

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

February 25, 2021

Commissioners' Discussion

Case No. 20-ZONE-0121

Request:	Change in Zoning from R-4 to R-6, with Detailed District Development Plan and Binding Elements, and Waiver
Project Name:	Smyrna Parkway Apartments
Location:	9301-9309 Smyrna Parkway, Parcels 066202630000, 066202760000
Owner:	Robert & Pauline Penrod
Applicant:	GKG Investments LLC
Representative:	Dinsmore & Shohl LLC
Jurisdiction:	Louisville Metro
Council District:	23 - James Peden
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:

00:14:35 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:18:01 In response to a question from Commissioner Carlson, Ms. St. Germain said she received renderings from the applicant this morning; however, they did not meet LDC requirements, so she did not add them to the staff report (see recording for detailed discussion.) She noted that there is a binding element within the staff report stating that renderings have to be approved by staff prior to receiving a building permit. Commissioner Carlson said this area is covered by the Highview Neighborhood Plan; if the Committee cannot see the renderings, how can they know if the renderings meet the Highview Neighborhood Plan? Ms. St. Germain said that the renderings provided showed just one "sample" building and did not meet the LDC requirements as shown.

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The following spoke in favor of the request:

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

Mike Hill, 503 Washburn Ave # 101, Louisville, KY 40222

Summary of testimony of those in favor:

00:20:48 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He said the applicant will be making modifications to the rendering before the public hearing, based on staff comments.

00:27:46 In response to a question from Commissioner Carlson, Mr. Ashburner discussed why a pedestrian connection was not provided to the Dollar General store and other retail (see recording.)

00:28:54 Mike Hill, an applicant's representative, said there are two adjacent commercial properties – the Dollar General store, and a bank to the north. He discussed the concrete drainage ditch, the proposed detention basin, and why those prohibit pedestrian traffic to the bank (see recording for detailed discussion.) He said there is an existing, shared access easement which connects this site to the Dollar General store. Mr. Hill noted that there is pedestrian connectivity throughout the development, and maybe a striped crosswalk/area could be added to get over to the center, which has a sidewalk leading out to the development entrance and out toward the Dollar General entrance. Using an aerial photo, Mr. Ashburner said there is a sidewalk on Smyrna Parkway, and the development has a sidewalk leading out to that.

00:35:41 Mr. Hill said the proposed walking trail system also does not seem to show up on the renderings. Commissioner Carlson pointed out some gaps in the development's sidewalk system; Mr. Hill said the sidewalk system can be reviewed and improved prior to the public hearing.

00:37:21 Commissioner Carlson asked for clarification regarding part of the Highview Neighborhood Plan said the "entry to individual units" should be "highlighted" – what does that mean, and how will the applicant comply with that? Mr. Ashburner said that would be addressed at the public hearing.

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00:38:25 In response to a question from Commissioner Carlson, Mr. Ashburner discussed how the applicant planned to address the concerns of the adjacent single-family residents who had objected to having three-story buildings looking down into their yards/homes. Mr. Ashburner said the applicant will provide a 50-foot landscape buffer; screening, and attempting to reduce the amount of activity on that side of the building (see recording for detailed discussion.)

00:42:43 Commissioner Peterson had some issues with the architectural design. He noted that the ends of the buildings do not reflect the façade all the way around; the rear of one of the buildings faces Smyrna Parkway; and the rear of another faces the common area of the subdivision. He also said the rooflines appeared to be "barracks-like" and asked if the applicant could address that. Mr. Ashburner said those issues will be addressed at the public hearing.

00:44:13 In response to a question from Commissioner Daniels, Mr. Hill pointed out the locations of the dumpster areas (see recording.) They are located approximately 50 feet away from the property line adjacent to the single-family residential homes. He added that, along that east property line, there is a 15-foot tree preservation strip. The applicant is committed to preserving the trees along the east and south property lines.

00:46:16 Joe Reverman, Assistant Director of Louisville Metro Planning & Design Services, asked Ms. St. Germain to address the 20% tree preservation requirement (see recording for detailed discussion.)

The following spoke in opposition to the request:

Robin Wells, 9304 Smyrna Parkway, Louisville, KY

00:50:30 Commissioners' deliberation.

00:54:25 Brian Davis, Planning Manager with Louisville Metro Planning & Design Services, interjected to notify the Commissioners that someone wished to speak in opposition. The Commission came out of deliberation to allow the speaker.

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00:54:38 Robin Wells said she lives directly across the street from this site. She said her concern is that there seems to be only one way in/one way out for these 144 units, which could mean 288 people. She said she is one of two homes that are located directly on Smyrna Parkway, and is concerned that this increased traffic on Smyrna would make it more difficult for her and her neighbor to get out of their driveways. In response to a question from Mr. Ashburner, Ms. Wells said she had not been notified and only learned about this proposal from Councilman James Peden's newsletter. She said she owns the property but does not live there (**does** have a tenant there.) See recording for detailed discussion.

00:59:30 Joe Reverman, Assistant Director of Planning & Design Services, addressed Ms. Wells' concern about having only one access point to the development. He said that the proposal does meet the Land Development Code requirements for the number of access points (see recording) and that the proposal has been reviewed by Metro Transportation. He advised Ms. Wells that she could contact the case manager directly for more information, or that the case manager can put her in contact with Metro Transportation personnel if needed.

01:00:01 Mr. Ashburner said the applicant is willing to postpone this case for two weeks to allow time to address some concerns raised today.

01:00:19 Commissioner Peterson added that he felt the dumpster locations could be reviewed and improved, particularly the one proposed for the southeastern corner. He said he is concerned that this one might create noise issues for the neighbors.

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.

01:01:21 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution was adopted:

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RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the **March 11, 2021** LD&T meeting.

The vote was as follows:

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

NO: No one.

