

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

June 24, 2021

A meeting of the Land Development and Transportation Committee was held at 1:00 p.m. on Thursday, June 24, 2021 via Webex Teleconferencing.

Committee Members present were:

Rob Peterson, Chair
Richard Carlson
Jeff Brown
Ruth Daniels

Committee Members absent were:

Te'Andre Sistrunk, Vice Chair

Staff Members present were:

Joseph Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning Manager
Julia Williams, Planning Supervisor
Dante St. Germain, Planner II
Jay Lockett, Planner I
Laura Ferguson, Legal Counsel
Madison Thomas, Management Assistant

Others Present:

Beth Stuber, Transportation Planning
Tony Kelly, MSD

The following matters were considered:

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

June 24, 2021

Approval of Minutes

Approval of the minutes of the June 10, 2021 Land Development and Transportation Committee meeting.

00:04:00 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 June 10, 2021.

The vote was as follows:

YES: Commissioners Peterson, Carlson, and Brown.

NO: No one.

ABSENT: Commissioners Daniels and Sistrunk.

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

June 24, 2021

New Business

Case No. 21-STRCLOSURE-0005

Request:	Closure of Public Right-of-Way
Project Name:	Humana Alley Closure
Location:	Portion of Alley West of S. 5 th Street running parallel to and South of W. Main Street
Owner:	Humana, Inc.
Applicant:	Humana, Inc.
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Jay Lockett, AICP, 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. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:04:40 Jay Lockett presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Greg Ehrhard, 400 W Market Street, Louisville, KY 40202

Summary of testimony of those in support:

00:09:14 Greg Ehrhard said they finalized the easement with AT&T and are working on finalizing the easement with MSD.

The following spoke in opposition to the request:

No one spoke.

Commissioners' deliberation.

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

June 24, 2021

New Business

Case No. 21-STRCLOSURE-0005

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

The Land Development and Transportation Committee does hereby **APPROVE** case number 21-STR-CLOSURE-0005 to be placed on the consent agenda at the **July 1, 2021** Planning Commission meeting.

The vote was as follows:

YES: Commissioners Peterson, Carlson, and Brown.

NO: No one.

ABSTAIN: Commissioner Daniels.

ABSENT: Commissioner Sistrunk.

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

June 24, 2021

New Business

Case No. 21-DDP-0058

Request:	Revised Detailed District Development Plan with Waivers
Project Name:	Dairy Queen
Location:	5103 Outer Loop
Owner:	DFWM Outerloop LLC
Applicant:	DFWM Outerloop LLC
Jurisdiction:	Louisville Metro
Council District:	21 – Madonna Flood
Case Manager:	Julia Williams, AICP, Planning Supervisor

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

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

Agency Testimony:

00:12:57 Julia Williams presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation.)

In response to Commissioner Brown's question about if enhanced landscaping and screening of the drive-thru is required due to the parkway buffer, Julia Williams responded that they are going to provide significant parkway buffer plantings along Outer Loop, which provides justification for the building façade waiver.

Commissioner Carlson asked if there was a going to be a bike rack and if there were sidewalks. Julia Williams answered they are required by the Land Development Code to have bike parking. She also explained there is already a sidewalk on Outer Loop, and they will be building a sidewalk along Buena Vista Court.

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

June 24, 2021

New Business

Case No. 21-DDP-0058

The following spoke in favor of the request:

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

Marv Blomquist, Blomquist Design Group, 10529 Timberwood Circle Suite D, Louisville, KY 40223

Summary of testimony of those in favor:

00:21:27 Nick Pregliasco went into further detail on the plan along with the waivers (see video for detailed presentation.)

In response to Commissioner Carlson's concern about the drive thru stacking in relation to the parking, Marv Blomquist explained that they can get more cars stacked before interfering with parking than what is currently on the Shepherdsville's Road/Outer Loop site.

Marv Blomquist discussed the landscaping plan of the site as well.

There was further discussion on the drive thru stacking in relation to parking.

The following spoke in opposition to the request:

Melissa House, 7625 Buena Vista Court, Louisville, KY 40219

Summer Standbaugh, 7624 Buena Vista Court, Louisville, KY 40219

Summary of testimony of those in opposition:

00:48:48 Melissa House said she thinks a new traffic study needs to be done because of the new red light which blocks people from being able to exit her neighborhood. She asked where exactly the sidewalk on Buena Vista would be. She explained it was nearly impossible to turn left out of Buena Vista and the right turning lane would help. She asked more details about the landscaping as

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

June 24, 2021

New Business

Case No. 21-DDP-0058

she doesn't want to see a parking lot from her home. She believes the problem is with the difficulty to get onto Outer Loop.

