

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

**January 14, 2021**

A meeting of the Land Development and Transportation Committee was held at 1:00 p.m.on Thursday, January 14, 2021 via Webex Teleconferencing.

**Committee Members present were:**

Rob Peterson, Chair  
Te'Andre Sistrunk, Vice Chair (arrived at 1:12 p.m.)  
Richard Carlson  
Ruth Daniels  
Jeff Brown

**Committee Members absent were:**

No one.

**Staff Members present were:**

Emily Liu, Director, Planning & Design Services  
Joseph Reverman, Assistant Director, Planning & Design Services  
Julia Williams, Planning Supervisor  
Joel Dock, Planner II  
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 December 10, 2021 LD&T Committee Meeting Minutes**

00:04:04 On a motion by Commissioner Brown, seconded by Commissioner Daniels, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on December 10, 2020.

**The vote was as follows:**

**YES: Commissioners Peterson, Brown, and Daniels.**

**ABSTAINING: Commissioner Carlson.**

**ABSENT: Commissioner Sistrunk.**

**MINUTES OF THE MEETING  
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**January 14, 2021**

**Old Business**

**Case No. 19-ZONE-0096**

Request:	Change in zoning from R-4, R-5A & PD to R-6 and C-1 with detailed district development/preliminary subdivision plan
Project Name:	Star Hill
Location:	6600, 6700, & 6725 S. Hurstbourne Pkwy; 5800, 5802, & 5930 S. Watterson Trail
Owner:	Hurstbourne Property Group, LLC
Applicant:	Hurstbourne Property Group, LLC
Representative:	Mindel Scott
Jurisdiction:	Louisville Metro
Council District:	24 - Madonna Flood
<b>Case Manager:</b>	<b>Joel P. Dock, AICP, Planner II</b>

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:05:03 Joel Dock said the applicant wishes to continue this case to the February 11, 2021 LD&T Committee meeting to continue to work with Metro Pubic Works, and Planning & Design Services staff, on the roadway configurations.

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

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

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

00:05:34 Kent Gootee, the applicant's representative, briefly discussed why the applicant is requesting the continuance.

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**Case No. 19-ZONE-0096**

**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.**

00:08:09 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 **February 11, 2021** Land Development and Transportation Committee meeting.

**The vote was as follows:**

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

**PRESENT BUT NOT VOTING: Commissioner Sistrunk.**

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**New Business**

**Case No. 20-ZONE-0037**

Request:	Change in zoning from R-5B to C-1 with detailed plan and landscape waiver
Project Name:	969 Barret Avenue
Location:	969 Barret Avenue
Owner:	Red Mushroom Holdings, LLC
Applicant:	Red Mushroom Holdings, LLC
Representative:	Pitt, Frank, Distler, Bearden; LD&D
Jurisdiction:	Louisville Metro
Council District:	8 - Cassie Chambers Armstrong
<b>Case Manager:</b>	<b>Joel P. Dock, AICP, Planner II</b>

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:08:50 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 the request:**

Ann Richard, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Alex Gaddis; Pitt, Frank, Distler, & Bearden and Henderson; 500 N Hurstbourne Pkwy Suite 130, Louisville, KY 40222

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

00:13:49 Ann Richard, the applicant's representative, said she was present to answer any technical questions.

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**New Business**

**Case No. 20-ZONE-0037**

00:14:12 Alex Gaddis, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:21:47 Mr. Dock provided clarification as to what is allowed in C-R and C-1 zoning classifications regarding restaurants and outdoor alcohol sales/service.

00:23:51 Mr Gaddis suggested concerns about outdoor alcohol sales could be addressed via binding element. Commissioner Peterson requested that, prior to a public hearing, a binding element should be proposed.

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

James Schorch, 1503 East Breckinridge Street, Louisville, KY 40204

Max Bridges, 1306 Highland Avenue, Louisville, KY 40204

Joan Kallay, 1310 Highland Avenue, Louisville, KY 40204

Bette Niemi, 971 Barret Avenue, Louisville, KY 40204

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

00:24:31 James Schorch referenced a letter [on file] from the Original Highlands Neighborhood Association opposing C-1 zoning (see recording for detailed presentation.) He noted that the Original Highlands Neighborhood Plan leaves open the possibility of C-R zoning, but not C-1 or C-2.

00:28:29 Max Bridges, one of 7 properties adjacent to this site, said this site has been an office use since at least 2012 and there has been no change in the use or the property to justify a zoning change. He said the change would have a detrimental impact on the surrounding neighbors, notably parking, traffic, and noise. He said the applicant told neighbors they were going to remain an office; if so, why are they asking for C-1? (See recording for detailed discussion.)

00:31:51 Joan Kallay said reiterated what Mr. Bridges said and emphasized that there are eight homes surrounding this site. She reiterated concerns about traffic, parking, and noise, and said that Commercial zoning precludes expansion (see recording for detailed discussion.)

