

**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

**March 25, 2021**

A meeting of the Land Development and Transportation Committee was held at 1:00 p.m. on Thursday, March 25, 2021 via Webex Teleconferencing.

**Committee Members present were:**

Rob Peterson, Chair  
Te'Andre Sistrunk, Vice Chair  
Richard Carlson  
Ruth Daniels  
Jeff Brown

**Committee Members absent were:**

No one.

**Staff Members present were:**

Joseph Reverman, Assistant Director, Planning & Design Services  
Brian Davis, Planning Manager  
Julia Williams, Planning Supervisor  
Jay Lockett, Planner I  
Joel Dock, Planner II  
Laura Ferguson, Legal Counsel  
Chris Cestaro, Management Assistant (minutes)

**Others Present:**

Beth Stuber, Transportation Planning  
Tony Kelly, MSD

The following matters were considered:

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**Approval of Minutes**

**Approval of the minutes of the March 11, 2021 Land Development and Transportation Committee meeting.**

00:03:50      On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on March 11, 2021.

**The vote was as follows:**

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

**NO: No one.**

**ABSTAIN: Commissioner Peterson.**

**MINUTES OF THE MEETING  
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**New Business**

**Case No. 20-DDP-0024**

|                      |  |
|----------------------|--|
| Request:             | Revised Detailed District Development Plan |
| Project Name:        | Circle K                                   |
| Location:            | 6305 E Manslick Rd                         |
| Owner/Applicant:     | Parkway Professionals LLC                  |
| Jurisdiction:        | Louisville Metro                           |
| Council District:    | 23 - James Peden                           |
| <b>Case Manager:</b> | <b>Jay Luckett, AICP, Planner I</b>        |

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:05:00 Jay Luckett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:10:15 In response to questions from Commissioners Sistrunk and Daniels, Mr. Luckett said the faux/frosted windows on the east elevation (facing Smyrna Parkway) and explained why the applicant has requested that they not be clear.

**The following spoke in support of the request:**

Daniel Whitley, Arnold Consulting Engineering Services, Inc., 1136 South Park Drive Bowling Green, KY 42103

**Summary of testimony of those in support:**

00:12:18 Daniel Whitley, the applicant's representative, discussed the glass issue. He also discussed the variance that will be requested at next Monday's Board of Zoning Adjustment (BOZA) meeting (see recording for detailed discussion.)

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**The following spoke in opposition to the request:**

John Smith, 8108 Red Cedar Way, Louisville, KY 40219

Sean Manion, 6300 Saskatchewan Drive, Louisville, KY

**Summary of testimony of those in opposition:**

00:16:05 John Smith said he was speaking on behalf of his mother-in-law, who lives across the street at 6306 East Manslick Road. He expressed concern that there is a creek on the property

00:19:19 Sean Manion asked if the proposed 8-foot privacy fence would extend all the way around to the back side, facing Smyrna and Manslick.

**Rebuttal:**

00:21:21 Using an aerial photo, Mr. Whitley addressed Mr Smith's drainage issue (see recording.)

00:24:33 Commissioner Carlson asked about the vehicle headlights from the parking lot shining across East Manslick Road. Mr. Whitley said this should be resolved with landscape screening. Julia Williams, staff Planning Supervisor and landscape architect, said the applicant would be required by the Land Development Code to plant a 3-foot screen there, because this is a vehicle use area facing the roadway. In response to a question from Joe Reverman, Assistant Director of Metro Planning & Design Services, Ms. Williams said the precise location of the plantings would depend on the grading of the site, and the detention area. The plantings would be required in the area where they would be most practical to block headlights. Staff has discretion on that when the landscape plan is reviewed. She said that it appears that the landscaping would go closer to the parking lot (as opposed to the road.)

00:28:07 Commissioner Brown, Mr. Luckett and Mr. Whitley discussed the proposed pedestrian connection from Manslick Road into the site and agreed on an alternative (see recording.)

00:30:06 In response to a question from Commissioner Brown, Mr. Luckett discussed procedures going forward if BOZA does not approve the proposed variance.

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00:31:05 Mr. Reverman commented on the crosswalk, and noise and lighting binding elements and regulations. Mr. Luckett said there is an existing binding element that may address lighting issues.

