

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
January 26, 2023**

A meeting of the Land Development and Transportation Committee was held on, January 26, 2023 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
Jeff Brown
Suzanne Cheek

Absent:

No one.

Staff Members present were:

Brian Davis, Assistant Director, Planning & Design Services
Julia Williams, Planning Supervisor
Dante St. Germain, Planner II
Jay Lockett, Planner II
Beth Stuber, Transportation Planning Supervisor
Laura Ferguson, Legal Counsel
Mary Willis, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

JANUARY 12, 2023

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 January 12, 2022.

The vote was as follows:

YES: Commissioners Cheek, Brown, Mims, Carlson, Sistrunk

NO: None

ABSTAIN: None

Not Present: None

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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OLD BUSINESS

21-ZONE-0136

Request:	Change in zoning from R-4 to R-7, with associated Detailed District Development Plan with Binding Elements, and Waiver
Project Name:	Mt. Washington Road Apartments
Location:	5604, 5606, 5612, 5614 & 5616 Mt. Washington Road
Owner:	Gloria & Clinton Walker, Bobby Wilson
Applicant:	Highgates Management
Representative:	Bardenwerper, Talbott & Roberts
Jurisdiction:	Louisville Metro
Council District:	23 – Jeff Hudson
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. 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:

00:05:35 Dante St. Germain mentioned that the applicant is requesting another continuance. Dante stated that the applicant believes they have worked things out but have not provided material to staff, so they need a continuance.

00:06:19 Commissioner Carlson asked if this timing was going to put a strain on the timing of getting the material together. Dante stated that if they get the material in by Monday then they will be ready for the hearing on February 9.

Deliberation

00:06:58 Land Development and Transportation Committee 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.

00:07:00 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following was adopted.

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OLD BUSINESS

21-ZONE-0136

RESOLVED, that the Land Development & Transportation Committee does hereby **CONTINUE** this case on the February 9th, 2023 Land Development & Transportation Committee meeting.

The vote was as follows:

YES: Commissioners Cheek, Brown, Mims, Carlson, Sistrunk

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

22-STRCLOSURE-0023

Request:	East Washington Street Closure
Project Name:	East Washington Street Closure
Location:	East of E Washington St. and Adams St. Intersection
Owner:	Robert C Rueff
Applicant:	Robert C Rueff
Representative:	Milestone Design Group, Inc.
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Clara Schweiger, Planner I

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. 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:

00:07:50 Clara Schweiger discussed the case summary from the staff report and indicated that the application was ready for a consent agenda. (See video for presentation)

The following spoke in favor of this request:

None

Summary of testimony of those in favor:

None

The following spoke in opposition to the request:

None

REBUTTAL

None.

Deliberation

00:09:30 Land Development and Transportation Committee deliberation.

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NEW BUSINESS

22-STRCLOSURE-0023

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.

00:09:35 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution based on the Standard of Review and Staff Analysis and the 100% consent from adjacent property owners was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **PLACE** this case on the Consent Agenda for the February 2, 2023 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Cheek, Brown, Mims, Carlson, Sistrunk

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

22-WAIVER-0236

Request:	Waiver for a private street to provide access to more than twenty lots
Project Name:	Bridgemore Lane Minor Plat
Location:	Bridgemore Lane - 002600320000
Owner:	John & Mary Smith
Applicant:	John & Mary Smith
Representative:	Mindel Scott
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Clara Schweiger, Planner I

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. 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:

00:10:40 Clara Schweiger discussed the case summary from the staff report and indicated that the application was ready for final action (See video for presentation). The applicant requested a waiver to allow for a private street to provide access to more than twenty lots.

00:13:33 Commissioner Mims asked is this was the first subdivision of those large Bridgemore lots. Schweiger stated this lot is the only one she knows of.

00:14:16 Commissioner Brown asked if this will be part of the Homeowner Association and have some shared maintenance responsibilities. Schweiger stated the applicant can answer that question for you.

The following spoke in favor of this request:

David Mindel, Mindel Scott, 5151 Jefferson Blvd, Louisville, KY 40219

Summary of testimony of those in favor:

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NEW BUSINESS

22-WAIVER-0236

00:15:23 David Mindel spoke in favor of the application and gave a PowerPoint presentation. Mindel stated that they are creating a total of five lots from the one existing tract.. Mindel the originally approved plan was not fully developed, so there will still be fewer lots than originally approved if this plat is approved.