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**Case No. 20-ZONE-0037**

00:36:01 Bette Niemi said her house is three feet away from the parking lot that is being proposed. She said she opposes C-1 zoning (see recording for detailed discussion.)

**Rebuttal:**

00:37:40 Mr. Gaddis presented his rebuttal, and requested a continuance of this case to the **February 11, 2021 LD&T** Committee meeting to re-visit some concerns noted today by those in opposition (see recording for detailed discussion.)

00:40:08 Mr. Bridges discussed the 2012 area-wide rezoning, which specifically addressed downzoning the properties across the street. This site is different because it is completely surrounded by homes.

**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.**

00:42:41 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution was adopted:

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

**The vote was as follows:**

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

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**New Business**

**Case No. 20-ZONE-0088**

Request:	Change in zoning from R-4 to R-6 with detailed plan and landscape waiver
Project Name:	1213 Hines Court
Location:	1213 Hines Court
Owner:	Gregory Properties, LLC
Applicant:	Gregory Properties, LLC
Representative:	Duncan Galloway Egan Greenwald; LD&D
Jurisdiction:	Louisville Metro
Council District:	19 - Anthony Piagentini
<b>Case Manager:</b>	<b>Joel P. Dock, AICP, Planner II</b>

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:43:34 Joel Dock presented the case and showed a Power Point presentation (see recording for detailed presentation.)

00:46:54 In response to a question from Commissioner Brown, Mr Dock said he is not sure about the pavement width on Hines Court but all the necessary ROW is being dedicated.

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

Mike Hill Land Design and Development, 503 Washburn Avenue, Louisville, KY

Kyle Galloway, 9625 Ormsby Station Road, Louisville, KY 40223

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



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**Case No. 20-ZONE-0088**

00:48:27 Mike Hill ,the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He noted that there are four 4-plex units that are being proposed (a total of 16 units) with Hines Court having a pavement width of 18 feet.

01:00:15 Kyle Galloway, the applicant's representative, presented the applicant's case (see recording for detailed presentation.) He noted that the applicant has proposed adding some additional screening in front of the first building. Will widen Hines court from their site to Heafer Road.

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

Deanne Hamilton, 1216 Hines Court, Louisville, KY 40223

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

01:03:32 Deanne Hamilton said Hines Court is all single-family homes. The apartments being referenced by the applicant are on Heafer, not on Hines Court. She expressed concern about light pollution, garbage trucks, noise, disturbances from residents, and traffic. She said the original idea was for two duplexes.

01:07:44 Public hearing protocols were discussed, particularly the requirements for a night hearing.

**Rebuttal:**

01:10:43 Mr. Galloway delivered rebuttal (see recording for detailed discussion.) He discussed the width of Hines Court said the applicant is willing to widen it; traffic; noise; compatibility; and fencing. There was some discussion that included Ms. Hamilton, Mr. Hill and Commissioner Brown regarding road widening and light pollution from street lights/lights in the parking area. Joe Reverman, Assistant Director of Planning & Design Services, discussed Land Development Code requirements regarding light trespass.

**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.**

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**New Business**

**Case No. 20-ZONE-0088**

01:20:07 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 **January 28, 2021** Land Development and Transportation Committee meeting.

**The vote was as follows:**

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

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**January 14, 2021**

**New Business**

**Case No. 20-ZONE-0102**

Request:	Change in zoning from R-4, OR-2 & C-2 to EZ-1 with revised detailed district development plan
Project Name:	Woodland Warehouse
Location:	8201 Minor Lane
Owner:	Barrington Investment Company, LLC
Applicant:	Barrington Investment Company, LLC
Representative:	Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction:	Louisville Metro
Council District:	13 - Mark Fox
<b>Case Manager:</b>	<b>Joel P. Dock, AICP, Planner II</b>

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

01:21:35 Joel Dock presented the case (see staff report and recording for detailed presentation.)

01:25:08 In response to questions from the Commissioners, Mr. Dock discussed dust control/mitigation; resident displacement; the possibility of future connectivity; buffering and the maintenance of the proposed wood privacy fence; sound buffering; timing and site management; and safety and security plans. Commissioner Carlson was concerned that some areas may have been missed in the traffic study.

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

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

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**New Business**

**Case No. 20-ZONE-0102**

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

Diane Zimmerman (traffic engineer), 12803 High Meadows Pike, Prospect, KY 40059

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

01:32:41 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (See recording for detailed presentation.)

01:45:46 Kevin Young discussed the layout and design (see recording for detailed presentation.)

01:49:08 Diane Zimmerman discussed the traffic study and what developments in the area were included (see recording for detailed presentation.)

01:53:02 Mr. Pregliasco resumed his presentation and discussed more details about the traffic study.

01:54:08 Commissioner Carlson, Mr. Pregliasco, and Ms. Zimmerman discussed traffic and Tract 19 on the site plan; turning lanes on Minor Lane;

01:59:05 Mr. Young discussed turning lanes.