00:33:51 Mr. Reverman asked about speakers, usually located on the canopies of gas stations, that allows customers and employees to talk back and forth; sometimes those speakers broadcast music. Mr. Luckett said the property is zoned C-1, which would limit outdoor noise (music, speakers, etc.) but said a binding element could be added specifically addressing this. Mr. Whitley said the applicant states that there is no music that will be played at any time on this site; also, no videos at the pump. He said he did not think the applicant would have any objection to adding a binding element regarding this, since there are no plans for music or videos anyway.

00:36:23 Mr. Luckett read a proposed binding element into the record, as follows:

There shall be no outdoor music, or outdoor entertainment, or outdoor PA system, audible beyond the property line.

Mr. Whitley agreed to this binding element.

00:36:44 Commissioner Carlson asked what the difference is between the Dark Sky compliant lighting and the binding element proposed in the staff report. Mr. Reverman said the Dark Sky compliant regulation would be more restrictive than the binding element (see recording for detailed discussion.)

00:39:18 Commissioners' deliberation.

**An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Waiver (21-WAIVER-0026) of Land Development Code section 5.6.1.C.1 to not provide clear glass windows facing Smyrna Pkwy.**

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**Case No. 20-DDP-0024**

00:42:21 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Land Development and Transportation Committee finds that the waiver will not adversely affect adjacent property owners, as overall building design will be in keeping with similar development in the area; and

**WHEREAS**, the Committee further finds that the waiver will not violate the Comprehensive Plan, as the applicant has proposed other design measures including enhanced landscaping and frosted glass windows to meet the intent of the Comprehensive Plan with respect to commercial site design; and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The applicant will provide enhanced landscaping around the site and frosted glass windows instead of clear windows; and

**WHEREAS** the Committee further finds that strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as the internal layout of the store does not allow for clear windows on that side. The applicant has proposed enhanced landscaping and frosted glass windows to meet the intent of the regulations; now, therefore be it

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested Waiver (21-WAIVER-0026) of Land Development Code section 5.6.1.C.1 to not provide clear glass windows facing Smyrna Parkway.

**The vote was as follows:**

**YES: Commissioners Sistrunk, Carlson, Brown, Daniels, and Peterson.**

**NO: No one.**

**Revised Detailed District Development plan with revisions to binding elements.**

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**New Business**

**Case No. 20-DDP-0024**

00:43:18 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Land Development and Transportation Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Transportation Planning Staff has approved the preliminary development plan; and

**WHEREAS**, the Committee further finds that there are no open space requirements pertinent to the current proposal; and

**WHEREAS**, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area; and

**WHEREAS**, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, except where variances and waiver are requested; now, therefore be it

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, subject to the Board of Zoning Adjustment approval; **ON CONDITION** that the pedestrian connection be shifted to pass through the ILA area and not behind the gas pumps as discussed; and **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land

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Development Code. Any changes/additions/alterations of any binding elements) shall be submitted to the Planning Commission or the Planning Commission's Designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. Signs shall be in accordance with Chapter 8.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot. change of use, or site disturbance permit is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
  - d. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - e. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
  - f. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be



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- created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
- g. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
9. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
10. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

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11. The development shall not permit the following land uses:
  - a. car washes
  - b. restaurants with drive-through windows
12. Service of the dumpster facility shall be permitted only in accordance with the Metro Louisville Code of Ordinances.
13. The applicant shall install an 8' solid wood screening fence and enhanced landscaping as proposed on the Landscape Exhibit presented to the Land Development and Transportation Committee on March 25, 2021. Final location and type of additional plantings will be shown on the approved landscape plan.
14. All landscaping shall be irrigated.
15. There shall be no outdoor music, or outdoor entertainment, or outdoor PA system, audible beyond the property line.

