

PLANNING COMMISSION MINUTES
March 3, 2022

PUBLIC HEARING
CASE NO. 21-ZONE-0134

Request: Reschedule Night Hearing Date – Change in Zoning from R-4 & C-1 to R-6, with Detailed District Development Plan with Binding Elements

Project Name: Greenburg Lower Hunters Trace

Location: 2328 & 2400 Lower Hunters Trace, 2403 Cady Court

Owner: George Gagel

Applicant: Select Homes

Representative: Dinsmore & Shohl

Jurisdiction: Louisville Metro

Council District: 12 – Rick Blackwell

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 public hearing. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:05:50 Dante St. Germain explained that the Night Hearing date needed to be rescheduled because of an issue with notices.

An audio/visual recording of the Planning Commission hearing 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 Howard, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **RESCHEDULE** 21-ZONE-0134 to be heard at 6:00 p.m. at the **March 21, 2022** Planning Commission night hearing, to be held at the Southwest Government Center.

The vote was as follows:

YES: Commissioners Mims, Brown, Howard, Carlson, Clare, Daniels, Seitz, Sistrunk, Price, and Lewis.

NO: No one.

ABSTAIN: No one.

ABSENT: No one.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
February 24, 2022

OLD BUSINESS

Case No. 21-ZONE-0134

Request:	Cont'd from the February 10, 2022 LD&T meeting - Change in zoning from R-4 & C-1 to R-6, with Detailed District Development Plan with Binding Elements
Project Name:	Greenburg Lower Hunters Trace
Location:	2328 & 2400 Lower Hunters Trace, 2403 Cady Court
Owner:	George Gagel
Applicant:	Select Homes
Representative:	Dinsmore & Shohl
Jurisdiction:	Louisville Metro
Council District:	12 - Rick Blackwell
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:

00:24:37 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) She noted that a night hearing petition has been received and verified.

00:29:17 In response to questions from Commissioner Mims regarding road improvements, Ms. St. Germain said the applicant said that proposed road improvements had been reviewed by Public Works. Commissioner Brown said he had reviewed this plan and it appears to meet all the dimensional requirements (see recording for detailed discussion.)

00:31:35 In response to questions from Commissioner Carlson, Ms. St. Germain discussed the second access point to Cady Court (see recording for detailed discussion.)

The following spoke in support of the request:

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

Summary of testimony of those in support:

00:33:07 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:35:35 In response to questions from Commissioner Mims, Mr. Ashburner confirmed that the Cady Court connection will be a full connection and not a gated access.

The following spoke in opposition:

Ken Rogers, 6505 Cady Drive, Louisville, KY

Summary of testimony of those in opposition:

00:38:29 Ken Rogers expressed concerns about flooding, traffic, and density. He said he does not have any issues about the proposed left turn lane. He said he will testify more about his concerns at the public hearing.

Rebuttal

00:40:11 No rebuttal.

Deliberation:

00:40:27 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.

00:43:43 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 this case to be heard on **March 14, 2022 at**

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
February 24, 2022

OLD BUSINESS

Case No. 21-ZONE-0134

**6:00 p.m. at the Southwest Government Center, located at 7219 Dixie Hwy,
Louisville, KY 40258.**

The vote was as follows:

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

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
February 10, 2022

NEW BUSINESS

Case No. 21-ZONE-0134

Request:	Change in zoning from R-4 & C-1 to R-6, with Detailed District Development Plan with Binding Elements
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Representative:	Dinsmore & Shohl
Jurisdiction:	Louisville Metro
Council District:	12 - Rick Blackwell
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:

01:03:14 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:07:22 Commissioner Carlson asked if there were any sidewalk connections planned from the apartments to the existing Shacklette Elementary School. Ms. St. Germain said there is no direct connection; however, there is a connection which leads to the public sidewalk, which then leads to the elementary school.

01:09:09 In response to a question from Commissioner Mims, Ms. St. Germain described questions still remaining regarding the left turn lanes onto Lower Hunters Trace. Beth Stuber, with Metro Transportation Planning, confirmed that the auxiliary turning lane was the only thing that was in the work scope of the traffic study. See recording for detailed conversation.