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

No one spoke.

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02:15:50 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution was adopted:

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**New Business**

**Case No. 20-ZONE-0102**

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the January 28, 2021 Land Development and Transportation Committee meeting

**The vote was as follows:**

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

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**New Business**

**Case No. 20-ZONE-0042**

Request:	Change in Zoning from OR-2 to C-2, with Conditional Use Permit for Mini-Warehouse, Detailed District Development Plan and Binding Elements, Waiver and Variance
Project Name:	Chestnut Indoor Self Storage
Location:	718 - 722 E Chestnut Street
Owner:	Matt Ellis & Daughters LLC
Applicant:	Matt Ellis & Daughters LLC
Representative:	Dinsmore & Shohl LLC
Jurisdiction:	Louisville Metro
Council District:	4 - Jacorey Arthur
<b>Case Manager:</b>	<b>Dante St. Germain, AICP, Planner II</b>

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

02:35:34 Dante St. Germain 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:**

Daniel O’Gara, Dinsmore & Shohl, 101 S 5th St #2500, Louisville, KY 40202

Scott Kramer, Heritage Engineering (was present but did not speak)

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

02:44:13 Daniel O’Gara, the applicant’s representative, presented the applicant’s case (see recording for detailed presentation.)

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**New Business**

**Case No. 20-ZONE-0042**

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

Patricia Noori, 714 East Chestnut, Louisville, KY

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

02:58:42 Patricia Noori, an adjoining property owner, said she was not in opposition but is concerned about the requested setback variance; getting “boxed in” by having the development too close to her property line; the height of the buildings; and the back entrance onto Springer Alley, which is one lane and very narrow. She asked if that alley would be closed off, and expressed concern about the traffic flow and also if there will be enough maneuvering room for trucks/large vehicles using the storage. Mr. O’Gara said the applicant will work with Ms. Noori about the variance, screening/buffering, and the exit onto Springer Alley (see recording for detailed discussion.)

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

No one spoke.

03:04:36 In response to a question from Commissioner Peterson, Ms. St. Germain discussed the height variance (see recording.)

**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 4, 2021** Planning Commission public hearing.

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**January 14, 2021**

**New Business**

**Case No. 20-ZONE-0057**

Request:	Change in zoning from R-4 to R-6 with detailed district development plan, major preliminary subdivision (development potential transfer), and height variance
Project Name:	8300 Cooper Chapel Road
Location:	8300 Cooper Chapel Road
Owner:	Toebe Bernard Sr. Revocable Trust
Applicant:	LDG Development, LLC
Representative:	Dinsmore & Shohl LLC
Jurisdiction:	Louisville Metro
Council District:	23 - James Peden
<b>Case Manager:</b>	<b>Joel P. Dock, AICP, Planner II</b>

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

03:07:38 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 the request:**

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

Mike Hill and Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40223

Diane Zimmerman (traffic engineer), 12803 High Meadows Pike, Prospect, KY 40059

Sandor Greenbaum (geotechnical), 994 Longfield Ave, Louisville, KY 40215



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**January 14, 2021**

**New Business**

**Case No. 20-ZONE-0057**

Michael Gross, LDG Development, 1469 South Fourth Street, Louisville, KY

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

03:13:14 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

03:23:23 Kevin Young and Sandor Greenbaum (geotechnical) answered some questions regarding their site visit (see recording for detailed discussion.)

03:28:14 Michael Gross, the developer, discussed the phased construction.

03:32:38 Diane Zimmerman answered questions about traffic issues.

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

Larry Webb, 11400 Courage Court, Louisville KY

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

03:35:04 Larry Webb, Mayor of the City of Heritage Creek, said all of the residents who attended the neighborhood meeting opposed the project. He said there are no other apartments in this area; the proposed buildings are too tall; there are no shopping centers in the area; traffic concerns; there are several very large residential projects going on in the area. Regarding the Fantasy Trail connection, Mr. Webb said Fantasy Trail is a private road belonging to the City of Heritage Creek and the residents do not want that connection.

03:40:19 In response to a question from Commissioner Carlson, Mr. Young said he is waiting to hear from the State regarding work to be done on Cooper Chapel Road.

**Rebuttal:**

03:40:53 Mr. Ashburner presented rebuttal (see recording.)

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**New Business**

**Case No. 20-ZONE-0057**

04:02:21 In response to a question from Councilman James Peden, Commissioner Brown discussed the State projects which may be related to this site (see recording.)

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04:07:50 On a Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the **January 28, 2021** Land Development and Transportation Committee meeting. The motion carried by the following vote:

**The vote was as follows:**

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

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**The meeting adjourned at approximately 05:08 p.m.**

DocuSigned by:

*Rob Peterson*

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**Chairman**

DocuSigned by:

*Sym*

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**Division Director**