

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES**  
**June 25, 2020**

**NEW BUSINESS**

**CASE NO. 19-ZONE-0086**

Request: Change in zoning from R-4 to R-6, with Detailed District Development Plan and Binding Elements and associated Variance

Project Name: South Park Road Apartments

Location: 4011 and 4201 South Park Road, 9007 Blue Lick Road

Owner: Joseph and Jacinta Kenny, LDG Development LLC, LDG Land Holdings LLC

Applicant: LDG Development LLC

Representative: Dinsmore & Shohl LLC

Jurisdiction: Louisville Metro

Council District: 24 - Madonna Flood

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:**

04:10:54 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

04:16:23 In response to a question from Commissioner Peterson, Ms. St. Germain said this case was **continued from the March 12, 2020 LDT& Committee meeting**. She briefly reviewed what had been discussed about the case during that meeting (see recording from March 12, 2020 and also minutes.)

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

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

John Carman,

Michael Gross, LDG Development, 1469 South Third Street, Louisville, KY 40208

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

04:17:08 Daniel O'Gara, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) The sewer easement issue, which was the reason for the continuance, has been addressed.

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04:30:14 Commissioner Carlson asked if this project would be built before, during, or after the future Blue Lick Road widening project. Mr. O'Gara said the Blue Lick Road project is scheduled to be completed in 2022 - if this proposal is approved, the applicant is planning to get started in 2021.

04:31:39 Commissioner Carlson also asked about the need for more apartments in this area. He asked the applicant to discuss this at the public hearing. He asked if there will be pavement widening along South Park Road at least up to the property line (for a left or right turn lane.) John Carman, an applicant's representative, said a traffic study was completed and it indicated that there was no additional need for road widening or left-turn lanes (see recording for detailed discussion.)

04:34:53 Commissioner Carlson asked about the gated access points and said these can be a hindrance to emergency vehicles. He requested a binding element regarding these gates. Mr. O'Gara said he recalled that discussion from the March meeting and said he had no issue addressing this issue in a binding element.

04:36:56 Commissioner Carlson asked about a geotechnical study and the tunnels that are proposed to be underneath the site. Mr. O'Gara said there was much discussion about this in March and discussed the karst survey and the geotechnical study (see recording for detailed discussion.) Michael Gross, LDG Development, discussed both studies, which were designed to look for karst and tunnels. The reports showed none. Both reports have been submitted to staff.

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

No one spoke.

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

Brenda Jackson, 9004 Delee Way, Louisville, KY 40219

Carol Hadley, 4207 South Park Road, Louisville, KY 40219

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

04:39:29 Brenda Jackson, a neighbor whose street is being connected to the proposed complex, expressed concerns about increased traffic. She asked if there would be road improvements to their road to support the additional traffic. She said her street already has potholes, utilizes street-side parking, and is not very wide.

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04:41:07 Carol Hadley, a neighbor, asked if these can be changed to two-story apartments so that no height variance would be needed; also, she asked if a new traffic study would be needed after adding 300 new apartments.

04:43:15 Mr. O'Gara discussed road improvements and the gated access points. It is not the applicant's intention to have traffic going through the gated access points. Mr. Gross added that the gated access is solely for emergency vehicles, not connected traffic. He said the traffic study does include the proposed apartment complex and its effect on adjacent streets. He said the three-story design is to preserve greenspace and is more efficient.

04:45:34 Commissioner Carlson further discussed how gated accesses work for emergency vehicles.

**Deliberation**

04:46:47 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 30, 2020 Planning Commission public hearing.**

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**March 12, 2020**

**NEW BUSINESS**

**19-ZONE-0086**

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**Location:** 4011 and 4201 South Park Road, 9007 Blue Lick Road

**Owner:** Joseph and Jacinta Kenny, LDG Development LLC, LDG Land Holdings LLC

**Applicant:** LDG Development LLC

**Representative:** Dinsmore & Shohl LLC

**Jurisdiction:** Louisville Metro

**Council District:** 24 – Madonna Flood

**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:**

00:03:50 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

Ms. St. Germain stated this case is not ready for a public hearing date to be set. Issues with MSD, Transportation Planning and Public Works need to be worked out. It's fine to hear this case in 2 weeks but if the issues are not resolved, it needs to be continued to a date uncertain.

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

Cliff Ashburner, Dinsmore and Shohl, LLC, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Ky. 40202

Michael Gross, LDG Development, 1469 South 4<sup>th</sup> Street, Louisville, Ky. 40204

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

00:09:32 Mr. Ashburner represents LDG Development and gave a power point presentation. One of the major concerns discussed at the neighborhood meeting was the fate of the neighbors on Narcissus Dr. and Delee Way. How will those streets be treated and what kind of disruptions would the connection of this development to those streets create to the residents of the neighborhood? They don't want the connections. There are entrances on South Park Rd. and Blue Lick Rd. Delee Way would have an

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emergency gated entrance. The people that live on Delee Way and Narcissus Dr. will be provided with a dedicated turn around area and a potential emergency access.

The height variance is due to the 9 foot ceilings, an added cost to the developer but it produces a better product.

00:15:40 Mr. Ashburner stated he thought the issue regarding the drainage easement had been resolved. The alternative would be to go across another property on Narcissus Dr. to get down to the creek or look at re-grading the site.

00:16:33 Commissioner Carlson asked about the timing for this project. Blue Lick Rd. is being widened and was completely shut down for the drainage work. South Park Rd. is heavily travelled. The construction of the apartments should not take place at the same time as the Blue Lick Rd. widening. Mr. Ashburner said he thinks the widening is under way now and shouldn't be an issue. Commissioner Carlson asked him to confirm it.

