

**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE  
September 8, 2022**

A meeting of the Land Development and Transportation Committee was held on, September 8, 2022 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

Jim Mims, Vice Chair  
Rich Carlson  
Jeff Brown  
Ruth Daniels

**Committee Members absent were:**

Te'Andre Sistrunk, Chair

**Staff Members present were:**

Emily Liu, Planning Director  
Joe Reverman, Planning Assistant Director  
Brian Davis, Planning Manager  
Julia Williams, Planning Supervisor  
Dante St. Germain, Planner II  
Jay Lockett, Planner II  
Molly Clark, Planner II  
Laura Ferguson, Legal Counsel  
Pamela M. Brashear, Management Assistant

**Others present:**

Beth Stuber, Transportation Planning Supervisor  
Tony Kelly, MSD

The following matters were considered:

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
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**APPROVAL OF MINUTES**

**AUGUST 25, 2022 LD&T COMMITTEE MEETING MINUTES**

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

**RESOLVED**, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on August 25, 2022.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels and Mims**  
**NOT PRESENT FOR THIS CASE: Commissioner Sistrunk**

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**September 8, 2022**

**OLD BUSINESS**

**22-RSUB-0005**

Request: Revised Major Preliminary Subdivision Plan with two waivers.  
Project Name: Roseborough Lots  
Location: 7203 E Manslick Road  
Owner: RLM Properties Inc.  
Applicant: Land Design & Development  
Representative: Land Design & Development  
Jurisdiction: Louisville Metro  
Council District: 23 – James Peden  
Case Manager: Molly Clark, Planner I

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:05:35 Molly Clark said the applicant requests continuing this case (see recording for detailed presentation).

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

Derek Triplett, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

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

00:06:12 Derek Triplett said they are currently re-evaluating the plan (see recording for detailed presentation).

**The following spoke neither for nor against the request:**

David Steff, 7812 Applevue Lane, Louisville, Ky. 40228

**Summary of testimony of those neither for nor against:**

00:07:49 David Steff said he has nothing to say until he sees the revised plan (see recording for detailed presentation).

**Deliberation**

00:08:32 Land Development and Transportation deliberation.

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**OLD BUSINESS**

**22-RSUB-0005**

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

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to a date uncertain.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels and Mims**  
**NOT PRESENT AND NOT VOTING: Commissioner Sistrunk**

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**NEW BUSINESS**

**22-DDP-0036**

Request: District development Plan with Binding Elements,  
Preliminary Subdivision Plan, and Waiver  
Project Name: 7600 Stuart Avenue  
Location: 7600 Stuart Avenue  
Owner: 9616 Dixie LLC  
Applicant: Valley Station Towne Center LLC  
Representative: LD&D  
Jurisdiction: Louisville Metro  
Council District: 14- Cindi Fowler  
Case Manager: Julia Williams, AICP, Planning Supervisor

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:10:37 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

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

Jon Baker, Wyatt, Tarrant and Combs, 400 West Market Street, Suite 2000, Louisville, Ky. 40202  
Derek Triplett, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

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

00:17:11 Jon Baker gave a power point presentation discussing the proposal (see recording for detailed presentation).

00:20:42 Derek Triplett discussed the subdivision plan within the C-2 zoning (see recording for detailed presentation).

**Deliberation**

00:25:51 Land Development and Transportation deliberation.

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

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**NEW BUSINESS**

**22-DDP-0036**

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

**Waiver from 7.3.30.E to permit a drainage easement to encroach into a rear yard (22-WAIVER- 0144)**

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

**WHEREAS**, the waiver will not adversely affect adjacent property owners as the rear yards overlap with easements that will only affect the property owners of the new lots; and

**WHEREAS**, the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 does not address drainage easements, and addresses yard requirements only as buffers between incompatible uses. The adjacent uses are not incompatible with the proposed use; and

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the overlap is made necessary by easements to the rear of the new lots, which is the appropriate place for easements. Additionally, there is a 15-foot rear yard that is being provided; and

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee further finds 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 by requiring the applicant to move the easement or extend the rear yards, either of which would reduce the usability of the property.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver from 7.3.30.E to permit a drainage easement to encroach into a rear yard (22-WAIVER- 0144).

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels and Mims**  
**NOT PRESENT AND NOT VOTING: Commissioner Sistrunk**

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**22-DDP-0036**

**Preliminary Subdivision plan (22-MSUB-0003)**

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Preliminary Subdivision plan (22-MSUB-0003).