**The vote was as follows:**

**YES: Commissioners Sistrunk, Carlson, Brown, Daniels, and Peterson.**

**NO: No one.**

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**New Business**

**Case No. 21-DDP-0005**

|                      |  |
|----------------------|--|
| Request:             | Revised Detailed District Development Plan |
| Project Name:        | Hogfather                                  |
| Location:            | 1301 Story Ave                             |
| Owner/Applicant:     | Utcherbay Owntay LLC                       |
| Jurisdiction:        | Louisville Metro                           |
| Council District:    | 4 - Jecorey Arthur                         |
| <b>Case Manager:</b> | <b>Jay Lockett, AICP, Planner I</b>        |

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:44:56 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:48:37 In response to some questions from Commissioner Peterson, Mr. Lockett used the site plan to clarify some points about the development plan, including parking spaces shown which appear to be 1/3 of the way into the property (see recording for detailed discussion.)

00:50:24 In response to a question from Commissioner Sistrunk, Mr. Lockett said the applicant does have adequate parking for the proposed use.

00:51:09 In response to a question from Commissioner Peterson, Mr. Lockett explained how the parking spots on the adjacent property on Story Avenue are accessed.

00:52:58 Commissioner Brown and Mr. Lockett discussed the proposed ingress/egress changes on the site (see recording for detailed discussion.) Adequate sight distance was discussed.

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**New Business**

**Case No. 21-DDP-0005**

**The following spoke in support of the request:**

Kelli Jones, Sabak Wilson and Lingo, 608 South Third Street, Louisville, KY 40202

Andy Blieden, 1201 Story Avenue, Louisville, KY

**Summary of testimony of those in support:**

00:55:06 Kelli Jones, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:04:37 In response to a question from Commissioner Peterson, Ms. Jones confirmed that what had been an entrance from Story Avenue will now only be an exit.

01:05:30 Andy Blieden, the applicant, discussed parking in more detail. He addressed concerns from Commissioner Peterson regarding "tight" parking; he said there have been no issues with that.

01:06:48 In response to a question from Commissioner Carlson, Mr. Blieden said current hours of operation end at 10:00 p.m. during the week and 11:00 p.m. on the weekends.

**The following spoke in opposition to the request:**

No one spoke.

01:08:39 Commissioners' deliberation.

**An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

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**New Business**

**Case No. 21-DDP-0005**

**Revised Detailed District Development plan with replacement of existing binding elements.**

01:10:23 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Land Development and Transportation Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Transportation Planning Staff has approved the preliminary development plan; and

**WHEREAS**, the Committee further finds that there are no open space requirements pertinent to the current proposal; and

**WHEREAS**, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Buildings and parking lots will meet all required setbacks. The Butchertown Architectural Review Committee will ensure compliance with neighborhood architectural standards; and

**WHEREAS**, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested Revised Detailed District

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**Case No. 21-DDP-0005**

Development plan with replacement of existing binding elements, **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the State right-of-way.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

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**Case No. 21-DDP-0005**

**The vote was as follows:**

**YES: Commissioners Sistrunk, Carlson, Brown, Daniels, and Peterson.**

**NO: No one.**

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**New Business**

**Case No. 20-ZONE-0110**

|                      |  |
|----------------------|--|
| Request:             | Change in Zoning from R-5, single-family residential to OR, office-residential with detailed plan, waivers and variances |
| Project Name:        | Southall Professional Office   |
| Location:            | 3506 Dutchmans Lane  |
| Owner:               | Mapp Management, LLC   |
| Applicant:           | Mapp Management, LLC   |
| Representative:      | Dinsmore & Shohl, LLP - Cliff Ashburner  |
| Jurisdiction:        | Louisville Metro   |
| Council District:    | 26 - Brent Ackerson  |
| <b>Case Manager:</b> | <b>Joel Dock, AICP, Planner II</b>   |

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

01:11:35 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) The Bowman Area Neighborhood Plan is applicable to this site.

**The following spoke in favor of the request:**

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

**Summary of testimony of those in favor:**

01:16:06 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (se recording for detailed presentation.)



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**New Business**

**Case No. 20-ZONE-0110**

01:23:30 In response to a question from Commissioner Carlson, Mr. Ashburner discussed the shared driveway (Bowman Avenue.)

**The following spoke in opposition to the request:**

No one spoke.

01:25:07 Commissioners' deliberation.

**An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

The Committee by general consensus scheduled this case to be heard at the **April 15, 2021** Planning Commission public hearing.

