testimony of those in favor:

03:26:39 Camille Hesen, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

03:32:19 In response to a question from Commissioner Daniels, Ms. Hesen said the proposed hours of operation are 7:00 a.m. to midnight. The business will be a coffee shop, restaurant and retail. The coffee shop portion will be in operation from 7:00 a.m. to 9:00 p.m.; the restaurant/bar portion will be in operation from 4:00 p.m. to midnight.

03:33:01 In response to a question from Commissioner Mims, Ms. Hesen said there will be some food sales.

The following spoke in opposition to the request:

No one spoke.

Rebuttal:

03:35:17 No rebuttal.

Deliberation:

03:35:30 Commissioners' deliberation.

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NEW BUSINESS

Case No. 21-ZONE-0153

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 17, 2022 Planning Commission public hearing.**

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
February 24, 2022

NEW BUSINESS

Case No. 21-ZONE-0039

Request:	Change in zoning from R-6 to OR-1 with a landscape waiver
Project Name:	Hair Salon
Location:	309 S Spring Street
Owner:	Kelly Ann Cook
Applicant:	Kelly Ann Cook
Representative:	Kelly Ann Cook
Jurisdiction:	Louisville Metro
Council District:	9- Bill Hollander
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:

03:36:15 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:

Kelly Ann Cook, 309 South Spring Street, Louisville, KY 40206

Summary of testimony of those in favor:

03:40:06 Kelly Ann Cook, the applicant, said she currently owns a salon and is looking for a new location for it. She said she was available for questions.

03:41:06 In response to questions from Commissioner Mims, Ms. Cook said there would be three chairs in the proposed salon. She said parking would be on-street, and she was looking at creating parking in the back, off the alley (small gravel lot.)

The following spoke in opposition to the request:

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
February 24, 2022

NEW BUSINESS

Case No. 21-ZONE-0039

No one spoke.

Deliberation:

03:44:21 Commissioners' deliberation.

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LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
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The meeting adjourned at approximately 4:46 p.m.

Chairman

Division Director