Summer Standbaugh also shared her concerns about the traffic from the restaurants and the backup from the drive thru negatively affecting her neighborhood. She also believes the parking lot is very large. She has concerns about the outdoor dining attracting loitering into the neighborhood. She also had questions about the sidewalk. She also said the landscaping is not being kept up with. She also asked what was being done currently on the site. She asked if the dumpster was still in the same location. Julia Williams responded yes.

Joe Reverman explained that the sidewalk was a requirement from Louisville Metro and that the sidewalk would stop before it reaches the first house. He also addressed the traffic and landscape concerns in detail.

Rebuttal:

01:09:37 Nick Pregliasco explained this is the revision of the original plan, which is a reduction of what was originally approved. He said they are not increasing any impacts with this revised plan.

Marv Blomquist addressed the turning lanes and said the size of the entrance of the property allows space for patrons to turn left and right onto Outer Loop, minimizing the traffic impact.

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.

On a motion by Commissioner Brown, seconded by Commissioner Daniels, the following resolution was adopted:

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

June 24, 2021

New Business

Case No. 21-DDP-0058

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** 21-WAIVER-0064 from Land Development Code section 5.5.2.A to permit the building façade along Outer Loop to not have the consistent building design as the façade along Buena Vista, along with 21-PARKWAIVER-0007 from table 9.1.3.B to exceed the maximum parking requirements from 16 to 31, based on the staff report and the testimony heard today.

21-WAIVER-0064

WHEREAS, the requested waiver will not adversely affect adjacent property owners as the proposal places the drive-thru window on the opposite side as the residential property. Planting for the parkway buffer will be met and provide further screening of the drive-thru from Outer Loop.

WHEREAS, community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic

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

June 24, 2021

New Business

Case No. 21-DDP-0058

considerations. The parkway plantings will provide additional screening of the drive-thru from Outer Loop.

WHEREAS, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the parkway plantings will provide additional screening of the drive-thru from Outer Loop.

WHEREAS, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the parkway plantings will provide additional screening of the drive-thru from Outer Loop.

21- PARKWAIVER-0007

WHEREAS, plan 2040's Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. The proposal shows parking the same as it did for the 2015 zoning plan. It is anticipated that the parking for this use will be the same or similar as it was for the 2015 zoning plan.

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

June 24, 2021

New Business

Case No. 21-DDP-0058

WHEREAS, the proposal does not have the capability to share parking with adjacent uses since they are all residential. The parking is the same or similar as what was shown on the previously approved plan.

WHEREAS, the parking shown on the plan is consistent and lower than the parking spaces provided on other Dairy Queen sites.

WHEREAS, the parking shown on the plan is consistent and lower than the parking spaces provided on other Dairy Queen sites and is based on the interior and outdoor seating available.

The vote was as follows:

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

NO: No one.

ABSENT: Commissioner Sistrunk.

On a motion by Commissioner Brown, seconded by Commissioner Daniels, the following resolution was proposed:

The Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the Revised Detailed District Development Plan with no changes to the Binding Elements, based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Peterson, Daniels, and Brown.

NO: Commissioner Carlson.

ABSENT: Commissioner Sistrunk.

Due to this vote not being unanimous, the Revised Detailed District Development Plan of this case will be continued to the **July 1, 2021** Planning Commission meeting.

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

June 24, 2021

New Business

Case No. 21-ZONE-0016

Request:	Change in Zoning from R-4 to R-5A, with Detailed District Development Plan and Binding Elements and Variances
Project Name:	Old Heady Road Subdivision and Multi-Family
Location:	Parcels 004702920000, 004702930000, 004702940000
Owner:	Daniel & Todd Bridwell
Applicant:	Sunshine Builders LLC
Representative:	Bardenwerper, Talbott, & Roberts
Jurisdiction:	City of Lyndon
Council District:	20 – Stuart Benson
Case Manager:	Dante St. Germain, AICP, Planner II

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

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

Agency Testimony:

01:41:30 Dante St. Germain presented the case and showed a PowerPoint presentation (see staff report and recording for detailed presentation.)

In response to Commissioner Carlson's question about neighborhood objections, Dante St. Germain explained the concerns heard the most included the density of the development, the size of the lots, and the connection to Saddle Bend Way. The connection is required by the Land Development Code.

In response to Commissioner Peterson's question about the number of Single-Family lots and the number of Multi-Family units, Dante St. Germain answered there are 119 proposed lots with 25 proposed Multi-Family units. Commissioner Peterson also asked if there was road access from the subdivision to Old Heady

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

June 24, 2021

New Business

Case No. 21-ZONE-0016

Road, Chenoweth Run Road, and Saddle Bend Way. Dante St. Germain said that was correct and explained the road connectivity.

The following spoke in favor of the request:

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

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

Summary of testimony of those in favor:

01:53:00 Nick Pregliasco, the applicant's representative, presented the case and showed a PowerPoint presentation to go into detail of the proposal and site plan (see recording for detailed presentation.)