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**New Business**

**Case No. 20-ZONE-0117**

|                      |   |
|----------------------|---|
| Request:             | Change in Zoning from PRD, planned residential development to R-6, multi-family residential with revised detailed plan and waiver |
| Project Name:        | 9418 Pirouette Avenue   |
| Location:            | 9418 Pirouette Avenue   |
| Owner:               | Corcoran Home Building & Remodeling, LLC  |
| Applicant:           | Corcoran Home Building & Remodeling, LLC  |
| Representative:      | Bardenwerper, Talbott, & Roberts, PLLC - Nick Pregliasco  |
| Jurisdiction:        | Louisville Metro  |
| Council District:    | 13 - Mark Fox   |
| <b>Case Manager:</b> | <b>Joel Dock, AICP, Planner II</b>  |

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

01:26:31 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) He noted that staff has received a petition for a night hearing. However, at this time, staff and the applicant have been unable to coordinate a location for the in-person alternative. Because of this, at this time, staff would request a continuance of this case to the next LD&T meeting to explore optional locations. He said the South Central Government Center is available (about eight miles from the subject site.)

01:33:50 In response to a question from Commissioner Peterson, Mr. Dock showed an adjoining property with about 30 feet of frontage on the public road. However, that 30 feet is wholly contained within MSD's sanitary and sewer drainage easement (see recording for detailed discussion.)

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**Case No. 20-ZONE-0117**

01:35:12 IN response to a question from Commissioner Carlson, Mr Dock said a traffic study was not required. He said Metro Transportation Planning was assessing whether or not stop signs were warranted at certain locations and also requested trip generation information. Beth Stuber, with Metro Transportation Planning, said what Mr. Dock said was correct. Stop signs were not warranted per Metro Traffic division. Commissioner Carlson and Ms. Stuber discussed traffic impact and mitigation (see recording for detailed discussion.)

**The following spoke in favor of the request:**

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

Kevin Young, Land Design & Development, 503 Washburn Ave # 101, Louisville, KY 40222

**Summary of testimony of those in favor:**

01:39:35 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:54:22 Kevin Young presented more detail about how the site was laid out and particulars about the design (see recording for detailed presentation.)

01:55:41 Mr. Pregliasco concluded the presentation and stated that the applicant has no objection to holding a night hearing.

01:56:21 Commissioner Carlson said the rendering being shown today has only one side of a two-story building. Will renderings of the other sides, as well as renderings of the three-story building, be available prior to the public hearing? Mr. Young said those will be available prior to the public hearing.

01:57:13 Commissioner Carlson asked what protections would be available for adjacent neighbors from the buildings that have balconies on their second floors. Mr. Young said all buildings except Building #3 have their sides facing the adjacent neighbors, with no balconies on them. Building #3 will have all new plantings and trees planted along that area. He said he would provide details about that at the public hearing.

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**Case No. 20-ZONE-0117**

02:00:29 Commissioner Carlson also discussed the binding element about not increasing the number of dwelling units (added by the Louisville Metro Council at an earlier date.) He noted that the original plan to have townhomes added something different to the area; but there are already apartments in the area.

02:01:43 In response to a question from Commissioner Carlson, Mr. Dock said that, in the rezoning for Case No. 19-ZONE-1028, the greenspace/open space area on the site was discussed in detail. It was ultimately determined that the ownership of that greenspace/open space was undetermined, and that Metro could not compel the applicant to maintain it, either through binding element or any plan restrictions. Mr. Pregliasco said that the applicant has agreed that, when the property is developed, the applicant will have the same contracting crew that maintains their other properties will maintain this area. This will be a private contractual agreement. (see recording for detailed discussion.)

02:03:51 Mr Dock and Mr. Pregliasco elaborated and discussed the petition (see recording.) Mr. Dock said it was **not** a petition requesting a night hearing; it was a petition in opposition to the project. However, staff is aware that the petitioner wants a night hearing.