00:19:20 Commissioner Brown asked will this be part of the Homeowner Association and take part in sharing the maintenance. Mindel stated that it will be part of the Homeowner Association and there will be a condition of approval.

The following spoke in opposition to the request:

None.

Summary of testimony of those in opposition:

None.

REBUTTAL

None.

Deliberation

00:20:00 Land Development and Transportation Committee 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.

00:20:07 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Standard of Review, Staff Analysis and testimony was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners as there are already lots existing on the private road and the proposed lots are meeting all lot size requirements.

WHEREAS, the waiver will not violate specific guidelines of Plan 2040 as the proposal will allow for development that is contextually appropriate in this area and that can be safely accessed as the roadway meets the width requirement.

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the new lots proposed will be meeting all lot size requirements of the Land Development Code.

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NEW BUSINESS

22-WAIVER-0236

WHEREAS, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land. If the waiver is not approved the applicant would not have access to the lots being created.

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the waiver of Section 7.8.60.B.1.

The vote was as follows:

YES: Commissioners Cheek, Brown, Mims, Carlson, Sistrunk

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

22-RSUB-0009

Request:	Revised Preliminary Subdivision
Project Name:	Chism Trail
Location:	10300 Reeseman Drive
Owner:	Superior Builders
Applicant:	Superior Builders
Representative:	Land Design and Development
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
Case Manager:	Julia Williams, AICP, Planning Manager

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. 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:

00:21:31 Julia Williams discussed the case summary from the staff report and indicated that the application was ready for final action (see video for presentation). Williams stated the applicant is proposing a 21 single family lot within the exciting Chism Trial subdivision which in turn will complete the division.

The following spoke in favor of this request:

Ann Richard, Land Design and Development, 503 Washburn Ave., Louisville, KY 40222

Summary of testimony of those in favor:

00:24:30 Ann Richard spoke in favor of the application and presented a PowerPoint presentation (see video). Richard stated that the plan is the same as the one approved in 2006. Richard mentioned that the reason they are at the LD&T meeting is due to the plan expiring.

The following spoke as a neutral party to the request:

James Rankin, 7902 Chism Trail Way, Louisville, KY 40291

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NEW BUSINESS

22-RSUB-0009

Summary of testimony of those as neutral:

00:25:41 James Rankin spoke as a neutral party to the plan. Rankin mentioned that he was there on behalf of the Homeowners Association. Rankin asked if the developer will adopt the original CCR's for Section 2. He also wanted to know if streetlights will be planned for Section 2. Rankin asked that when it comes to the tree placement, do any of the homeowners have a say to where the trees are placed.

The following spoke in opposition to the request:

None.

Summary of testimony of those in opposition:

None.

REBUTTAL

00:27:58 Ann Richard stated that the same CCR's will be used for Section 2. She also mentioned that the streetlights will be provided. Richard stated that she spoke with Mr. Wacker and stated that he would be willing to work with the Homeowners Association.

Deliberation

00:30:40 Land Development and Transportation Committee 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.

00:30:58 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Standard of Review, Staff Analysis and testimony was adopted.

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the Revised Major Preliminary Subdivision, with the following conditions of approval:

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NEW BUSINESS

22-RSUB-0009

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. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
6. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for Reeseman Drive. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.

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NEW BUSINESS

22-RSUB-0009

7. 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.

8. 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.

9. 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.

10. 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.

11. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.

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

- a. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
- b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
- c. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.

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.

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NEW BUSINESS

22-RSUB-0009

13. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.

14. If sinkholes are found on the property or if ponds are to be filled on the site, a geotechnical report shall be conducted for the site and the results shall be submitted to Public Works and MSD for review prior to construction plan approval and the recommendations of the report shall be carried out during construction on the site.

15. A geotechnical report shall be conducted for the site and the results shall be submitted to Public Works and MSD for review prior to construction plan approval. Construction methods and precautions recommended in the report shall be applied to construction within the development.

16. A deed of consolidation or minor plat creating the proposed subdivision boundary will need to be recorded prior to recording of the record plat.

17. The number of lots recorded shall not exceed 5 until the Brentlinger Lane improvements are completed. The exact System Development Charge requirements shall be worked out with Public Works prior to construction plan approval.