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels and Mims**

**NOT PRESENT AND NOT VOTING: Commissioner Sistrunk**

**Revised Detailed District Development Plan**

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

**WHEREAS**, there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

**WHEREAS**, there are no open space requirements pertinent to the current proposal. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements; and

**WHEREAS**, 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 Louisville Metro Land Development & Transportation Committee finds, the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be

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**22-DDP-0036**

provided to screen adjacent properties and roadways. Buildings will meet all required setbacks; and

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Detailed District Development Plan **SUBJECT** to the following Binding Elements and **ON CONDITION** that sidewalks are provided in the Russell cul-de-sac area in accordance with the Land Development Code:

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. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
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) 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. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
  - d. A street name change approval for Stuart Avenue shall be approved prior to record plat.



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e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

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.

6. 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.

7. 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."

8. 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.

9. 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.

10. 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.

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**22-DDP-0036**

11. If applicable, prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.

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

12. If applicable, 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.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels and Mims**

**NOT PRESENT AND NOT VOTING: Commissioner Sistrunk**

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**NEW BUSINESS**

**22-ZONE-0077**

Request: Change in Zoning from R-5 and R-7 to R-7 Multi-family zoning with a Waiver and District development Plan with Binding Elements  
Project Name: Chenoweth Lane Apartments  
Location: 236 and 238 Chenoweth Ln  
Owner: ML Thieneman LLC  
Applicant: ML Thieneman LLC  
Representative: Tanner Nichols – Frost Brown Todd  
Jurisdiction: St Matthews  
Council District: 9 – Bill Hollander  
Case Manager: Jay Lockett, AICP, Planner II

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

**Agency Testimony:**

00:30:13 Jay Lockett discussed the case summary from the staff report and indicated that the application was ready for a public hearing (see recording for detailed presentation).

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

Tanner Nichols, Frost, Brown and Todd, 400 West Market Street, Suite 3200, Louisville, Ky. 40202

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

00:33:19 Tanner Nichols gave a power point presentation. The plan is for the entire site, but the R-7 portion is already built (see recording for detailed presentation).

**Deliberation**

00:37:22 Land Development and Transportation 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.**

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**NEW BUSINESS**

**22-ZONE-0077**

**The Committee by general consensus placed this case on the October 6, 2022 public hearing at the Old Jail Building.**

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**NEW BUSINESS**

**22-ZONE-0086**

Request: Change in zoning from R-4 to C-M, with Detailed District Development Plan and Binding Elements, and Waiver  
Project Name: Hagan Westport Road Self Storage  
Location: 4301 Westport Road  
Owner: Paul & Suetta Thieneman  
Applicant: Hagan Properties Inc.  
Representative: Bardenwerper Talbott & Roberts  
Jurisdiction: City of St. Matthews, Louisville Metro  
Council District: 7 – Paula McCraney  
Case Manager: Dante St. Germain, AICP, Planner II

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

**Agency Testimony:**

00:38:18 Dante St. Germain discussed the case summary from the staff report and indicated that the application was ready for a public hearing (see recording for detailed presentation).

**NOTE: CHAIR MIMS DISCLOSED THE FACT THAT HE WORKED FOR HAGAN PROPERTIES, INC. IN THE PAST BUT IS ABLE TO VOTE OBJECTIVELY.**

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

John Talbott, Bardenwerper, Talbott and Roberts, North 1000 Hurstbourne Parkway, Louisville, Ky. 40223  
Ted Bernstein, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222  
Tommy Edwards, 12911 Reamers Road, Louisville, Ky. 40245

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

00:45:41 John Talbott said the city boundary line doesn't line up, so most of the property is located within the city of St. Matthews. He gave a power point presentation discussing the proposal (see recording for detailed presentation).

00:51:52 Ted Bernstein discussed the landscaping and regulations (see recording for detailed presentation).

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**NEW BUSINESS**

**22-ZONE-0086**

00:55:29 John Talbott discussed the following: there will be a gate, the third floor will be in the basement, the buildings will resemble townhomes, lighting will be shielded and LED to prevent light pollution and binding elements (see recording for detailed presentation).

01:02:27 Tommy Edwards discussed the access-controlled gates for potential customers (see recording for detailed presentation).

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

David Lee, 1008 Westgate Place, Louisville, Ky. 40207  
James Maloney, 4307 Westport Road, Louisville, Ky. 40207  
John Langford, 6845 Green Meadow Circle, Louisville, Ky. 40207  
Timothy J. Mayer, 730 West Main Street, Suite 202, Louisville, Ky. 40202

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

01:07:19 David Lee stated this is clearly a case of appropriateness of zoning (see recording for detailed presentation).

