

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
January 27, 2022

NEW BUSINESS

Case No. 21-ZONE-0117

Request:	Change in zoning from R-5 to OR, with Detailed District Development Plan with Binding Elements, Variances and Waiver
Project Name:	Westport Office
Location:	917 & 919 Fountain Avenue, 4700 Westport Road
Owner:	Estate of Evelyn Kaelin
Applicant:	Louisville Spine & Wellness
Representative:	Dinsmore & Shohl
Jurisdiction:	Louisville Metro
Council District:	7 - Paula McCraney
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:

01:02:06 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:08:44 In response to a question from Commissioner Carlson regarding the proposed trash receptacles, Ms. St. Germain said the proposal is to have them enclosed so that they would not be visible from the alley or the property located across the property across the alley (likely a privacy fence enclosure.)

01:09:28 In response to a question from Commissioner Carlson, Ms. St. Germain said she had the dimensions of how far the wall was from the adjoining property (10 feet) but did not have the dimensions of how far the wall was from the adjoining house. She said the applicant should be able to address that.

01:10:08 Commissioner Brown and Ms. St. Germain discussed the possibility of future connectivity through the proposed parking lot, should a vacant parcel across the unimproved alley be rezoned (see recording for detailed discussion.)

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
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NEW BUSINESS

Case No. 21-ZONE-0117

The following spoke in favor of the request:

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

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

Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299

Summary of testimony of those in favor:

01:12:03 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:20:49 Kent Gootee, an applicant's representative, briefly reviewed plans for landscaping, screening and buffering (see recording.)

01:22:00 Commissioner Carlson requested something "a little more substantial" than a wooden trash enclosure. He also discussed low plantings to block headlights from an adjacent neighbor. Mr. Gootee said he had planned to have white pines and/or spruces; the applicant could add more low-growing evergreen hedges in addition.

01:24:32 Steve Porter, representing Mr. Biven (neighbor to the south), said that Mr. Biven at first objected to the Commercial rezoning but now supports the Office-Residential zoning. Mr. Biven would like a binding element regarding hours of operation and dark-sky lighting. Mr. Porter said he and his client would like to look over the revised elevations.

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

Councilperson Paula McCraney, 601 West Jefferson Street, Louisville, KY 40202

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

01:27:00 In response to a question from Councilperson Paula McCraney, Mr. Ashburner said the parking lot would be between the proposed building and Westport Road. There will be a hedgerow and trees along Westport Road to block headlights. Councilperson McCraney said the Bivens' have indicated that they would rather see the parking between the building and Westport Road. Mr.

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Case No. 21-ZONE-0117

Ashburner said his client reached out to Mr. Porter and Mr. Biven to work on the plan that would address Mr. Bivens' concerns. That is what is reflected on the plan being presented today.

The following spoke in opposition to the request:

No one spoke.

Deliberation:

01:32:06 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 **February 17, 2022** Planning Commission public hearing.