18. The applicant will be responsible for constructing the connection to the existing Reeseman Drive stub if/when the right-of-way is extended to the property line by Glenmary East LLC.

19. The Chism Trail Homeowners Association will work with the Glenmary East Homeowners Association to determine which households are affected by the drainage basin sharing and determine who will share in the cost of improving and maintaining the detention basin.

The vote was as follows:

YES: Commissioners Cheek, Brown, Mims, Carlson, Sistrunk

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

22-ZONE-0128

Request:	Change in zoning from R-6 multi-family and C-1 commercial to C-1 commercial with a District Development Plan with Binding Elements, a variance and a waiver
Project Name:	Payne Street Bakehouse and Guesthouse
Location:	223 and 225 S Spring St
Owner:	Shelby Market Properties, LLC
Applicant:	Shelby Market Properties, LLC
Representative:	Architectural Artisans
Jurisdiction:	Louisville Metro
Council District:	9 – Andrew Owen
Case Manager:	Jay Lockett, 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. 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:

00:31:57 Jay Lockett discussed the case summary from the staff report and indicated that the application was ready for public hearing (see video for presentation) The applicant is proposing to expand and renovate an existing bakery and café. He would also like to expand the residential structure on site for a short-term rental unit.

The following spoke in favor of this request:

Jeff Rawlins, 213 S. Shelby St., Louisville, KY 40202

Summary of testimony of those in favor:

00:35:20 Jeff Rawlins spoke in favor of the applicant. Rawlins stated that the applicant is needing to expand due to adding catering to her business.

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NEW BUSINESS

22-ZONE-0128

The following spoke in opposition to the request:

None.

Summary of testimony of those in opposition:

None.

Rebuttal

None.

Deliberation

00:35:57 Land Development and Transportation Committee 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.

00:36:18 The Committee by general consensus scheduled this case to be heard at the **February 16, 2023**, Planning Commission public hearing.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

22-ZONE-0105

Request:	Change in zoning from R-4 single family and C-1 commercial to R-6 multifamily with a District Development Plan with Binding Elements and a Waiver
Project Name:	Friess Old Bardstown
Location:	9408 and 9500 Old Bardstown Rd
Owner:	Roger Dale Perkins Estate; Michael and Laura Schnell
Applicant:	Friess Property Company
Representative:	Bardenwarper, Talbott and Roberts
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Jay Lockett, 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. 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:

00:36:55 Jay Lockett discussed the case summary from the staff report and indicated that the application was ready for public hearing (see video for presentation). The applicant is proposing to construct 110 multi-family dwelling units on approximately 9.28 acres.

00:39:33 Commissioner Brown asked what would the code require for pedestrian connectivity between each of these units. Lockett stated there isn't a requirement for pedestrian connectivity.

00:41:05 Commissioner Carlson asked if there were any sidewalks along Bardstown Road and what the M-2 zone consisted of. Lockett stated that he doesn't believe there are sidewalks on Bardstown Road at this time. The property in the M-2 zone was a boat repair shop.

00:42:33 Commissioner Mims asked if the applicant was proposing sidewalks for this current plan. Lockett stated that the applicant was proposing to install sidewalks.

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NEW BUSINESS

22-ZONE-0105

00:43:36 Commissioner Brown asked if the driveway associated with the property across the street would line up with the driveway that will be part of the development. Luckett mentioned that he didn't do the research on the property across the street, so he isn't for sure what is approved.

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper Talbott & Roberts, 1000 N. Hurstbourne Pkwy,
Louisville, KY 40223

Theodore Bernstein, Land Design & Development, 503 Washburn Ave, Louisville, KY
40222

Summary of testimony of those in favor:

00:44:31 Nick Pregliasco spoke in support of the application and presented a PowerPoint presentation (see video). Pregliasco stated that it is a very nice upscale community. He mentioned that half of the townhomes will have garages. Pregliasco said that the development across the street has expired and believes that the entrances of both developments would match up and he would be able to get that information before the Planning Commission meeting.

00:56:03 Commissioner Brown asked what improvements are being made towards the roadways and does the applicant have schematics showing those tapers and transitions. Pregliasco said there was a request for a turn lane in front of the entire frontage but that the applicant is proposing a three lane in front of the entire frontage. Ted Bernstein mentioned to Commissioner Brown that he did not have an exhibit showing that turn lane.

