

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
May 19, 2022**

A meeting of the Land Development and Transportation Committee was held on, May 19, 2022 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Te'Andre Sistrunk, Chair
Jim Mims, Vice Chair
Rich Carlson
Ruth Daniels

Committee Members absent were:

Jeff Brown

Staff Members present were:

Joe Reverman, Planning Assistant Director
Brian Davis, Planning Manager
Julia Williams, Planning Supervisor
Joel Dock, Planning Coordinator
Jay Lockett, Planner II
Laura Ferguson, Legal Counsel
Pamela M. Brashear, Management Assistant

Others present:

Beth Stuber, Transportation Planning Supervisor
Tony Kelly, MSD

The following matters were considered:

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
May 19, 2022

APPROVAL OF MINUTES

MARCH 24, 2022 LD&T COMMITTEE MEETING MINUTES (CASE WAS LEFT OFF)

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

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on March 24, 2022.

The vote was as follows:

YES: Commissioners Carlson, Mims and Sistrunk

NOT PRESENT FOR THIS CASE: Commissioners Brown and Daniels

APRIL 28, 2022 LD&T COMMITTEE MEETING MINUTES

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

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on April 28, 2022.

The vote was as follows:

YES: Commissioners Carlson, Mims and Sistrunk

NOT PRESENT FOR THIS CASE: Commissioners Brown and Daniels

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
May 19, 2022

OLD BUSINESS

CASE NO. 21-STRCLOSURE-0032

Request: Applicant Requests Continuance to 6-9 LD&T
A proposed closure of public right-of-way
Project Name: S 5th at W Chestnut St Alley
Location: Alley East of S 5th St Parallel to W Chestnut St
Owner: Louisville Metro
Applicant: Joseph Impellizzeri
Representative: Charles Cash
Jurisdiction: Louisville Metro
Council District: 4 – Jecorey Arthur
Case Manager: Jay Lockett, 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:

00:05:40 Jay Lockett stated the applicant has requested this case be continued to the June 9, 2022 LDT meeting. They are working to get some traffic counts for the proposed alley.

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.

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the June 9, 2022 LDT meeting.

The vote was as follows:

YES: Commissioners Carlson, Daniels, Mims and Sistrunk
NOT PRESENT AND NOT VOTING: Commissioner Brown

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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OLD BUSINESS

CASE NO. 21-ZONE-0125

Request: Change in zoning from R-4, OR-3, & PEC to R-6, OR-3, & PEC with detailed plan, major subdivision plan, and variances

Project Name: Commerce Crossings II

Location: 9710 Preston Highway; 9900 Cooper Church Dr; 5115, 5121, & 5141 Commerce Crossings Dr; 9701 Cooper Church Drive

Owner: Commerce Crossings, LLC; Alvin J Slack, Jr.;

Applicant: Capstone Realty

Representative: Dinsmore – Cliff Ashburner

Jurisdiction: Louisville Metro

Council District: 13 – Mark Fox; 24 – Madonna Flood

Case Manager: Joel P. Dock, AICP, Planning Coordinator

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:

00:07:37 Joel Dock stated staff is requesting a continuance for this case to a date uncertain until all matters of the development plan can be resolved and preliminary approval from MSD is received (see recording for detailed presentation).

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

Cliff Ashburner agrees with a continuance but not to a date uncertain (see recording for detailed presentation).

Deliberation

The commissioners are in agreement that this case should be continued to a date uncertain (see recording for detailed presentation).

An audio/visual recording of the Land Development & Transportation Committee meeting related to this case is available on the Planning & Design Services

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OLD BUSINESS

CASE NO. 21-ZONE-0125

website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to a date uncertain.

