

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

A meeting of the Land Development and Transportation Committee was held on, September 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 & Transportation Committee meeting set for today was held online.

Committee Members present were:

Marilyn Lewis, Chair
Rob Peterson, Vice Chair
Richard Carlson
Jeffrey Brown

Committee Members absent were:

Ruth Daniels

Staff Members present were:

Emily Liu, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Joe Haberman, Planning and Design Manager
Brian Davis, Planning and Design Manager
Julia Williams, Planning Supervisor
Joel Dock, Planner II
Dante St. Germain, Planner II
Laura Ferguson, Legal Counsel
Beth Stuber, Engineering Supervisor
Rachel Dooley, Planning and Design Management Assistant

Others present:

None

The following matters were considered:

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APPROVAL OF MINUTES

AUGUST 27, 2020 LD&T COMMITTEE MEETING MINUTES

00:04:55 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on August 27, 2020.

The vote was as follows:

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

NO: No one

ABESNET: Commissioner Daniels

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 20-ZONE-0020

Request: Change-in-Zoning from R-4, single-family residential to R-5, single-family; R-6, multi-family; and OR-1, office-residential with detailed district development plan and variances

Project Name: Hurstbourne Commons

Location: 8127 Watterson Trail

Owner: John A. Paddock

Applicant: RJ Thieneman

Representative: Dinsmore & Shohl, LLP

Jurisdiction: Louisville Metro

Council District: 11 – Kevin Kramer

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.)

Discussion

00:06:09 Joel Dock presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Mr. Dock noted Brian Davis can answer questions regarding the scheduling of the night hearing.

The following spoke in favor of this request:

Cliff Ashburner, 101 South Fifth Street, Suite 2500, Louisville, Kentucky, 40202

Summary of testimony of those in favor:

00:09:32 Cliff Ashburner, representing the applicant, stated the proposed night hearing location will be at the Jeffersonian and this case is ready to set a night hearing date (see recording for detailed presentation.)

The following spoke in opposition to this request:

Nancy Willenbrink, 8101 Stoney Run Court, Louisville, Kentucky, 40220

Summary of testimony of those in opposition:

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NEW BUSINESS

CASE NO. 20-ZONE-0020

00:10:14 Nancy Willenbrink asked for the status of the proposed entrance/exit of this site near the Meijer grocery store. She stated this case should not move forward without input from Meijer.

Rebuttal:

00:14:39 Cliff Ashburner stated there is a prepared plan shared with agencies can address the entrance as binding element at the public hearing.

00:15:02 Brian Davis asked Cliff Ashburner if the plans still propose 3 story apartment buildings. Cliff Ashburner replied yes.

00:15:10 Commissioner Brown asked Cliff Ashburner if the traffic study did not include distributing traffic through the adjacent Meijer site out to Hurstbourne Parkway/Waterson Trail. Cliff Ashburner replied he can review the traffic study to double check.

00:16:10 Nancy Willenbrink stated she reviewed the traffic study which includes Meijer as one of the four exits/entrances. With the majority of the proposed traffic going through the Meijer connection.

00:16:56 Commissioner Brown recounted the traffic study pages 11 and 12 (see recording for detailed presentation.) Commissioner Brown asked that the applicant and staff should consider a binding element to limit the number of building permits or certificate of occupancy until the connection is made as the traffic study assumes a traffic connection is provided.

00:18:03 Cliff Ashburner confirmed the traffic study road connection and he will propose a binding element before the public hearing.

00:18:36 Brian Davis stated the proposed night hearing will be at the Jeffersonian, Tuesday, October 13, 2020.

Commissioner Deliberation:

00:18:36 Commissioner Deliberation (see recording for detailed presentation.) Brian Davis proposed two dates for the night hearing at the Jeffersonian, October 12th or October 13th. Commissioners concluded the night hearing date for Tuesday October 13, 2020 at the Jeffersonian

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NEW BUSINESS

CASE NO. 20-ZONE-0020

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 October 13, 2020 Planning Commission public night hearing agenda.

