MINUTES OF THE MEETING OF THE LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE December 10, 2020

A meeting of the Land Development and Transportation Committee was held on December 10, 2020 at 1:00 p.m. via Cisco Webex Video Teleconferencing. On the recommendation of the Louisville Metro Department of Health and Wellness regarding congregate events and social distancing, the Land Development and Transportation Committee meeting set for today was held online.

Committee Members present were:

Marilyn Lewis, Chair Rob Peterson, Vice Chair Richard Carlson – Left at approximately 4:30 p.m. Jeffrey Brown Ruth Daniels

Staff Members present were:

Emily Liu, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning and Design Manager
Julia Williams, Planning Supervisor
Dante St. Germain, Planner II
Joel Dock, Planner II
Laura Ferguson, Legal Counsel
Pamela M. Brashear, Planning and Design Management Assistant

The following matters were considered:

APPROVAL OF MINUTES

NOVEMBER 12, 2020 LD&T COMMITTEE MEETING MINUTES

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

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on November 12, 2020.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Peterson and Lewis

OLD BUSINESS

CASE NO. 19-ZONE-0096

Request: Change in zoning from R-4, R-5A and PD to R-6 and C-1

with detailed district development/preliminary subdivision

plan

Project Name: Star Hill

Location: 6600, 6700 and 6725 South Hurstbourne Parkway; 5800,

5802 and 5930 South Watterson Trail

Owner: Hurstbourne Property Group, LLC Applicant: Hurstbourne Property Group, LLC

Representative: Mindel Scott

Jurisdiction: Louisville Metro

Council District: 24 – Madonna Flood

Case Manager: Joel P. Dock, 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:

00:06:46 Mr. Dock discussed the case summary from the staff report and indicated that the application was not ready for a public hearing.

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

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

Anthony Schnell, 500 West Jefferson Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:26:41 Mr. Gootee gave a power point presentation. The plan will be amended to show additional right-of-way to be dedicated and the sidewalk. A binding element will be added regarding a record plat to construct public road network. The church is aware the road will go through their property.

00:48:30 Mr. Mindel stated, June of 2019, Burnett Ave. Baptist Church and Hurstbourne Property Group entered into an agreement concerning sewer and drainage, public utility easement, right-of-way dedication and a record plat.

00:51:27 Mr. Schnelll, attorney for the applicant, stated the church will have to dedicate the right-of-way, but they don't need to sign the application.

OLD BUSINESS

CASE NO. 19-ZONE-0096

00:58:10 Commissioner Carlson said the buildings look the same. Mr. Mindel said they will differ in size and height. Mr. Dock said he originally wanted to move forward with a general plan, which there would be no details or renderings. It would still have to be weighed against the Highview Neighborhood Plan. The applicant just wants it reviewed at a later date.

01:05:15 Commissioner Peterson asked the applicant to explain the changes to the access on Street B – concerns about too many entrances on that road. Mr. Gootee explained the changes.

01:07:07 Commissioner Brown stated, the driveway is too close to the Hurstbourne access (gas station for lot 2) and does not meet the Land Development Code requirements. There's an issue on the south side as well. Mr. Gootee explained how that situation was improved.

Deliberation

01:13:02 LD&T 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.

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the January 14, 2021 LD&T meeting.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Peterson and Lewis

OLD BUSINESS

CASE NO. 20-ZONE-0074

Request: Change in zoning from R-4 to R-7 with detailed district

development/revised major preliminary subdivision plan

Project Name: 6106 South Watterson Trail
Location: 6106 South Watterson Trail
Owner: Clarence and Lucille Schmitt
Applicant: Highgates Development

Representative: Mindel Scott
Jurisdiction: Louisville Metro
Council District: 23 – James Peden

24 - Madonna Flood

Case Manager: Joel P. Dock, 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:

01:21:03 Mr. Dock discussed the case summary from the staff report and indicated that the application was ready for a public hearing.

01:29:32 Commissioner Brown said the applicant needs to provide a 5-foot sidewalk, instead of 4-foot on Watterson Trail.

The following spoke in favor of this request:

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

Brent Hackworth, Highgates Development, 7301 Monsi Circle, Louisville, Ky. 40219

Summary of testimony of those in favor:

01:30:22 Mr. Mucci gave a power point presentation.

01:40:11 Mr Hackworth stated, the intent is to not have a commercial look to their complex. Also, no 2 buildings will look the same (side-by-side).

Deliberation

01:44:50 LD&T deliberation.

OLD BUSINESS

CASE NO. 20-ZONE-0074

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.

OLD BUSINESS

CASE NO. 19-ZONE-0091

Request: Change in Zoning from R-4 to R-5A with Detailed District

Development Plan and Binding Elements

Project Name: Regency Park

Location: 8816-8820 West Manslick Road, Parcel 104900700000

Owner: Cat VVB LLC Applicant: Cat VVB LLC

Representative: Wyatt Tarrant & Combs

Jurisdiction: Louisville Metro
Council District: 14 – Cindi Fowler

Case Manager: Dante St. Germain, 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:

01:53:53 Ms. St. Germain 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:

Jon Baker, Wyatt, Tarrant and Combs, 400 West Market Street, Suite 2000, Louisville, Ky. 40202

Summary of testimony of those in favor:

01:56:56 Mr. Baker stated, this case was continued to get an opinion from legal counsel, work with Planning and Design and Metro Public Works concerning the roads.