**The following spoke in opposition to the request:**

Harold Davis, 9319 Sissonne Drive, Louisville, KY 40018

Amy White, 104 Glissade Drive, Louisville, KY

Michael Whitehouse, 9411 Sissonne Drive, Louisville, KY 40018

Jessica Norris, 411 Echappe Lane, Louisville, KY

**Summary of testimony of those in opposition:**

02:05:57 Harold Davis addressed the park mowing issue – he said he has been mowing it for the last six years. He said that property has been owned by all of the residents of Tree Line Estates Section 2. He said the neighborhood association received citations from Metro when it was overgrown; the neighborhood association has taken care of it. Mr. Davis said the applicant is

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**Case No. 20-ZONE-0117**

now proposing 136 apartments into the center of an existing 156-home subdivision, but current residents had less of an issue with that because the originally-proposed 51 townhomes indicated that those residents would own them. However, the 136 apartments will not be resident-owned. He said traffic and speeding is already a problem, but residents have not received effective help from their Metro Councilpersons or the police. He objected to removing all the trees on the site.

02:12:02 Amy White primarily objected to the traffic and speeding. She is concerned about putting that many apartments in the neighborhood.

02:13:14 Michael Whitehouse said he agreed with Mr. Davis's testimony and discussed future developments that are coming in this area (see recording.)

02:15:12 Jessica Norris said her property adjoins the site. She said she agreed with Mr. Davis about the traffic concerns and disagreed with Meyro's assessment that stop signs and traffic control is not warranted here. She said she will not have privacy in her back yard; that trees planted now will not mature for years; and an 8-foot privacy fence will be inadequate to screen a two or three-story building. She is concerned about drainage and said there is already a flooding issue. She agreed that the neighbors could tolerate 51 townhomes, but not 136 apartments.

**Rebuttal**

02:20:45 Mr. Pregliasco presented the applicant's rebuttal (see recording.)

02:22:35 Commissioner Carlson asked if Pirouette is a public or private street and, if Metro Public Works would permit traffic-calming devices (like speed humps, etc.) would the applicant be willing to fund those? Mr. Pregliasco said Pirouette is a public street, and the applicant has already committed to funding those.

02:23:31 Commissioners' deliberation.

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

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

02:25:16 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution was adopted”

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the April 8, 2021 LD&T meeting to determine a hearing date and location, and to discuss any new traffic information from Metro Public Works as discussed in today’s meeting.

**The vote was as follows:**

**YES: Commissioners Sistrunk, Carlson, Brown, Daniels, and Peterson.**  
**NO: No one.**

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**Case No. 20-ZONE-0078**

|                      |  |
|----------------------|--|
| Request:             | Change in Zoning from R-4, single-family residential to OR-3, office-residential with detailed plan, waivers and variances |
| Project Name:        | Chamberlain Woods Office Park  |
| Location:            | 5220 Chamberlain Lane  |
| Owner:               | McMahan Holdings, LLC; Roy F. McMahan  |
| Applicant:           | McMahan Holdings, LLC  |
| Representative:      | Dinsmore & Shohl, LLP - Cliff Ashburner  |
| Jurisdiction:        | Louisville Metro   |
| Council District:    | 16 - Scott Reed  |
| <b>Case Manager:</b> | <b>Joel Dock, AICP, Planner II</b>   |

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> Street.)

**Agency Testimony:**

02:28:00 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) He noted that the site is within the area of the Wolf Pen Branch Neighborhood Plan.

**The following spoke in favor of the request:**

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

Chris Brown, BTM Engineering, 3001 Taylor Springs Dr, Louisville, KY 40220

Diane Zimmerman (traffic engineer)

**Summary of testimony of those in favor:**

02:36:22 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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**The following spoke in opposition to the request:**

Clay Barkley, Strobo and Barkley PLLC, 239 South Fifth Street, Louisville, KY 40202

Ben Hassett, Prospect, KY 40059

Barbara Kelly, 6009 Mint Spring Branch Road, Prospect, KY 40059

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

Alice Gunnison, 7849 Wolf Pen branch Road, Prospect, KY

Shawn Riedling, 8416 Wolf Pen Branch Road, Prospect KY 40059

Mark Worley, 8517 Wolf Pen Branch, Prospect, KY 40059

Mark Shacklett, 9506 Hayden Creek Court, Prospect, KY 40059

Michael Major, 5606 Wolf Pen Trace, Prospect, KY 40059

**Summary of testimony of those in opposition:**

02:51:38 Clay Barkley, representing Wolf Pen Farm LLC, presented the opposition's case and showed a Power Point presentation (see recording for detailed presentation.) Wolf Pen Farm is a 412-acre farm that is downstream from this site.