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NEW BUSINESS

CASE NO. 20-ZONE-0034

Request: Change in form district from NFD to SMCDFD, change in zoning from R-4 to C-1, with Detailed District Development Plan and Binding Elements – NIGHT HEARING REQUEST

Project Name: RaceTrac

Location: 11800 – 11908 E Orell Road, 11705 Dixie Highway

Owner: Herman & Karl Gohl, Catherine & Charles Grissett, Kathy Gibson

Applicant: RaceTrac Petroleum Inc.

Representative: Dinsmore & Shohl

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.)

Discussion

00:22:30 Dante St. Germain presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Ms. St. Germain stated the neighborhood to the east of this site has voiced objection to this development and the neighbors petitioned a night hearing with 351+ signatures. She noted there have been emails objecting to a virtual/hybrid night hearing and asked the proposed night hearing to be postponed until COVID-19 restrictions are lifted.

The following spoke in favor of this request:

Cliff Ashburner, 101 South Fifth Street, Suite 2500, Louisville, Kentucky, 40202

Summary of testimony of those in favor:

00:25:20 Cliff Ashburner, representing the applicant, stated he has submitted a sound study that evidences no impact for this site, and it will be presented at the public hearing (see recording for detailed presentation.) Mr. Ashburner noted the proposed location for the night hearing will be able to accommodate those who wish to attend.

The following spoke in opposition to this request:

James Jones, 6326 Winding Stream Drive, Louisville, Kentucky, 40272

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NEW BUSINESS

CASE NO. 20-ZONE-0034

Misty Pack, 6204 Winding Stream Drive, Louisville, Kentucky, 40272

Summary of testimony of those in opposition:

00:28:24 James Jones stated the night hearing should have both neighbors and commissioners present at the night hearing. Mr. Jones expressed concerns with people who cannot be present at the meeting may have technology limitations that may prevent them from speaking. He would like this meeting to be held in person when it is safe to do so (see recording for detailed presentation.)

00:29:32 Misty Pack detailed the petition process and the library neighborhood meeting. Ms. Pack expressed concerns with using online video meetings. Misty asked that commissioners and staff be present at the night hearing (see recording for detailed presentation.)

The following spoke in neither for nor against to this request:

Cindy Fowler, 601 W. Jefferson Street, Louisville, KY 40202

Summary of testimony of those neither for nor against:

00:31:44 Cindy Fowler expressed concerns with hosting a virtual night hearing and would like everyone who wishes to speak be able to in front of Planning Commissioners. Ms. Fowler asked that this process be fair to everyone who wishes to speak and be heard (see recording for detailed presentation.)

00:34:57 Commissioner Peterson asked for the status of Policy and Procedures Committee at this time. Commissioner Lewis replied Policy and Procedures Committee will have a meeting on September 11, 2020 to approve the final iteration of the policy for night hearing (see recording for detailed presentation.) Brian Davis noted discussions regarding meeting requirements and the proposed location of the night hearing (see recording for detailed presentation.)

Rebuttal:

00:37:21 Cliff Ashburner stated if it would please the public for this case to be heard after the final Policy and Procedures Committee meeting and the night hearing date can be set at that time (see recording for detailed presentation.)

Commissioner Deliberation:

00:40:37 Commissioner Lewis asked for the impact of waiting to hear this case again to set a public hearing date after the Policy and Procedures Committee comes to

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NEW BUSINESS

CASE NO. 20-ZONE-0034

a resolution at their meeting Brian Davis replied the date can be changed and staff would have to contact the venue to see if it's available at a later date (see recording for detailed presentation.)

00:41:30 Commissioner Carlson asked if this case can be heard at the September 17, 2020 Planning Commission Meeting. The Policy and Procedures Committee would have a recommendation for new night hearing protocols by that date. Commissioners, Staff, and Cliff Ashburner discussed forwarding this case to Planning Commission (see recording for detailed presentation.)

00:47:14 Commissioners discussed setting a date for this hearing (see recording for detailed presentation.)

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00:47:48 On a motion by Commissioner Carlson, seconded by Commission Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the Louisville Metro Planning Commission on September 17, 2020.

The vote was as follows:

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

NO: No one

ABESNT: Commissioner Daniels.