01:12:25 James Maloney said he has concerns about the water retention basin (see recording for detailed presentation).

01:14:46 John Langford, Councilman for city of Woodlawn Park, stated it will be a bad decision to put the proposal in a residential area (see recording for detailed presentation).

01:18:55 Timothy Mayer represents the city of Windy Hills. The need for the waiver highlights the issue that makes this application not ready to go before the Planning Commission (see recording for detailed presentation).

01:20:53 Brian Davis stated that Tony Kelly from MSD is online and he said they inspect and review plans in St. Matthews (see recording for detailed presentation).

**Rebuttal**

01:21:21 John Talbott clarified that the basin will be detention, not retention (see recording for detailed presentation).

**Deliberation**

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**NEW BUSINESS**

**22-ZONE-0086**

01:23:30 Land Development and Transportation 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.**

**The Committee by general consensus placed this case on the October 6, 2022 public hearing at the Old Jail Building.**

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**NEW BUSINESS**

**22-ZONE-0002**

Request: Change in Zoning from R-4, R-5A, and OR-1 to C-1 and R-7 with Variances, a Waiver and District Development Plan with Binding Elements

Project Name: Prospect Cove

Location: 6500 Forest Cove Lane, 7301 River Road and Tax Block 206 Lot #48

Owner: Prospect Development LLC

Applicant: Prospect Development LLC

Representative: Sabak Wilson; Dinsmore and Shohl

Jurisdiction: Louisville Metro

Council District: 16- Scott Reed

Case Manager: Julia Williams, AICP, Planning Supervisor

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:**

01:27:03 Julia Williams discussed the case summary from the staff report and indicated that the application was ready for a public hearing (see recording for detailed presentation).

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

Cliff Ashburner, Dinsmore and Shohl, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Ky. 40202

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

Diane Zimmerman, 12803 High Meadows Pike, Prospect, Ky. 40059

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

01:34:40 Cliff Ashburner gave a power point presentation discussing the new proposed changes from the 2006 approval (see recording for detailed presentation).

01:38:29 Kelli Jones discussed the following: parking, tree canopy preservation area, sanitary sewer easement, courtyard area, circular drive, MSD requirements, stream, waivers, variances and access (see recording for detailed presentation).

01:43:04 Cliff Ashburner discussed materials and design (see recording for detailed presentation).



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**NEW BUSINESS**

**22-ZONE-0002**

01:46:06 Diane Zimmerman discussed the traffic impact study dated June 1<sup>st</sup> (see recording for detailed presentation).

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

David Holmes, 7803 Deep Trail Court, Prospect, Ky. 40059  
Patricia Moore, 7607 Smithfield Greene Lane, Prospect, Ky. 40059

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

01:51:53 David Holmes said he's concerned that the applicant didn't disclose the maximum capacity of the proposal and the parking (see recording for detailed presentation).

01:56:54 Patricia Moore said the number of units is misleading. Also, traffic congestion will be an issue (see recording for detailed presentation).

**The following spoke neither for nor against the request:**

Meme Sweets Runyon, Butchertown Market, Story Avenue, Louisville, Ky. 40206

**Summary of testimony of those neither for nor against:**

02:01:37 Meme Sweets Runyon is the President and CEO of River Fields Inc. The main concern is setting precedent about rezoning the property on River Rd. (see recording for detailed presentation).

**Rebuttal**

02:04:10 Cliff Ashburner said the Land Development Code does not measure parking or density by the number of occupants. The measurement is dwelling units (see recording for detailed presentation).

**Deliberation**

02:12:00 Land Development and Transportation 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.**

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**NEW BUSINESS**

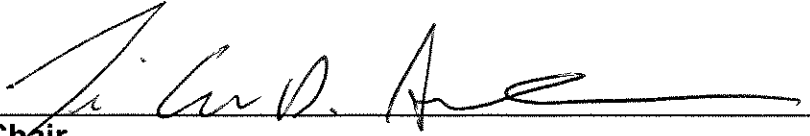
**22-ZONE-0002**

**The Committee by general consensus placed this case on the October 18, 2022 Planning Commission Night Hearing at the Kentucky Country Day Theater.**

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**ADJOURNMENT**

The meeting adjourned at approximately 3:21 p.m.



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**Chair**



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**Planning Director**