The following spoke as other for this request:

Councilwoman Cindi Fowler

Summary of testimony of those neither for or against:

02:03:08 Ms. Fowler asked what changes were made. Mr. Baker explained the request is still a condo regime. Ms. Fowler expressed her concerns regarding owners having financial issues, specifically, who would take over the property.

Deliberation

OLD BUSINESS

CASE NO. 19-ZONE-0091

02:01:30 LD&T 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.

OLD BUSINESS

CASE NO. 20-ZONE-0080

Request: Change in Zoning from R-4 to R-7 with Detailed District

Development Plan, Binding Elements and Associated

Waiver

Project Name: Cedar Creek Road Apartments

Location: 7703-7705 Cedar Creek Road and Parcels 064702750000

and 064702730000

Owner: Lonnie and Imogene Lawson, Garry and Denise Lawson

Applicant: Highgates Development

Representative: Frost Brown Todd/Mindel Scott & Associates

Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel

Case Manager: Dante St. Germain, 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:

02:07:23 Ms. St. Germain discussed the case summary from the staff report and indicated that the application was ready for a public hearing. There is no waiver being requested at this time.

The following spoke in favor of this request:

Tanner Nichols, 400 West Market Street, Louisville, Ky.

Summary of testimony of those in favor:

02:10:28 Mr. Nichols stated the plan has been revised per conversations at the last LD&T meeting.

Deliberation

02:14:18 LD&T 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.

OLD BUSINESS

CASE NO. 20-ZONE-0080

NEW BUSINESS

CASE NO. 20-ZONE-0092

Request: Change in Zoning from R-4 to PRD with Detailed District

Development Plan, Binding Elements, abandonment of

existing Binding Elements and Major Preliminary Subdivision

Project Name: Cedar Ridge

Location: 8203 and 8211 Cedar Creek Road, Parcel 065700830000

Owner: Limestone Builders Inc. Applicant: Limestone Builders Inc.

Representative: Wyatt, Tarrant & Combs, LLP

Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel

Case Manager: Dante St. Germain, 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:

02:19:37 Ms. St. Germain 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:

Jon Baker, Wyatt, Tarrant and Combs, 400 West Market Street, Suite 2000, Louisville, Kv. 40202

Kelli Jones, Sabak, Wilson and Lingo, 608 South 3rd Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

02:25:35 Mr. Baker gave a power point presentation.

02:30:48 Ms. Jones continued the presentation, explaining the changes.

02:38:13 Mr. Baker discussed Diane Zimmerman's traffic impact study.

Deliberation

02:44:11 LD&T deliberation.

NEW BUSINESS

CASE NO. 20-ZONE-0092

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.

NEW BUSINESS

CASE NO. 20-ZONE-0071

Request: Change in zoning from R-4 to C-1 with detailed plan

Project Name: Gustavo's Restaurant Location: 8909 US Highway 42

Owner: Cushing-Eckler Family Trust Applicant: Gustavo's Prospect, LLC

Representative: Mindel Scott
Jurisdiction: City of Prospect
Council District: 16 – Scott Reed

Case Manager: Joel P. Dock, 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:

02:46:54 Mr. Dock 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:

John Stewart, Encompass Development Design and Construct, 1133 Lagrange, Ky.

Summary of testimony of those in favor:

02:55:05 Mr. Stewart, architect, gave a power point presentation. Eventually, there will be connection to the future development and expand the property.

Deliberation

03:00:42 LD&T 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.

NEW BUSINESS

CASE NO. 20-STRCLOSURE-0017

Request: Bohannon Avenue road closure

Project Name: Bohannon Avenue

Location: 13915, 14201 and 15012 Bohannon Avenue

Owner: Louisville Metro

Applicant: LDG Land Holdings, LLC Representative: Dinsmore & Shohl, LLP

Jurisdiction: Louisville Metro
Council District: 14 – Cindi Fowler

Case Manager: Joel P. Dock, 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:

03:02:19 Mr. Dock 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, LLP, 101 South 5th Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

03:05:22 Mr. Ashburner gave a power point 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.

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the staff report and testimony heard today was adopted.

RESOLVED, that the Louisville Metro Land Development and Transportation does hereby place this case on the Consent Agenda of the December 17, 2020 Planning Commission meeting.

The vote was as follows:

NEW BUSINESS

CASE NO. 20-STRCLOSURE-0017

YES: Commissioners Brown, Carlson, Daniels, Peterson and Lewis

NEW BUSINESS

CASE NO. 20-ZONE-0084

Request: Change in zoning from R-4 to C-1 with detailed plan and

variance

Project Name: Bannon Woods Veterinary Hospital

Location: 11116 Dezern Avenue

Owner: Frederick and Gail Denzik; Adrienne Robertson Applicant: Frederick and Gail Denzik; Adrienne Robertson

Representative: Dinsmore & Shohl, LLP

Jurisdiction: Louisville Metro Council District: 13 – Mark Fox

Case Manager: Joel P. Dock, 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:

03:09:53 Mr. Dock 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, LLP, 101 South 5th Street, Louisville, Ky. 40202 Mark Madison, Milestone Design Group, 108 Daventry Lane, Louisville, Ky. 40223

Summary of testimony of those in favor:

03:15:37 Mr. Ashburner gave a power point presentation.