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NEW BUSINESS

CASE NO. 19ZONE1016

Request: Change in zoning from R-4 to R-5B, with Detailed District Development Plan and Binding Elements
Project Name: Langdon Place Rezoning
Location: 2813 Langdon Drive, 2816 Weissinger Road
Owner: Leigh Ann Properties LLC
Applicant: Leigh Ann Properties LLC
Representative: Bardenwerper Talbott & Roberts
Jurisdiction: Louisville Metro
Council District: 17 – Markus Winkler
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.)

Discussion

00:48:24 Dante St. Germain presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Ms. St. Germain noted the parcels that will be rezoned but not combined, two lots with a total of four dwelling units. Staff has received opposition requests from an adjacent property.

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway 2nd Floor, Louisville, KY 40223

Brent Likins, 1522 Goshen Lane, Goshen, Kentucky, 40026

Summary of testimony of those in favor:

00:55:21 Nick Pregliasco, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Pregliasco noted submitted letters regarding the flood plain on the southern portion of the property. There will be no construction on the flood plain portion of the property. He detailed the requests, the subject site, the detailed district development plan, and elevations (see recording for detailed presentation.)

01:07:08 Commissioner Peterson noted the development plan rendering shows covered porches for each dwelling, but it is not shown on the elevations. Nick Pregliasco stated the applicant can address this.

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01:07:36 Brent Likins, applicant, stated there will be covered porch for the front door of each dwelling with other building details that will be presented in the elevations at the Planning Commission public hearing (see recording for detailed presentation.)

01:09:15 Commissioner Lewis asked if the tree canopy presented on the development plan is from the preservation of existing trees or is it a projected canopy with new trees. Brent Likins replied the canopy is from trees they are preserving with additional landscaping.

The following spoke in opposition to this request:

Jon Baker Wyatt Tarrant & Combs, 400 West Market Street, Louisville, KY 40202

Kathleen Snyder, 2810 Cosmort Court, Louisville, Kentucky,

Aaron Hardy 2806 Cosmort Court, Louisville, Kentucky, 40242

Summary of testimony of those in opposition:

01:10:42 Jon Baker, representing on behalf of Todd and Katherine Culver, expressed concern with adjacent properties going through multi-family zoning at the same time. Mr. Baker noted the duplex request area is in a single-family residential neighborhood and the lack of design details on the elevations (see recording for detailed presentation.)

01:14:44 Kathleen Snyder expressed concerns with this site being rezoned as multi-family and the lack of representation of the neighborhood at this time (see recording for detailed presentation.)

01:15:54 Aaron Hardy expressed concerns with the current state of the property and the lack of maintenance. Mr. Hardy stated he would like more details regarding the design and materials of the proposed homes (see recording for detailed presentation.)

Rebuttal:

01:18:08 Nick Pregliasco stated there will be additional architectural details on the elevations presented at the public hearing. Mr. Pregliasco detailed the single family and multi family use properties in the area, square footage of the homes, and landscaping (see recording for detailed presentation.)

01:20:11 Commissioner Peterson asked for more details regarding the lack of maintenance of the property. Nick Pregliasco replied the applicant can give more details

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regarding maintenance. Brent Likins stated the properties are maintained by a landscaping business and himself on a regular basis.

01:21:12 Commissioner Lewis asked if these lots have subdivision requirements. Nick Pregliasco replied these properties, while they are located in the City of Langdon, it is not in a subdivision subject to connivance requirements, and private deed restrictions (see recording for detailed presentation.)

Commissioner Deliberation:

01:22:13 Commissioner Deliberation (see recording for detailed presentation.) Commissioners concluded there should be more details in the elevations and renderings.

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 October 1, 2020 Planning Commission public hearing agenda.

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NEW BUSINESS

CASE NO. 19ZONE1017

Request: Change in zoning from R-4 to R-5A, with Detailed District Development Plan and Binding Elements
Project Name: Langdon Place 6-Plex
Location: 9121 Blossom Lane
Owner: Leigh Ann Properties LLC
Applicant: Leigh Ann Properties LLC
Representative: Bardenwerper Talbott & Roberts
Jurisdiction: Louisville Metro
Council District: 17 – Markus Winkler

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.)