01:13:27 Commissioner Brown said a 6-foot "screen" is shown on the plan. Is that in addition to the landscaping requirements? Ms. St. Germain said that,

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generally the screening is part of the landscaping plan. That is ultimately finalized at the landscape stage of development. There is a screening requirement between the residential and multi-family zoning districts. The LDC requires both a fence and landscaping.

01:15:13 In response to a question from Commissioner Carlson, Commissioner Brown, Ms. St. Germain and Ms. Stuber discussed the attached Highway Capacity Manual regarding the level of service and future traffic volumes at the intersection of Lower Hunters Trace and Dixie Highway. Diane Zimmerman, the applicant's traffic engineer, said this is not a future traffic analysis; this was taken directly from Metro Traffic Engineering synchroanalysis, indicating that this intersection is currently operating at Level C.

The following spoke in favor of the request:

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

Diane Zimmerman, 12803 High Meadows Pike, Louisville, KY 40059

Mike Hill, Land Design & Development, 503 Washburn Ave # 101, Louisville, KY 40222 (available for questions)

Summary of testimony of those in favor:

01:20:24 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation. He discussed the proposed night hearing (see recording for detailed presentation.) He emphasized proposed improvements to Lower Hunters Trace, including the left-turn lane. He noted that this will not be a Section 8 or subsidized development; it will be market rate housing.

01:32:03 Commissioner Mims and Mr. Ashburner discussed whether the fire department had commented on the Cady Court connection, and further discussion of the left-turn lane. A left turn lane should be installed at Mount Everest Drive. Commissioner Brown noted that the applicant met the threshold to provide the left-turn lane, and that will require road-widening.

01:37:51 In response to a question from Commissioner Brown, Mr. Ashburner said the access to the cell tower is an existing easement on the site and the applicant will accommodate it.

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01:38:33 Joe Reverman, Assistant Director of Planning & Design Services, and Mr. Ashburner discussed the Cady Court and Cady Drive connections, which are required by the Land Development Code. Mr. Ashburner said the applicant would be requesting an alternate connection or waiver from Metro Council.

The following spoke in opposition to the request:

Kenneth White, 6519 Cady Drive, Louisville, KY 40258

Stacy Hoover, 2408 Royster Way, Louisville, KY

Summary of testimony of those in opposition:

01:43:01 Kenneth White said his property sits next to Cady Court. He said he and other residents have “serious” traffic concerns. There are other large-scale developments approved for this area which will add to the already-growing traffic. He said another concern is if Cady Court would be opened as a secondary entrance/exit. Children play in the court. He asked that Cady Court not be opened or tied to this proposal.

01:47:46 Stacy Hoover said her primary concern is traffic. She asked if the school bus traffic was taken into consideration; also, was the traffic analysis done when school was in-person, or during COVID, when the school was mostly not in person. She asked if additional TARC stops would be added to serve this and other developments being added close by – this would also add to traffic. She said other residents in the community had asked her to clarify that residents don’t oppose an apartment complex; it’s the three-story buildings coming in to the neighborhood. She said area residents are concerned about MSD and drainage issues – she said she still has standing water on her property from the ice storm last week. Environmental issues – this was a working farm for many years that had weed killer and fertilizer used for years. Will there be any mitigation of this before construction?

Rebuttal:

01:55:31 Mr. Ashburner said a full traffic impact study was not done, but a limited impact analysis was done. He said this development can address traffic concerns by providing road improvements. He said the applicant has performed a Phase I and Phase II environmental analysis on the property and found that there were no toxicity issues that needed to be addressed. He said the applicant will work with MSD regarding where they need to run the storm drainage.

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Deliberation:

01:58:47 Commissioner Carlson suggested that this case be continued to another LD&T meeting (**February 24, 2022**) to give the applicant time to work out the left turn lane issue. At that time, it can be determined if the case is ready for a public hearing.

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.

02:05:20 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 **February 24, 2022** Land Development and Transportation Committee meeting to evaluate changes that the applicant would make to the site plan for the left turn lane.

The vote was as follows:

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