Derek Triplett went into more detail on the design of the development, the landscaping, and the Urton Lane construction.

In response to Commissioner Carlson's about the town home area being the only area rezoned, Nick Pregliasco said that was correct, the patio homes would be rezoned to R-5A, but the rest of the development would remain R-4.

Commissioner Peterson asked where the construction traffic entrance was anticipated to be. Nick Pregliasco and Derek Triplett said it would be off where Old Heady Road meets Chenoweth Run Road. Derek Triplett also discussed the erosion control plan which dictates where the construction entrance takes place.

The following spoke as other to the request:

Harlan Toy, 4820 Saddle Bend Way, Louisville, KY 40299

Summary of testimony of those as other:

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

June 24, 2021

New Business

Case No. 21-ZONE-0016

02:31:25 Harlan Toy said his property was adjacent from the proposed development and he had some questions. He would like an explanation of the zoning requirements. Dante St. Germain explained the R-4 zoning requirements in respect to slope density transfer and being able to decrease the lot sizes. Toy also asked about the swale. Derek Triplett explained why they would have to put in a swale to direct offside drainage. Harlan Toy also asked about signage on Saddle Bend Way. Commissioner Brown explained the requirements and that it would be based on how people are using that intersection and traffic volume. Harlan Toy said there was also concern about the construction traffic and they would prefer Saddle Bend Way not be used for construction vehicles.

The following spoke in opposition to the request:

Josh Reynolds, 13300 Stepping Stone Way, Louisville, KY 40299

Jeff Schley, 40302 Clover Windy Way, Louisville, KY 40299

Michael Mitchell, 4806 Saddle Bend Way, Louisville, KY 40299

Dave Muncy, 4817 Saddle Bend Way, Louisville, KY 40299

Scott Maloy, 14003 Fancy Gap Drive, Louisville, KY 40299

Jonathan Hagemann, 14001 Fancy Gap Drive, Louisville KY 40299

Summary of testimony of those as opposition:

02:39:17 Josh Reynolds said he understood it was necessary to connect into Saddle Bend Way, but he hopes the elevation is taken into consideration when the new roadway is constructed because it could be dangerous. He also has concerns about the lot sizes. He doesn't know if these houses will match the other types being built in the community. There is also concern about the traffic this will bring to the area. He would like to keep the area secluded with seeing larger houses built and a less dense subdivision. Currently, Reynolds says he doesn't hear any traffic off the interstate and would like to keep that way and suggested planting more trees as a buffer along with the subdivision being less dense.

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

June 24, 2021

New Business

Case No. 21-ZONE-0016

Jeff Schley said he lives just north of the proposed development. He said he doesn't oppose the neighborhood being built, but he is against the density of it as well. He thinks this development should be comparable to the others built around it. Schley would also like to see a landscape buffer be taken into consideration between his subdivision, Stone Lake Estates and this development. He also thinks Old Heady Road would need to be widened and repaved.

Michael Mitchell also stated concerns with the density of the subdivision. He also believes the traffic of this subdivision would overwhelm Old Heady Road and Saddle Bend Way.

Dave Muncy said he would like to echo the comments of his neighbors. He expressed concerned of the funneling of the traffic onto Saddle Bend Way. He also said there are some drainage challenges off Saddle Bend Way, and he is concerned that additional runoff will cause issues for those that live on Saddle Bend Way.

Scott Maloy is concerned about the buffer between his neighborhood and the development. He also asked for a clear interpretation of the slope density transfer.

Jonathan Hagemann also has concerned with the density factor. He said it will increase traffic and will affect property value as well. He also wants to make sure that the buffer will be built between his neighborhood and the proposed development.

Rebuttal

02:57:00 Nick Pregliasco explained the reasoning behind the zoning and the lot sizes. He also addressed the construction traffic concern and said they can have a proposal ready for the Planning Commission. He also believes the subdivision would provide more of a buffer between the interstate and the neighbors.

Michael Mitchell asked if there was a traffic study done or anything that should be taken into consideration in respect to Old Heady Road. Nick Pregliasco said the

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

June 24, 2021

New Business

Case No. 21-ZONE-0016

development with the rezoning and the subdivision doesn't meet the traffic study threshold.

Jeff Schley asked if the density issue, the buffer zone, and the other issues would be addressed at the public hearing. Commissioner Peterson said that was correct and they would also be able to speak at the public hearing as well if they felt those issues weren't addressed. In response to Jeff Schley's concern about the buffer between his subdivision and this development, Nick Pregliasco said there was no buffer proposed because it would be unusual to have a buffer between two residential lots, but he could talk to the applicant. Dante St. Germain explained the exception to the buffer from the Land Development Code but said if the applicant wanted to provide one, they could.

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 **July 15, 2021** Planning Commission public hearing.

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

June 24, 2021

The meeting adjourned at approximately 4:08 p.m.

Chairman

Division Director