

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
June 11, 2020**

A meeting of the Louisville Metro Land Development and Transportation Committee was held on Thursday, June 11, 2020 at 1:00 p.m. 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 special Planning Commission meeting set for today was held online.

Committee Members present were:

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

Committee Members absent were:

Ruth Daniels

Staff Members present were:

Emily Liu, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning and Design Manager
Jay Lockett, Planner I
Julia Williams, Planning and Design Supervisor
Dante St. Germain, Planner II
Laura Ferguson, Legal Counsel
Chris Cestaro, Planning and Design Management Assistant

Others present:

Tony Kelly, Metropolitan Sewer District

The following matters were considered:

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APPROVAL OF MINUTES

NO MINUTES TO BE APPROVED.

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NEW BUSINESS

CASE NUMBER 19-STRCLOSURE-0001

Request: Closure of Public Right-of-Way
Project Name: Twin Lakes at Floyds Fork/Old Aiken Rd ROW Closure
Location: Twin Lakes at Floyds Fork (FKA Old Aiken Road)
Owner: Louisville Metro
Applicant: Stapleton Development
Representative: Mindel Scott
Jurisdiction: Louisville Metro
Council District: 19 - Anthony Piagentini
Case Manager: Jay Lockett, 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:

00:04:34 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Kathy Linares, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219 (said she was available for questions)
Justin Ray (no address)

Summary of testimony of those in favor:

00:07:07 Kathy Linares, the applicant's representative, and Justin Ray said they were available for questions.

The following spoke in opposition to this request:

No one spoke.

00:07:33 Commissioners' 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.

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NEW BUSINESS

CASE NUMBER 19-STRCLOSURE-0001

00:08:15 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby place this case on the Consent Agenda for the June 18, 2020 Planning Commission public hearing.

The vote was as follows:

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

NOT PRESENT: Commissioner Daniels.

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NEW BUSINESS

CASE NUMBER 20-WAIVER-0039

Request: Waiver of 10.2.4.B to not provide the PEC buffer
Project Name: 2509 Plantside Waiver
Location: 2509 Plantside Dr
Owner: HWHWD Partnership
Applicant: HWHWD Partnership
Representative: AL Engineering
Jurisdiction: Jeffersontown
Council District: 11 - Kevin Kramer
Case Manager: Jay Lockett, 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:

00:09:30 Jay Lockett presented the case and showed a Power Point presentation. Mr. Lockett added that he was informed late yesterday by the applicant that the City of Jeffersontown wants this same waiver to be applied between Tract 3 and Tracts 1 and 2. Staff felt that this is adequately justified (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

Alex Rosenberg, 13000 Middletown Industrial Blvd suite A, Louisville, KY 40223

Summary of testimony of those in favor:

00:11:49 Alex Rosenberg, the applicant's representative, said he was available to answer questions.

The following spoke in opposition to this request:

No one spoke.

Deliberation

00:12:14 Commissioners' deliberation.

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NEW BUSINESS

CASE NUMBER 20-WAIVER-0039

00:12:43 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony presented today, was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver will not adversely affect adjacent property owners, as the buffer area is internal to the existing developed site; and

WHEREAS, the Committee further finds that the waiver will not violate the comprehensive plan, as it will allow for continued use of an existing light industrial site within an established activity center. The waiver will not allow an unreasonable circumvention of the regulations or cause a hazard to the public; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. Other areas of the subject site will provide all required buffers, including along external property lines; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as it would require removal of existing drive areas and structures; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **RECOMMEND** to the City of Jeffersontown that the requested Waiver of 10.2.4.B to not provide the 15-foot PEC property perimeter buffer be **APPROVED**.

The vote was as follows:

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

NOT PRESENT: Commissioner Daniels.

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NEW BUSINESS

CASE NUMBER 19-ZONE-0095

Request: Change in zoning from R-4 to C-1, with a Detailed District Development Plan and Binding Elements, and associated Variance

Project Name: Old Henry Road Retail

Location: 14015 Old Henry Trail

Owner: One Fourteen LLC

Applicant: One Fourteen LLC

Representative: Nick Pregliasco - Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 19 - Anthony Piagentini

Case Manager: Dante St. Germain, 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. 5th Street.)

Agency Testimony:

00:13:31 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:18:11 In response to a question from Commissioner Carlson, Ms. St. Germain said the restaurant and retail uses are proposed for the first floor, and the multi-family residential units are proposed for the second floor.

00:18:41 In response to another question from Commissioner Carlson, Ms. St. Germain explained “residential collars”, a term used in the staff report. She said it is a large tract of land that is proposed to be reserved for low-density residential use/s (see recording.)

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 N Hurstbourne Pkwy, Louisville, KY 40223

Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in favor:

00:20:19 Nick Pregliasco, the applicant’s representative, presented the applicant’s case and showed a Power Point presentation (see recording for detailed presentation.)