The vote was as follows:

YES: Commissioners Carlson, Daniels, Mims and Sistrunk
NOT PRESENT AND NOT VOTING: Commissioner Brown

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 19-RSUB-0010

| | |
|-------------------|---------------------------------------|
| Request: | Revised Major Preliminary Subdivision |
| Project Name: | Zelma Fields Section 3 |
| Location: | 8310 Silver Bell Ave |
| Owner: | Doug White |
| Applicant: | Property Services Group LLC |
| Representative: | Bluestone Engineers |
| Jurisdiction: | Louisville Metro |
| Council District: | 23 – James Peden |
| Case Manager: | Jay Lockett, 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:

00:14:55 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Chris Crumpton, Bluestone Engineers, 4350 Brownsboro Road, Suite 110, Louisville, Ky. 40207

Summary of testimony of those in favor:

Chris Crumpton gave a power point presentation. There will be single-family residential lots which are needed at this time. The trees on the property line will be preserved (see recording for detailed presentation).

Deliberation

LDT 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.

Major Preliminary Subdivision with conditions of approval

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NEW BUSINESS

CASE NO. 19-RSUB-0010

On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution based on the Applicant and Staff's testimony indicating the subdivision meets all Land Development Code requirements for subdivisions was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Major Preliminary Subdivision, **SUBJECT** to the following Conditions of Approval:

1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
2. The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by Planning Commission staff if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
3. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
4. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
5. All street signs shall be installed by the Developer and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street and shall be in place at the time of any required bond release.

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NEW BUSINESS

CASE NO. 19-RSUB-0010

The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

6. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.

7. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.

8. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.

9. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.

10. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.

11. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.

1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.

2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.

3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.

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CASE NO. 19-RSUB-0010

12. At the time the developer turns control of the homeowners' association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners' association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.

13. No habitable dwelling space shall be constructed within 250 feet of the edge of the nearest travel lane of the Gene Snyder Freeway. Tract 5 shall remain as non-buildable open space. Portions of tracts 3 and 4 within the noise sensitive use area may be used as private yard area or accessory structures as permitted by Land Development Code section 5.1.7.E.

The vote was as follows:

YES: Commissioners Carlson, Daniels, Mims and Sistrunk
NOT PRESENT AND NOT VOTING: Commissioner Brown

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 22-ZONE-0044

| | |
|-------------------|--|
| Request: | Change in Zoning from R-4 to R-5 with a District Development Plan, a Waiver and a Variance |
| Project Name: | Alston Trace |
| Location: | 3200-3208 Maldon Ct, 5714, 5716, 5718-5746 Maldon Dr |
| Owner: | Alston Trace LLC |
| Applicant: | Alston Trace LLC |
| Representative: | Dinsmore and Shohl |
| Jurisdiction: | Louisville Metro |
| Council District: | 1 – Angela Bowens |
| Case Manager: | Jay Lockett, 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:

00:26:05 Jay Lockett discussed the case summary from the staff report and indicated that the application was ready for a public hearing.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

Cliff Ashburner gave a power point presentation. There are a variety of lot patterns in the area. A few drainage easements will need to be moved and a few street trees are being added (see recording for detailed presentation).

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 June 30, 2022 public hearing at the Old Jail Building.

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NEW BUSINESS

CASE NO. 22-ZONE-0027

Request: Change in zoning from U-N to C-1, with Detailed District Development Plan and Binding Elements and Waiver
Project Name: Opportunity Shelby
Location: 1118 S Shelby Street
Owner: Opportunity Louisville II LLC
Applicant: Opportunity Louisville II LLC
Representative: Rachel Harman
Jurisdiction: Louisville Metro
Council District: 6 – David James
Case Manager: Dante St. Germain, AICP, Planner II
Presented By: Julia Williams, AICP, Planning Supervisor

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:

00:37:11 Julia Williams discussed the case summary from the staff report and indicated that the application was ready for a public hearing.

The following spoke in favor of this request:

Rachel Harman, 1621 Windsor Place, Louisville, Ky. 40204

Summary of testimony of those in favor:

Rachel Harman is the architect representing the applicant. The proposed tenant will be a general store selling local goods or antiques and falls under the category of retail. The building has a historic façade and a brick alley (see recording for detailed presentation).

Commissioner Carlson requests the hours of operation (see recording for detailed presentation).

Deliberation

LDT deliberation.

An audio/visual recording of the Land Development & Transportation Committee meeting related to this case is available on the Planning & Design Services

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NEW BUSINESS

CASE NO. 22-ZONE-0027

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 June 30, 2022 public hearing at the Old Jail Building.