Discussion

01:24:10 Dante St. Germain presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Ms. St. Germain detailed the applicant’s development plan, the tree canopy area, and elevations. Dante noted the submitted letters of opposition stating concerns of traffic and that this development will become section 8 housing (see recording for detailed presentation.)

01:26:43 Commissioner Peterson and Dante St. Germain discussed presenting details of the tree canopy at the public hearing (see recording for detailed presentation.)

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway 2nd Floor, Louisville, KY 40223

Summary of testimony of those in favor:

01:27:45 Nick Pregliasco, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Pregliasco detailed the request in zoning change, the history of the site, the development plan, and elevation renderings. Nick noted concerns regarding the driveway encroachment of on this development and the bus stop on Blossom Lane (see recording for detailed presentation.)

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CASE NO. 19ZONE1017

01:40:26 Commissioner Peterson asked for clarification regarding the entrances to the buildings and more detail for the elevations. Nick Pregliasco replied the entrances and elevations will have more detail when presented at the public hearing.

01:41:13 Commissioner Lewis asked if the site will be providing 11 parking spaces or 10. Nick Pregliasco replied there will be 10 spaces with an additional ADA parking space. The detailed district development plan will be updated to show this before the public hearing.

The following spoke in opposition to this request:

Jon Baker Wyatt Tarrant & Combs, 400 West Market Street, Louisville, KY 40202

Summary of testimony of those in opposition:

01:10:42 Jon Baker, representing on behalf of Todd and Katherine Culver, expressed concerns with the parking area ILA, the fence line presented on the development plan, construction of a 6-plex within a flood plain, landscape screening, the dumpster area, and the design of the building. (see recording for detailed presentation.) Mr. Baker asked during construction that trucks do not block adjacent properties driveways and leave curb cuts free.

Rebuttal:

01:51:43 Nick Pregliasco detailed the adverse possession claim of the fence line in the buffer area (see recording for detailed presentation.) Mr. Pregliasco stated there will be no construction in the flood plain on this property. He noted the development plan will be updated with more detail for the public hearing.

01:53:59 Jon Baker and Nick Pregliasco discussed the size of the setback for the property (see recording for detailed presentation.)

Commissioner Deliberation:

01:54:40 Commissioners and Laura Ferguson, legal counsel, discussed the legal issues with the property line and forwarding this case to Planning Commission public hearing.

01:56:11 Commissioners, Staff, Kathleen Snyder, and Aaron Hardy discussed the petition of a night hearing for this case and Planning and Design process of setting public hearings (see recording for detailed presentation.)

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CASE NO. 19ZONE1017

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 October 1, 2020 Planning Commission public hearing agenda.

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NEW BUSINESS

CASE NO. 20-ZONE-0072

Request: Change in zoning from R-4 to EZ-1 with waivers
Project Name: Greenbelt Highway Warehouse - Access Easement
Location: 7101 Greenbelt Highway
Owner: Louisville Metro Government
Applicant: Summit Construction
Representative: Mindel Scott
Jurisdiction: Louisville Metro
Council District: 1 – Jessica Green
12 – Rick Blackwell
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.)

Discussion

02:07:57 Joel Dock presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Mr. Dock detailed the request of change in zoning, waivers, the detailed district development plan, and the area of access easement.

The following spoke in favor of this request:

Kathy Linares, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in favor:

02:12:09 Kathy Linares, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Ms. Linares noted the existing vegetation will provide a buffer for the creek adjacent to the site. She indicated the area of proposed change for zoning, the parkway buffer, and the LBA buffer (see recording for detailed presentation.)

02:17:05 Joe Reverman and Kathy Linares discussed incorporating the change of zoning site into the overall development plan for this site (see recording for detailed presentation.)

02:21:03 Joe Reverman asked if this site could incorporate more trees on this site. Kathy Linares replied they will be planting additional trees on this site that will be

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CASE NO. 20-ZONE-0072

presented in the landscape plan. Ms. Linares detailed the drainage detention basin area (see recording for detailed presentation.)

Commissioner Deliberation:

02:23:51 Commissioner Deliberation (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 October 1, 2020 Planning Commission public hearing agenda.

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ADJOURNMENT

The meeting adjourned at approximately 3:37 p.m.

Chair

Planning Director