00:17:56 Commissioner Carlson asked if there will be any pavement widening on South Park Rd. Mr. Ashburner said it's not shown on the plan and hasn't been requested. Also, is there a traffic study? Mr. Ashburner said yes, but he doesn't have a copy of it. Commissioner Carlson said traffic is backed up during peak hours and if there's an emergency, an emergency vehicle would have a very hard time getting through especially since there are no shoulders.

00:20:01 Commissioner Carlson said he found 2 mistakes in the justification statement. Mr. Ashburner will look at it.

00:22:04 Commissioner Carlson stated emergency services developed a list regarding gating. Can that be incorporated as a binding element? Mr. Ashburner said yes. Also, regarding the property that's being developed on Jefferson Blvd. by LDG, the fire department is having issues with them following the guidelines for the gate operation. Mr. Gross said he's not aware of that issue but will look into it. LDG has done many gated communities and there has never been an issue.

00:24:26 Commissioner Carlson asked if there are any concerns with the number of units being built. Are we over-saturating the market? Mr. Gross said there's a high demand for apartments and that demand is increasing.

00:27:57 Commissioner Carlson asked if there will be access to Fireman Park from the apartments. A bridge would be a nice amenity. Mr. Gross said he spoke with the neighbors but they are against it because people are trespassing on their property to

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get there now. The trespassers don't know the boundaries between the park and the homeowners' properties.

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

Terry Rabalais, 9015 Blue Lick Road, Louisville, Ky. 40219  
Carol Hadley, 4207 South Park Road, Louisville, Ky. 40219  
Kimberlee Dettlinger, 4205 South Park Road, Louisville, Ky. 40219

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

00:32:09 Ms. Rabalais stated the apartments are situated beside and behind her home. The following issues have been hard to deal with from the Circle K and storage unit across the street: traffic, trash, lights and noise. There are only 2 residences trapped between these. Other concerns are the wildlife and fencing.

00:39:51 Ms. Rabalais said she prefers a subdivision instead of the apartments.

00:47:47 Ms. Hadley stated her main concern is people in the 3-story building looking down on her back deck, back yard and family room. The traffic on South Park Rd. was unbearable when Blue Lick was closed. South Park Rd. needs to be widened. Other issues are drainage and height restrictions – the 3 stories does not fit into the aesthetics of the surrounding neighborhood. The subject property is elevated which will make the 3 stories even taller. No fencing or trees will help this situation.

00:51:41 Ms. Hadley stated there are tunnels under the quarry as well as sinkholes. They need to be checked out.

Ms. Hadley remarked, instead of trying to repair or renovate, there is a tendency to continue building more and more.

Ms. Hadley submitted pictures into the record.

00:55:58 Ms. Dettlinger stated her home has been broken into and she has a motion sensor on the front yard that is set off 2-3 times a week. It will be uncomfortable swimming in the pool because of the apartments and extra people. Traffic is an issue as well as people turning around in her driveway.

Ms. Dettlinger said she was told by the previous owner that there is a sinkhole on 4201 South Park Rd. Also, the tunnel across from her driveway has caved in and was filled in with bricks and rocks. The land (subject site) will be disrupted and could possibly cause a natural disaster.

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

Brenda Jackson, 9004 Delee Way, Louisville, Ky. 40219

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

00:41:18 Ms. Jackson stated she is opposed to the connection to her neighborhood. The children play outside/in the street and there will be a safety issue with this connection. An emergency gate is fine.

00:43:04 Ms. Jackson submitted pictures into the record. The subdivision is small, the roads are narrow and there are more cars parked on the road. It's hard to get in and out now, so with additional traffic it will be worse. The roads are in bad shape as well (potholes).

00:46:11 Ms. Jackson stated she's not opposed to the development or LDG as they do very good work.

**Rebuttal:**

00:59:39 Mr. Ashburner stated the traffic study was submitted in February and there was no recommendation for road improvements. A karst study has been performed as well and there were no surface manifestation of karst features that needed to be worked around. Under the zoning designation of R-6, 3-stories is allowed and the 35 foot building height limitation is allowed under R-4.

01:01:44 Mr. Ashburner requests coming back to LD&T in 2 weeks to work out the easement issue. Commissioner Carlson asked if the applicant would be willing to do more landscaping than is required. Mr. Ashburner said Mr. Gross is working on it – planting more and planting early. Commissioner Carlson said he believes there might have been tunnels in the quarry (very deep), even though the karst report says there's no indication of any tunnels. Mr. Gross said there were 2 karst studies done and both revealed no tunnels on the subject property. Commissioner Carlson asked how far down they go to test for tunnels; also, if there is a tunnel they may not be detecting. Mr. Gross said he can ask again, but if there's a tunnel so far down as to not be detected, it does not create a negative impact on the proposed development.

01:05:53 Commissioner Carlson remarked if the opposition sees any evidence of karst features, they need to photograph it and bring it to the next meeting to let the experts explain it.

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01:06:10 Mr. Gross said he just texted the Construction Project Manager, regarding the gates at Jefferson Green, and there are no issues with the fire department. If Commissioner Carlson finds out otherwise, it will be addressed.

**Deliberation**

01:09:25 Vice Chair Peterson asked Ms. St. Germain if the 2 week time period is appropriate for this case. Ms. St. Germain stated she has no objections, but if they're not ready in 2 weeks, it will need to be continued to a date uncertain.

01:09:46 Commissioner Brown asked Ms. Stuber if she has reviewed the traffic impact study and did it look at turn lane warrants at South Park Rd. Ms. Stuber said she will check with Mark Dutrow. He's working on this case.

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On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the March 26, 2020 LD&T meeting.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels and Peterson**  
**NOT PRESENT AND NOT VOTING: Commissioner Lewis**