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NEW BUSINESS

CASE NUMBER 19-ZONE-0095

00:28:57 Kevin Young, an applicant's representative, gave more detail about the site layout and further explained what steps the applicant has taken to minimize the variance request (see recording.) Residential uses are planned on the second story, on top of the retail.

00:31:14 Commissioner Peterson asked if there are any plans to mitigate noise, odors, etc. from the restaurants for the residents who might live above them. Mr. Pregliasco and Mr. Young said they would present that information at the Planning Commission public hearing.

The following spoke in opposition to this request:

John Fenton, 15013 Tradition Drive, Louisville, KY 40245

Terry Miller, 3220 Ridge Brook Circle, Louisville, KY 40245

Summary of testimony of those in opposition:

00:32:49 John Fenton discussed traffic and road issues, particularly a blind turn and a blind rise that could affect safety (see recording.) He also expressed concern about noise, and said this is supposed to be a residential area.

00:34:21 Terry Miller, the HOA president of The Ridge condos on Old Henry, said many residents had concerns about the flow of traffic. Redeveloping Old Henry will help, particularly adding the third lane, but having an access road into the retail center from Old Henry will be a problem. He recommended a turning lane onto the Gene Snyder (see recording.)

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

Kathy Wilhoite (sp), 14310 Old Henry Road, Louisville, KY 40245

Summary of testimony of those neither for nor against:

00:36:36 Kathy Wilhoite (sp) said she and her husband just wanted to listen to get more information about the proposal. However, she said she and all other residents have concerns about traffic on Old Henry Road. Old Henry Trail has been enlarged so that two cars can pass each other, but that is not enough for this development.

00:38:15 In response to a question from Commissioner Carlson, Mr. Pregliasco discussed the timeline for construction, and how that will be coordinated with the widening of the road (Old Henry Trail.) He said there are two entrances into the development, shown on the plan: one from Old Henry Road, and one from Old Henry

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Trail. He said that, when Old Henry Road is widened, this portion adjacent to the proposed development will be three lanes, not two.

00:41:06 Commissioner Carlson asked about the possibility of adding a binding element stating that the building will not be open for occupancy until after the construction/widening of Old Henry Road. Mr. Pregliasco said this will be discussed with the applicant and addressed at the Planning Commission public hearing.

00:42:06 Commissioners' 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.

The Committee by general consensus placed this case on the July 16, 2020 Planning Commission public hearing.

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NEW BUSINESS

CASE NUMBER 20-ZONE-0017

Request: Change in zoning from R-6 to C-1, with Detailed District Development Plan and Binding Elements, and associated Variances and Waiver

Project Name: East Washington Street Carriage House

Location: 1300 East Washington Street

Owner: J5E LLC

Applicant: J5E LLC

Representative: Paul Whitty - Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 4 - Barbara Sexton Smith

Case Manager: Dante St. Germain, 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. 5th Street.)

Agency Testimony:

00:43:54 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:47:29 She discussed proposed binding element 4E (located in the staff report.)

00:48:16 In response to a question from Commissioner Carlson, Ms. St. Germain said the applicant could better answer questions about the proposed appearance of the carriage house.

The following spoke in favor of this request:

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

Jeff Rawlings, architect (no address; only present to answer questions.)

Summary of testimony of those in favor:

00:48:57 Paul Whitty, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:58:03 In response to a question from Commissioner Carlson, Mr. Whitty confirmed that the requested zoning is from R-6 to C-1.

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CASE NUMBER 20-ZONE-0017

00:58:32 Commissioner Carlson also asked if there will need to be a CUP for the proposed short-term rental uses. Mr. Whitty said that type of use is permitted by right in C-1 zoning.

00:58:48 Commissioner Carlson also asked if the applicant would be willing to consider putting in a brick driveway, to match the brick alley. Mr. Whitty said he would ask the applicant.

00:59:55 In response to a question from Commissioner Lewis, Mr. Whitty said the current structure is not being expanded, but is being renovated on its current footprint. The current footprint is one reason why the applicant is asking for the variances, to come into compliance.

The following spoke in opposition to this request:

No one spoke.

01:01:07 Commissioners' deliberation.

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The Committee by general consensus placed this case on the July 16, 2020 Planning Commission public hearing.

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NEW BUSINESS

CASE NUMBER 19-ZONE-0052

Request: Change in zoning from R-5 to R-6 with detailed plan and review of substandard lot creation
Project Name: 308 Franck Ave
Location: 308 Franck Ave
Owner: Ryan Fagan
Applicant: Ryan Fagan
Representative: Ryan Fagan
Jurisdiction: Louisville Metro
Council District: 9 - Bill Hollander
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. 5th Street.)

Agency Testimony:

01:01:51 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:03:55 In response to a question from Commissioner Carlson, Mr. Dock said that the R-6 zoning would be applicable to the original lot in addition to the new lot. Two lots are the maximum number of units allowed for the site.