03:04:12 Ben Hassett discussed the farm, the mill, and the history of the site. He explained why an upstream project could damage the farm and the mill (see recording for detailed presentation.)

03:07:30 Barbara Kelly said she was on the task force for the Wolf Pen Branch Area Neighborhood Plan (the initial plan in 2006 and the revised plan in 2012.) Both of those sessions took about a year each to complete. During those times, she said Mr. McMahan never weighed in on any aspect of the plans. Now that he is trying to develop this site, he is coming up against aspects of the Wolf Pen Area Neighborhood Plan. He proposed apartments, then offices, both of which are incompatible with the Neighborhood Plan Area. A conservation



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subdivision was suggested, but he was not interested. She said the proposed structures are “massive”, and out of character with the area. Light trespass is a major concern, from parking lot lights as well as illuminated signage. Roadways are an issue (impact on the hillsides and tree canopy.)

03:13:59 Steve Porter, representing the Wolf Pen Preservation Association, discussed historic preservation in this area, including the mill. He discussed goals of provisions of Plan 2040 to empower neighborhood groups and neighborhood Plans. He said the proposal will be ecologically damaging to the stream, and damaging to the historic mill. He said the neighborhood plan calls for single-family residential on the subject site. He said the four-story building is in violation of the LDC.

03:20:16 Alice Gunnison said she had nothing to add at this time but supports statements made by others in opposition.

03:20:40 Sean Riedling said he is concerned about already-heavy traffic. He is concerned about adverse scenic, historical, drainage, and environmental impacts. He said Mr. McMahan had an opportunity to be involved in the neighborhood plan, but did not.

03:24:09 Mark Worley said the last portion of this site was purchased in 2012, which was **after** the 2012 second revision of the Wolf Pen Area Neighborhood Plan. He said the developer did not participate in the making of the plan, and also knew what he was getting in to and what the Area Plan was. He said this proposal does not create affordable housing and will decrease the opportunity for economic diversity in this area. He said having the neighborhood plan ignored would discourage other neighborhoods from forming their own. He said MSD has made some improvements to water and drainage, but a lot of their work was “washed away” within two weeks of completion. There is already a problem with water quality and sediment erosion into the stream. He asked for clarification about why there has to be an “emergency” gated entrance into the site – the entrance being proposed is a gravel road.

03:32:14 Mark Shacklett said his backyard will directly face the four-story office building which will sit on top of a hill, thus looking even taller. He is concerned about water runoff and drainage.

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03:33:46 Michael Major said he moved here because of the rural feel and low traffic. He said the building size and square footage is too large and would impact quality of life and greatly increase traffic.

03:35:56 In response to a question from Commissioner Carlson, Mr. Hassett discussed possible problems that water runoff could cause for the mill. Commissioner Carlson asked if Mr. Hassett could think of anything that could mitigate/protect against damage to the stream or the mill. Mr. Hassett said cumulative effect of all of the development in the area is causing problems, and the answer seems to be to not increase impermeable surfaces. Mr. Porter also commented (see recording for detailed discussion.)

03:42:02 Commissioner Carlson asked if the outdoor amenity areas open to the public.

**Rebuttal**

03:43:08 Mr. Ashburner delivered rebuttal. In response to Commissioner Carlson's question, he said the "trails" mentioned are not horseback riding trails; there are no trails that would connect to the walking paths within the development. The walking paths connect to the sidewalks on Chamberlain Lane. See recording for detailed rebuttal.

03:48:55 In response to questions from Commissioner Peterson, Mr. Ashburner said the four story building is 72 feet in order to provide "Class A office space". The proposed retention basin is at 2 times the recommended capacity.

03:50:24 Commissioner Carlson discussed vacant office space downtown, and asked if creating more office space in suburban areas would be to the detriment of downtown.

**03:52:43 Commissioners' deliberation.**

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The Committee by general consensus scheduled this case to be heard at the **May 6, 2021** Planning Commission public hearing. Extended time has been requested and approved.

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**The meeting adjourned at approximately 5:00 p.m.**

DocuSigned by:

*Rob Peterson*

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**Chairman**

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*Sym*

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**Division Director**