01:01:09 Commissioner Mims asked if there were funds established for the right turn lane for Bardstown Road. Pregliasco stated that the applicant would propose a binding element stating he would create the right-hand turn lane.

01:04:41 Commissioner Carlson asked if the connectivity to the west was a technical problem or was it something he could take up at the Planning Commission meeting. Commissioner Sistrunk responded that he didn't see it as a technical issue because they are asking for a waiver.

01:05:11 Commissioner Mims asked if the property to the west has access off of Thixton Lane and does it also have access off of Bardstown Road. Luckett stated that connectivity is slowly becoming available.

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NEW BUSINESS

22-ZONE-0105

The following spoke in opposition to the request:
None.

Summary of testimony of those in opposition:
None.

Rebuttal
None.

Deliberation

01:10:32 Land Development and Transportation Committee 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.

01:15:42 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution was adopted.

RESOLVED, that the Land Development & Transportation Committee does hereby **CONTINUE** this case to the February 9th, 2023 Land Development & Transportation Committee meeting.

The vote was as follows:

YES: Commissioners Cheek, Brown, Mims, Carlson, Sistrunk

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

22-ZONE-0113

Request:	Change in zoning from R-4 single family to R-6 multifamily with a District Development Plan with Binding Elements and a variance
Project Name:	LDG N English Station
Location:	1615 N English Station
Owner:	Emma Jean Powers Living Trust
Applicant:	LDG Development
Representative:	Dinsmore and Shohl
Jurisdiction:	Louisville Metro
Council District:	17 – Markus Winkler
Case Manager:	Jay Luckett, 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. 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:

01:16:35 Jay Luckett discussed the case summary from the staff report and indicated that the application was ready for public hearing (see video for presentation). The applicant is proposing to construct 168 multi-family dwelling units on approximately 10.23 acres.

01:19:25 Commissioner Brown asked what the intent was when it came to Elite Drive. Luckett stated that he was not familiar with that site and would have to do more research on that area.

01:20:30 Commissioner Mims asked how these buildings match up to the industrial buildings to the east when it comes to height. Luckett stated that most of the adjoining industrial buildings are one story in height.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore & Shohl LLP, 101 S. 5th St Suite 2500, Louisville, KY 40202

Derek Triplett, Land Design & Development, 503 Washburn Ave, Louisville, KY 40222

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NEW BUSINESS

22-ZONE-0113

Summary of testimony of those in favor:

01:22:15 Cliff Ashburner spoke in support of the application and presented a PowerPoint presentation (see video). Ashburner stated that they are complying with the tree canopy ordinance, and they are providing three times the required open space. Ashburner stated that there is a limited amount of frontage on this site so the club house was put up close to the road. They gave the club house a residential look.

01:29:51 Commissioner Mims asked Ashburner if Elite Drive was dedicated. Ashburner stated that Elite Drive is dedicated to a point that is two properties below the development.

01:31:33 Commissioner Brown stated that the access is hugging the property line and it looks like driveway approaches and encroaches in front of the other properties. The state uses a typical form to get consent from abutting owners when you are disturbing them. Derek Triplett stated he would get that information before the public hearing.

01:35:25 Commissioner Mims asked if there was a need for an auxiliary turn lane. Ashburner stated that a turn lane was not warranted.

The following spoke in opposition to the request:

Diana Washington, 1710 N English Station Road, Louisville, KY 40223

Joan Pauly, 1802 N. English Station Rd, Louisville, KY 40223

Marilyn Williams, 1101 Heafer Road, Louisville, KY 40223

Steve Porter, 2406 Tucker Station Rd, Louisville, KY 40299

Anthony Williams, 1604 N English Station Rd, Louisville, KY 40223

Summary of testimony of those in opposition:

01:37:14 Diana Washington spoke in opposition to the plan. Washington stated that she is concerned about gentrification of the area. She feels the development would lean more towards being affordable for the high end residents than those of color. Washington also stated that she is concerned about the road widening which could take away the natural look of the environment.

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22-ZONE-0113

01:46:14 Joan Pauley spoke in opposition to the plan. Pauley stated that N English Station Road is used primarily for industrial use. Pauley asked when it came to the tree canopy will it be the same as another project the LDG is doing or will it be different.