01:05:46 In response to a question from Commissioner Brown, Mr. Dock discussed some R-5A and other multi-family properties in the surrounding area. He referred Commissioner Brown to the staff report for a zoning map of properties in the area (see recording for detailed discussion.)

The following spoke in favor of this request:

Ryan Fagan, 308 Franck Avenue, Louisville, KY

Beth Mack, 2030 Frankfort Avenue, Louisville, KY 40206

Palmer Cole (sp) 7400 South Park Place, Louisville KY 40222

Summary of testimony of those in favor:

01:07:49 Ryan Fagan, the applicant, presented the case (see recording for detailed presentation.)

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NEW BUSINESS

CASE NUMBER 19-ZONE-0052

01:08:39 Commissioner Brown asked if the applicant was going to remove the driveway, parking pad, and fence in the ROW along the Galt Avenue frontage. Mr. Fagan said he was.

01:09:02 Beth Mack read a statement into the record explaining why she and her husband want to build a house in Crescent Hill. She added that she and her husband intend to pay for surveys for houses around the property (see recording.)

The following spoke in opposition to this request:

No one spoke.

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

Ruth Durbin (sp), 309 Franck Avenue, Louisville, KY 40206

Theodore Wendolin (sp), 311 Franck Avenue, Louisville, KY 40206

Lee Cox, 317 South Galt Avenue, Louisville, KY 40206

Matt Lugo (sp), 319 South Galt Avenue, Louisville, KY 40206

Sally Rignola (sp), 313 South Galt Avenue, Louisville, KY 40206

01:13:08 Ruth Durbin (sp) said she is concerned about traffic on Galt Avenue; and also that construction activity could be hard on old sewer and street infrastructure.

01:15:14 Lee Cox said she shared concerns about construction activities affecting the old houses in the neighborhood, including hers. She is also concerned about sewer usage for both buildings. She said there is not much room on the lot to build a new house and is concerned about the new structure cutting off visibility from her home. She asked if the house could be used as a duplex in the future or rented out.

01:18:20 Theodore Wendolin (sp) said the area is historic and everything around it is very old. Is concerned about construction activities damaging houses or old infrastructure.

01:20:27 Matt Lugo (sp) said his concerns are the same – about construction activities damaging houses or old infrastructure. Also that this is a historic area, and is not meant for new homes.

01:21:01 Sally Rignola (sp) said she has listened to today’s testimony and said her questions had been answered to her satisfaction.

Rebuttal:

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CASE NUMBER 19-ZONE-0052

01:22:35 Mr. Fagan discussed the land, building techniques, and damage mitigation (see recording.)

01:24:13 Commissioner Carlson asked that surveys for the nearby houses would be put into a binding element. He also asked if short-term rental usage could be bound out. Mr. Fagan said the Mack's have no intention of using their home as a short-term rental.

01:26:07 In response to a question from Commissioner Carlson, Palmer Cole (sp), the builder, discussed foundation concerns. He said his suggestion is to have a foundational engineer go in to inspect the properties to determine their current conditions, and then re-inspect after the foundation is in. Commissioner Carlson asked if this could be put into a binding element. Mr. Dock said binding elements to regulate short term rentals are unnecessary, because short-term rentals are regulated by the LDC and require a Conditional Use Permit. Host-occupied short-term rental is permitted by right (like renting out a room.) Also, he said blasting is regulated by State law, which requires that some type of pre-blast survey is required (see recording for detailed discussion.) Mr. Dock suggested a binding element that could read "In the event that blasting is to occur, then a pre-blast survey shall be done for first and second tier properties" with more specific language to be worked out prior to or at the Planning Commission public hearing.

01:34:36 In response to a question from Ms. Durbin, Mr. Dock presented clarification regarding types of short-term rentals.

01:36:38 Commissioner Peterson discussed blasting and appreciated the fact that the owners are willing to pre-survey neighbors' foundations before construction.

01:37:36 Commissioners' 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.

The Committee by general consensus placed this case on the July 16, 2020 Planning Commission public hearing.

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NEW BUSINESS

CASE NUMBER 19-ZONE-0068

Request: Change in zoning from R-4 to C-1, commercial with detailed district development plan
Project Name: JAW Real Estate
Location: 4922 Cane Run Road
Owner: James A. White, Jr.
Applicant: James A. White, Jr.
Representative: James A. White, Jr.
Jurisdiction: Louisville Metro
Council District: 1 - Jessica Green
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. 5th Street.)

Agency Testimony:

01:38:41 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

James A. White Jr., 6607 Memory Lane, Louisville, KY 40258

Summary of testimony of those in favor:

01:41:33 James White, the applicant, was available for questions.

The following spoke in opposition to this request:

No one spoke.

01:42:52 Commissioners' 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.

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NEW BUSINESS

CASE NUMBER 19-ZONE-0068

**The Committee by general consensus placed this case on the July 16, 2020
Planning Commission public hearing.**

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ADJOURNMENT

The meeting adjourned at approximately 2:45 p.m.

Chair

Planning Director