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NEW BUSINESS

CASE NO. 21-ZONE-0059

Request: Change in zoning from R-R to R-4, with Detailed District Development Plan/Major Preliminary Subdivision with development potential transfer and Binding Elements, and Waivers

Project Name: Oak Grove Road Subdivision

Location: 10212 & 10302 Oak Grove Road

Owner: Estate of Doris Ann Parker, The Parker Living Trust

Applicant: JS Acquisitions LLC

Representative: Bardenwerper Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 22 – Robin Engel, 23 – James Peden

Case Manager: Dante St. Germain, AICP, Planner II

Presented By: Julia Williams, AICP, Planning Supervisor

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:

00:51:32 Joe Reverman explained that this case has already been heard by the Planning Commission and recommended to Metro Council. It was remanded from Metro Council back to the Planning Commission. Louisville was still in a state of emergency which has since ended, so the 90-day rule is back in effect. In order to meet that timeline, the Planning Commission would need to act by June 2, 2022 (see recording for detailed presentation).

00:54:39 Julia Williams discussed the case summary from the staff report and indicated that the application was ready for a public hearing if the outstanding issues are resolved.

Beth Stuber discussed the traffic data (see recording for detailed presentation).

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

David Mindel, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

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NEW BUSINESS

CASE NO. 21-ZONE-0059

Nick Pregliasco gave a power point presentation discussing traffic and safety. The number of lots have been reduced by 83 (see recording for detailed presentation).

David Mindel discussed accidents from Cedar Creek Rd. along Independence and Oak Grove to Thixton (as requested by Jeff Brown).

David Mindel also provided a map to show which areas have additional right-of-way per major plat or per minor plat (as requested by Jeff Brown). Also, the new proposed binding element will be as follows: Developer to construct a right-hand turn lane on eastbound Thixton (see recording for detailed presentation).

The following spoke in opposition to this request:

Bryan Gillis, 10404 Oak Grove Road, Louisville, Ky. 40291

Gina Enneking, 8920 Independence School Road, Louisville, Ky. 40228

John E. Smith, 10309 Oak Grove Road, Fern Creek, Ky. 40291

Summary of testimony of those in opposition:

Bryan Gillis stated the traffic study is not accurate because it doesn't include enough streets. There are accidents not being accounted for, therefore it's not a complete study. The roads are not wide enough (see recording for detailed presentation).

Gina Enneking gave a power point presentation discussing the Cedar Creek drainage basin being a preservation strategy area. There are some endangered/threatened species of plants and wildlife in the area. There are 2 ponds that need to be looked at before development goes into that area.

Gina Enneking performed a traffic study on Independence School Rd. (see recording for detailed presentation). Also, after listening to all the recordings of prior meetings regarding this case, it was said before the subdivision would be put in, there would be improvements made from Oak Grove, Independence School Rd., Thixton and to Bardstown Rd. The infrastructure can't handle this type of development (see recording for detailed presentation).

Gina Enneking asked what she could do to request a night hearing since this case is already scheduled to be heard June 2, 2022. Joe Reverman and Brian Davis gave a brief explanation (see recording for detailed presentation).

John Smith said he appreciates the fact that the applicant is going to retain some open space. There will be a lot of additional traffic which will potentially increase the number

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CASE NO. 21-ZONE-0059

of accidents. The intention was for the area to stay rural (see recording for detailed presentation).

Rebuttal:

Nick Pregliasco stated the proposal will improve the existing unsafe roadway conditions.

David Mindel discussed the required karst study and solutions as well as the traffic study (see recording for detailed presentation).

Nick Pregliasco said the data from the traffic study was dated August 24, 2021. Also, the applicant agrees to a pre-blast survey requested by Commissioner Carlson (see recording for detailed presentation).

Deliberation

LDT 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 June 2, 2022 public hearing at the Old Jail Building. The Committee also recommends this case be heard after 5:00 p.m. and with extended time limits - 40 minutes for applicant, 50 minutes for opposition and 10-minute rebuttal.

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ADJOURNMENT

The meeting adjourned at approximately 3:36 p.m.

Chair

Planning Director