01:53:48 Marilyn Williams spoke in opposition to the plan. Williams stated that the community is not opposed to development, but the community is opposed to multi-family housing. Williams said that affordable single homes are needed in the area to give individuals a path to homeownership.

01:55:32 Steve Porter spoke in opposition to the plan. Porter stated that he is there to represent the Berrytown neighborhood. Porter states that the curve on N English Station Road is a major problem and that it needs to be looked over before moving forward with the plan.

02:00:41 Anthony Williams spoke in opposition to the plan. Williams stated that his driveway is right in front of the entry way of the development. Williams said that he already has issues pulling out of his driveway due to the blind curve. Williams did say that there have been multiple traffic accidents in that area.

REBUTTAL

02:04:17 Cliff Ashburner mentioned that the Berrytown plan was defective and that the plan was not distributed to over 400 Berrytown residents. Ashburner feels that the Berrytown plan will not get to the council in time for review so the plan shouldn't keep the application from moving forward.

02:09:05 Commissioner Carlson asked if Mr. Porter could summarize more on the Berrytown plan in a written document and would like Ashburner to have more information about the tree canopy at the public hearing. Ashburner stated that he would have that information.

Deliberation

02:12:27 Land Development and Transportation Committee deliberation.

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NEW BUSINESS

22-ZONE-0113

02:18:21 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted.

RESOLVED, that the Land Development & Transportation Committee does hereby **CONTINUE** this case to the February 23rd, 2023 Land Development & Transportation Committee meeting.

The vote was as follows:

YES: Commissioners Cheek, Brown, Mims, Carlson, Sistrunk

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NEW BUSINESS

22-ZONE-0145

Request:	Change in zoning from R-4 to C-2, with associated Detailed District Development Plan with Binding Elements, and Waivers
Project Name:	8006 National Turnpike Rezoning
Location:	8006 National Turnpike
Owner:	Robert & Jennifer Johnson
Applicant:	Robert Johnson
Representative:	CRP & Associates
Jurisdiction:	Louisville Metro
Council District:	13 – Dan Seum Jr.
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. 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:

02:31:55 Dante St. Germain discussed the case summary from the staff report and indicated that the application was ready for public hearing (see video for presentation). Applicant is requesting a zone change from a R-4 Single Family residential to a C-2 Commercial. St. Germain stated that this property was originally used for residential purposes.

02:36:01 Commissioner Carlson asked if the whole property is being rezoned or just a certain portion. Carlson asked for more detail when it came to Binding Element 10. St. Germain replied saying that the whole property would be rezoned; it would go from a R-4 to a C-2. Pertaining to Binding Element 10, if the site stores 5 or more cars it becomes a junk yard; the binding element reminds whoever is running the property that they cannot have no more the four inoperable cars on the property at one time.

02:37:44 Commissioner Mims asked if the front of the building would remain a daycare. Dante replied saying that it would become an office to run auto sales and auto repair.

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NEW BUSINESS

22-ZONE-0145

The following spoke in favor of this request:

Charles Podgursky, 7321 New Lagrange Rd Suite 111, Louisville, KY 40222

Summary of testimony of those in favor:

02:38:27 Charles Podgursky spoke in support of the plan. Podgursky stated that he has someone who wants to put an auto repair shop at this property. Podgursky said that he worked with the highway department to make a bigger curb cut for traffic flow.

02:41:10 Commissioner Carlson asked what the display area is like when it comes to selling vehicles and if there was going to be a fence around the property. Podgursky told Carlson that it would be based on the applicant when it comes to the display and that there would a fence along the north and back side of the site.

02:44:15 Commissioner Cheek asked how will the applicant distinguished the difference between the cars being sold and the cars being repaired. Podgursky stated that the cars that are being repaired would be towards the back of the building and the cars being sold are mainly going to be a word of mouth.

02:46:02 Commissioner Mims asked who the applicant had been working with at the KYTC about the entrance of the property. Beth Stuber stated that Podgursky spoke with Jason Richardson about changing the entrance from 25ft to 35ft.

The following spoke in opposition to the request:

None.

Summary of testimony of those in opposition:

None.

Rebuttal

None.