03:22:33 Mr. Madison will revise the plan, if necessary, to address the limits of the driveway improvements.

Deliberation

03:23:33 LD&T 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.

NEW BUSINESS

CASE NO. 20-ZONE-0084

NEW BUSINESS

CASE NO. 20-ZONE-0081

Request: Change in Zoning from R-4 to C-1 with Detailed District

Development Plan, Binding Elements and Conditional Use

Permit

Project Name: Taylorsville Road Restaurant

Location: 4508 Taylorsville Road
Owner: KST Properties LLC
Applicant: KST Properties LLC
Representative: Dinsmore & Shohl LLP

Jurisdiction: Louisville Metro
Council District: 11 – Kevin Kramer

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

NOTE: COMMISSIONER CARLSON LEFT AT APPROXIMATELY 4:30 AND DID NOT VOTE ON THIS CASE

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:

03:25:20 Ms. St. Germain 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, LLP, 101 South 5th Street, Louisville, Ky. 40202 Ann Richard,

Summary of testimony of those in favor:

03:30:00 Mr. Ashburner gave a power point presentation. The area is well developed and the proposal is not very intense.

03:35:21 Ms. Richard explained what is being done to answer Commissioner Brown's concern for the property to the west – moved dumpster and added a general note.

Deliberation

03:37:05 LD&T deliberation.

NEW BUSINESS

CASE NO. 20-ZONE-0081

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.

NEW BUSINESS

CASE NO. 20-ZONE-0082

Request: Change in Zoning from R-4 to C-1 with Detailed District

Development Plan and Binding Elements, with Waivers and

Variance

Project Name: Circle K

Location: 404 and 406 Mount Holly Road

Owner: Macs Convenience Stores LLC, Harold Smith Jr.

Applicant: Circle K

Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro Council District: 13 – Mark Fox

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

NOTE: COMMISSIONER CARLSON LEFT AT APPROXIMATELY 4:30 AND DID NOT VOTE ON THIS CASE

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:

03:38:22 Ms. St. Germain 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:

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

Jason Hall

Summary of testimony of those in favor:

03:46:18 Mr. Talbott gave a power point presentation giving some background information. The design element is problematic because of the use. There have been some changes to the plan.

03:54:04 Mr. Hall continued with the presentation discussing the multi-use path, landscaping, building encroachment, buffering and screening.

03:56:08 Mr. Talbott discussed the waiver to omit the vehicular pedestrian circulation and why they're not providing the walking path (safety issue). The design will be better than what's there now.

NEW BUSINESS

CASE NO. 20-ZONE-0082

Deliberation

04:01:33 LD&T 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.

NEW BUSINESS

CASE NO. 20-ZONE-0086

Request: Change in Zoning from R-4 to PRD with Detailed District

Development Plan, Binding Elements, Major Preliminary

Subdivision and Waivers

Project Name: Tucker Station Road Subdivision

Location: 3311 Tucker Station Road
Owner: Lori and Christopher Jones
Applicant: Tucker Station Development
Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson

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

NOTE: COMMISSIONER CARLSON LEFT AT APPROXIMATELY 4:30 AND DID NOT VOTE ON THIS CASE

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:

04:03:12 Ms. St. Germain 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:

John Talbott, Bardenwerper, Talbott and Roberts, 1000 Hurstbourne Parkway, Louisville, Ky. 40223 Doug Schultz,

Summary of testimony of those in favor:

04:07:00 Mr. Talbott gave a power point presentation. The purpose of Planned Residential Development is to provide flexibility in design of residential developments in a manner that promotes implementation of Cornerstone 2020 and Cornerstone 2040 as well.

04:28:37 Mr. Schultz stated, this is a completely developable site and a lot of effort was made to try and incorporate integral green space, nature corridors and scenic corridors. It falls in line with conservation techniques – idea of smaller lots and providing green space.

NEW BUSINESS

CASE NO. 20-ZONE-0086

The following spoke in opposition to this request:

Steve Porter, 2406 Tucker Station Road, Louisville, Ky. David Barnes, 12406 Tyler Woods Court, Louisville, Ky.

Summary of testimony of those in opposition:

04:33:44 Mr. Porter represents the Tucker Station Neighborhood Association. They support the concept but not the plan. The main issue is one proposed building (4 units) has the rear of the building facing Tucker Station Rd. The buffering will not be adequate.

04:38:53 Mr. Barnes said he is concerned about the traffic and objects to the waiver. He also doesn't like the materials to be used or the denseness of the project. Also, there needs to be more setback to allow for the widening of Tucker Station Rd.

Deliberation

04:43:07 LD&T 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.

ADJOURNMENT	
The meeting adjourned at approximately 5:45 p.m.	
Chair	
Planning Director	