

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

February 25, 2021

Old Business

Case No. 20-ZONE-0066

Request:	Change in Zoning from PRD & R-4 to R-6, with Detailed District Development Plan and Binding Elements, and Variance - Request for a Night Hearing
Project Name:	Cooper Chapel Apartments
Location:	6600 & 6702 Cooper Chapel Road
Owner:	Gary & Cherrlynn Eibeck Living Trust
Applicant:	LDG Development
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:

00:06:50 Dante St. Germain said there is a confirmed petition for the night hearing and did not add anything to the full presentation of this case which was presented at the January 28, 2021 LD&T Committee meeting.

00:08:13 Brian Davis, Planning Manager with Louisville Metro Planning & Design Services, spoke after the applicant's representative (see below.) Mr. Davis said this case was at LD&T on January 28, 2021. The case was presented and discussed, and the LD&T Committee decided that the case was ready to go to public hearing but could not establish a firm public hearing date, so it was continued to today's meeting. It was decided by staff and the applicant to have the night hearing on **Monday, April 5, 2021 at 6:00 p.m.** The hearing will be held both online and in-person. The in-person location will be at The Jeffersonian, 10617 Taylorsville Road, Louisville, KY 40299.

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The following spoke in favor of the request:

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

Summary of testimony of those in favor:

00:07:50 Cliff Ashurner the applicant's representative, said the applicant agrees to the date and location that was proposed by staff.

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.

00:10:33 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 schedule the Planning Commission night hearing on **Monday, April 5, 2021 at 6:00 p.m.** both online and at the Jeffersonian, located at 10617 Taylorsville Road, Louisville KY, 40299.

The vote was as follows:

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

NO: No one.

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Commissioners' Discussion

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01:03:44 John Torsky, representing Councilman James Peden's office, discussed the night hearing for this case scheduled for today. He said the Councilman's office did not know that the Jeffersonian was the venue picked for the night hearing. He said that venue is not close to the area/site location. He asked what other venues were contacted for this hearing. He said Jefferson Mall has a lot of space – the Councilman's office is willing to help find a more acceptable venue.

01:06:33 Brian Davis, Planning Manager with Louisville Metro Planning & Design Services, discussed the search and choice of venues (see recording.) he said many places are not renting out their spaces due to COVID; social distancing is not possible in smaller spaces.

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Agency Testimony:

00:59:51 Dante St. Germain presented the case and showed a Power Point presentation) see staff report and recording for detailed presentation.) She informed the Committee that a night hearing petition has been submitted and verified, so the Committee will need to continue today's case to the February 25, 2021 LD&T meeting in order to have time to find a venue and set a meeting date.

01:04:12 In response to questions from Commissioner Carlson and Commissioner Brown, Ms. St. Germain said she is not aware of any proposed improvements to Cooper Chapel Road between this site and McNeely Lake Park. Access to the park was discussed (see recording for detailed discussion.)

The following spoke in favor of the request:

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

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John Campbell, Heritage Engineering, 642 South 4th St. Suite 100, Louisville, KY 40202

Michael Gross, LDG Development, 1469 S 4th St, Louisville, KY 40208

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

Summary of testimony of those in favor:

01:06:19 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He noted that, although the site does share a property line with McNeely Lake Park, there are topographical issues that prevent an ADA-compliant connection between the two properties.

01:11:42 John Campbell, an applicant's representative, explained the process for lying out the site and working with the existing topography and natural features on the site to develop the plan being presented today. He said the plan maximizes tree preservation on the site, and there will be additional plantings on-site to increase buffering. There are 11 apartment buildings plus the clubhouse.

01:16:47 Mr. Ashburner continued and concluded the presentation. (see recording.)

01:20:52 In response to a question from Commissioner Carlson, Diane Zimmerman (traffic engineer) spoke on behalf of the applicant. A turn lane analysis was conducted and the findings did not warrant additional study of construction of a turn lane.

01:23:24 In response to additional question from Commissioner Carlson, Mr. Ashburner stated that there would be screening against all the abutting residential properties. The applicant will provide additional detail about the proposed screening at the public hearing. Mr. Campbell stated a stub to the east was not included because the development plan for the adjoining site includes an additional patio home that has not been constructed yet.

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The following spoke in opposition to the request:

Bill Grey, 9502 Cooper Chase Court, Louisville, KY 40229

Dorsey Kozarovich, 6502 Park Chase Court, Louisville, KY 40229

Thomas Simmons, 6508 Cooper Chapel Road, Louisville, KY 40229

Talma Collins, 6506 Cooper Chapel Road, Louisville, KY 40229

Summary of testimony of those in opposition:

01:38:40 Bill Grey said he believes a there should be a berm and/or additional plantings on the west side of the development. He is against allowing any connection from the development to the park, and that access should only come from Cooper Chapel Road.

01:44:30 Dorsey Kozarovich clarified some information about the gravel path on the adjoining property, which is not a road and is owned by the homeowners' association. She is concerned about the height of thee structures near the property line, and also opposes a direct connection to the park.

01:47:26 Thomas Simmons said that the three-story proposal is out of character with the area. He said the tree growth is about 25-40 years old. He stated that there has been a history of flooding in the area, and it is his opinion that the traffic count should be updated since it was done in 2016.

01:50:33 Talma Collins said the treeline has been there, untouched, for at least 30 years (as long as she's lived near to the site.) She is concerned about the proposed three-story design and subsequent loss of privacy.

01:53:27 Rebuttal

See recording for detailed presentation and LOJIC aerial photos.

01:58:52 In response to a question from Commissioner Carlson regarding the trees, Mr. Ashburner said no one knows if these trees were planted or are naturally-occurring. Mr. Campbell said the property stopped being farmed around 2002/2004 and the trees appear to be naturally-occurring.

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02:01:34 Commissioners' deliberation.

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02:11:50 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 25, 2021** LD&T Committee meeting for the sole purpose of scheduling a date and venue for a night hearing.

The vote was as follows:

YES: Commissioners Carlson, Daniels, and Peterson.

NO: Commissioner Brown.

ABSENT: Commissioner Sistrunk.