Deliberation

02:47:45 Land Development and Transportation Committee 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.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
January 26, 2023

NEW BUSINESS

22-ZONE-0145

02:47:57 The Committee by general consensus scheduled this case to be heard at the **February 16, 2023**, Planning Commission public hearing.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
January 26, 2023

NEW BUSINESS

22-ZONE-0050

Request:	Change in zoning from R-4 to R-6, with associated Detailed District Development Plan with Binding Elements, and Variance and Waiver
Project Name:	Terry Road Apartments
Location:	5127 Terry Road
Owner:	Ambvit Realty LLC
Applicant:	LDG
Representative:	Dinsmore & Shohl
Jurisdiction:	Louisville Metro
Council District:	1 – Tammy Hawkins
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. 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:

02:48:34 Dante St. Germain discussed the case summary from the staff report and indicated that the application was ready for public hearing (see video for presentation); The applicant is requesting a zone change from R-4 single family residential to R-6 multi-family residential.

02:53:43 Commissioner Mims asked if Joy Drive was being connected as a private drive and if that was the preference of staff or something else. St. Germain replied saying that the preference would be to have it as a public right of way.

The following spoke in favor of this request:

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

Derek Triplett, Land Design & Development, 502 Washburn Ave, Louisville, KY 40222

Summary of testimony of those in favor:

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

22-ZONE-0050

02:56:18 Cliff Ashburner spoke in support of the application and presented a PowerPoint presentation (see video). Ashburner stated that the property behind the development was landlocked and was not useable for projects in the future. He did state that they will provide an easement so that someone could get back to that property to maintain it. Ashburner said that they are providing pedestrian access near Harvest Drive not vehicular access.

03:04:11 Commissioner Carlson asked if the easement that is being provided will look like a parking space or will it be an open easement. Ashburner said that they would have to reconfigure the area and would lose about three parking spaces.

03:07:48 Commissioner Mims asked if the applicant would use the minimum radius for a residential street. Derek Triplett stated that the center line radius is smaller than what would typically be seen on a public road requirement.

03:09:25 Commissioner Carlson asked who would maintain Joy Drive if it does stay a private drive. Ashburner replied saying that he has never discussed enforcing maintenance on a private drive. Ashburner wanted to speak with his client and find a suitable solution.

The following spoke in opposition to the request:

None.

Summary of testimony of those in opposition:

None.

Rebuttal

None.

Deliberation

03:11:51 Land Development and Transportation Committee 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.

03:13:55 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted.

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NEW BUSINESS

22-ZONE-0050

RESOLVED, that the Land Development & Transportation Committee does hereby **CONTINUE** this case to the February 9th, 2023 Land Development & Transportation Committee meeting.

The vote was as follows:

YES: Commissioners Cheek, Brown, Mims, Carlson, Sistrunk

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

22-ZONE-0149

Request:	Change in zoning from R-4 to R-5, with associated Major Preliminary Subdivision, Detailed District Development Plan with Binding Elements, and Waiver
Project Name:	Pulte Cedar Creek Road Subdivision
Location:	9220 & 9224 Cedar Creek Road
Owner:	Wendell E Thommasson Revocable Living Trust
Applicant:	Pulte Group
Representative:	Bardenwerper, Talbott & Roberts
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel, 23 – Jeff Hudson
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. 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:

03:14:48 Dante St. Germain discussed the case summary from the staff report and indicated that the application was ready for public hearing (see video for presentation) The applicant is requesting a zone change from R-4 single family residential to R-5 single family residential. St. Germain stated that a neighbor named Paula Miles requests a privacy fence around the development.

The following spoke in favor of this request:

John Talbott, Bardenwerper Talbott and Roberts, 1000 N Hurstbourne Pkwy, Louisville, KY 40222

Derek Triplett, Land Design & Development, 503 Washburn Ave, Louisville, KY 40222

Dan Hempel, 10350 Ormsby Park Place Suite 103, Louisville, KY 40223

Summary of testimony of those in favor:

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NEW BUSINESS

22-ZONE-0149

03:17:59 John Talbott spoke in support of the application and presented a PowerPoint presentation (see video). Talbott stated that the applicant is looking to create 44 lot single family homes. Talbott mentioned that the development to the south has a stub and they will be connecting to that stub. Talbott also mentioned that their aren't many trees at this area however they will provide trees along the property.

03:22:24 Commissioner Brown asked if Talbott had a chance to look at the neighbors request about the privacy fence. Talbott stated that he hasn't spoken about it but per zoning change there are no requirements that a fence be put up.

03:23:14 Commissioner Carlson asked what type of traffic controls are at Cedar Creek and Fairmount. Commissioner Brown stated that he believes Fairmount is a side street stop.

The following spoke in opposition to the request:

None.

Summary of testimony of those in opposition:

None.

Rebuttal

None.

Deliberation

03:24:08 Land Development and Transportation Committee 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.

03:24:25 The Committee by general consensus scheduled this case to be heard at the **March 2nd, 2023**, Planning Commission public hearing.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
January 26, 2023

NEW BUSINESS

22-ZONE-0013

Request:	Change in form district from SWFD to NFD, change in zoning from EZ-1 to R-6 & R-7, with associated General District Development Plan with Binding Elements, Detailed District Development Plan with Binding Elements, Major Preliminary Subdivision and Variances
Project Name:	3500 Lees Lane Rezoning
Location:	3500 Lees Lane
Owner:	LDG Land Holdings LLC
Applicant:	LDG
Representative:	Dinsmore & Shohl
Jurisdiction:	Louisville Metro
Council District:	1 – Tammy Hawkins
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. 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:

03:25:08 Dante St. Germain discussed the case summary from the staff report and indicated that the application was ready for public hearing (see video for presentation) The applicant is requesting a change in form district from SWFD to NFD as well as a change in zoning from an EZ-1 Enterprise Zone to R-6 multi-family residential and R-7 multi-family residential.

03:31:44 Commissioner Carlson stated that he understands that Ladd Avenue would connect to Lees Lane but wanted to know where the other end of Ladd Avenue fall. St. Germain stated that it would be for future development and would be dedicated to the property line of lot one.

03:35:30 Commissioner Mims asked if the plan really avoided all the wetlands expect for areas that have a crossing. St. Germain stated that the wetlands aren't being avoided they are merely being placed in open spaced areas.

03:36:51 Commissioner Brown asked in the Louisville Loop Design guidelines what is required verge for a roadside facility. Beth Stuber stated that she didn't have that answer but she could get that information before the hearing.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
January 26, 2023

NEW BUSINESS

22-ZONE-0013

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore & Shohl LLP, 101 S 5th Street Suite 2500, Louisville, KY 40202

Derek Triplett, Land Design & Development, 503 Washburn Ave, Louisville, KY 40222

Summary of testimony of those in favor:

03:38:21 Cliff Ashburner spoke in support of the application and presented a PowerPoint presentation (see video). Ashburner stated that the plan was designed to avoid all but 0.49 acres of wetlands and that is why you see a lot of open space on the property. Ashburner also stated that in the future they will have to deal with the road access when it comes to Lot 2 and Lot 3.

03:43:26 Commissioner Cheek asked if all three entrances will be gated. Ashburner stated that LDG was going to provide gates but as technology has evolved the gates are not working as they thought they were so they will provide cameras they will detect license plates.

03:48:07 Commissioner Mims asked if they were removing all of the trees on the entire property or just removing the trees in the area that they will be developing on. Derek Triplett stated they only plan on removing trees in the area of development.

03:49:35 Commissioner Brown asked if the applicant was adding a left-hand turn lane into the Lass Avenue extension and widening the road on both sides. Derek Triplett stated that at this time that is the plan to reduce the taper length for the pavement.

The following spoke in opposition to the request:
None.

Summary of testimony of those in opposition:
None.

Rebuttal
None.

Deliberation

03:52:58 Land Development and Transportation Committee deliberation.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
January 26, 2023

NEW BUSINESS

22-ZONE-0013


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.

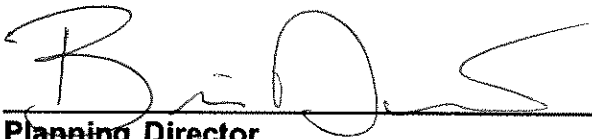
03:53:52 The Committee by general consensus scheduled this case to be heard at the **February 16th, 2023**, Planning Commission public hearing.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
January 26, 2023

ADJOURNMENT

The meeting adjourned at approximately 4:56 p.m.

DocuSigned by:

Chair
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Planning Director