MINUTES OF THE MEETING OF THE LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE September 22, 2022

A meeting of the Land Development and Transportation Committee was held on, September 22, 2022 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Te'Andre Sistrunk, Chair Jim Mims, Vice Chair Jeff Brown Ruth Daniels

Committee Members absent were:

Rich Carlson

Staff Members present were:

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

Others present:

Beth Stuber, Transportation Planning Supervisor Sam Graber, Engineer I Tony Kelly, MSD

The following matters were considered:

APPROVAL OF MINUTES

SEPTEMBER 8, 2022 LD&T COMMITTEE MEETING MINUTES

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

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on September 8, 2022.

The vote was as follows:

YES: Commissioners Brown, Daniels and Mims

NOT PRESENT FOR THIS CASE: Commissioner Carlson

ABSTAINING: Commissioner Sistrunk

NEW BUSINESS

CASE NO. 22-STRCLOSURE-0013

Request:

Old Taylorsville Road Closure

Project Name:

Old Taylorsville Road Closure

Location:

Old Taylorsville Road between Taylorsville Road south and

Floyds Fork

Owner:

Louisville Metro

Applicant:

Blackbird Bend LLC

Representative:

Sabak Wilson

Jurisdiction:

Louisville Metro

Council District:

20-Stuart Benson

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:

00:04:00 Julia Williams discussed the case summary from the staff report and indicated that the application was ready for a public hearing.

The following spoke in favor of this request:

Jeff Frank, 16509 Bradbe Road, Fisherville, Ky. 40023

Summary of testimony of those in favor:

00:07:27 Jeff Frank, Property Manager for Blackbird Bend, LLC, said the closure is necessary to deter dumping and drug activity. Also, their equipment needs to be secure (see recording for detailed presentation).

Deliberation

00:09:21 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.

NEW BUSINESS

CASE NO. 22-STRCLOSURE-0013

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **PLACE** this case on the October 6, 2022 Planning Commission Consent Agenda.

The vote was as follows:

NEW BUSINESS

CASE NO. 22-ZONE-0014

Request: Change in Zoning from R-4 to C-1 with a Variances and

District Development Plan with Binding Elements

Project Name: Hopewell Animal Hospital

Location: 12404/12406 Taylorsville Road & 3830 Sweeney Lane

Owner: AFB Properties LLC

Applicant: Hopewell Animal Hospital

Representative: Land Design and Development; Bardenwerper Talbott and

Roberts PLLC

Jurisdiction: Louisville Metro
Council District: 20-Stuart Benson

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:

00:10:46 Julia Williams discussed the case summary from the staff report and indicated that the application was ready for a public hearing.

The following spoke in favor of this request:

Paul Whitty, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Steve Porter, 2406 Tucker Station Road, Louisville, Ky. 40299

Summary of testimony of those in favor:

00:15:21 Paul Whitty gave a power point presentation discussing the following: proposed Urton Ln. Corridor; parking; access road; dimensions of building; detention basin; 2 driveways to be replaced by 1 access; signage; gable; and working on and agreeing to some binding elements proposed by Steve Porter (see recording for detailed presentation).

00:20:55 Steve Porter represents the Tucker Station Neighborhood Association. They support the proposal with the binding elements concerning lighting, signage and the fence (see recording for detailed presentation).

Deliberation

NEW BUSINESS

CASE NO. 22-ZONE-0014

00:21:38 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.

NEW BUSINESS

CASE NO. 22-ZONE-0097

Request: Change in zoning from R-5B to R-8A with Detailed District

Development Plan and Binding Elements

Project Name: 1140 Cherokee Road

Location: 1140 Cherokee Road

Owner: 1140 Cherokee Road LLC Applicant: 1140 Cherokee Road LLC

Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 8 – Cassie Chambers Armstrong
Case Manager: Jay Luckett, 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:

00:22:43 Jay Luckett discussed the case summary from the staff report and indicated that the application was ready for a public hearing.

The following spoke in favor of this request:

Paul Whitty, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:28:45 Paul Whitty gave a power point presentation discussing the following: parking; 18 units proposed; want to retain access on Patterson; courtyard to be used for open space; dumpster; maintenance building material; fencing; preserving historic site adopted to new use; and the proposal provides the missing middle housing (see recording for detailed presentation).

00:37:49 Jay Luckett explained why the waivers are not necessary (see recording for detailed presentation).

Deliberation

00:42:15 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

NEW BUSINESS

CASE NO. 22-ZONE-0097

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 20, 2022 public hearing at the Old Jail Building.

NEW BUSINESS

CASE NO. 22-CAT3-0003

Request: Category 3 plan with a proposed amenity area and a

Landscape waiver

Project Name: Proposed Office/Warehouse

Location: 6701 Enterprise Drive

Owner: Kentuckiana Development, LLC

Applicant: Heritage Engineering Representative: Heritage Engineering

Jurisdiction: Hentage Engineering

Louisville Metro

Council District: 3 – Mark Fox

Case Manager: Molly Clark, 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:

00:44:19 Molly Clark discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

John Campbell, Heritage Engineering, 642 South 4th Street, Suite 100, Louisville, Ky. 40202

David Nicklies, Nicklies Development, 6060 Dutchmans Lane, Suite 110, Louisville, Ky. 40205

Summary of testimony of those in favor:

00:50:05 John Campbell gave a power point presentation discussing the following: Enterprise Dr. will never be extended; drainage ditches with buffers; flood plain compensation and MSD requirements; street closure plat; elevations; loading at the rear of the building; sidewalks; and description of waiver.

Deliberation

01:03:58 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

NEW BUSINESS

CASE NO. 22-CAT3-0003

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

Waiver from section 10.2.4.B.3 to allow over a 50% overlap of utilities in the required LBA (22-WAIVER-0155)

On a motion by Commissioner Brown, seconded by Commissioner Mims, 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 since the applicant will still be providing all the required plantings in all landscape buffer areas; and

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 de-sign and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 6 calls to discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. The applicant will still be providing all the required plantings; 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 since the applicant is still providing all the required plantings; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the strict application of the provisions would create an unnecessary hardship on the applicant since the applicant is still providing all the required plantings.

NEW BUSINESS

CASE NO. 22-CAT3-0003

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver from section 10.2.4.B.3 to allow over a 50% overlap of utilities in the required LBA (22-WAIVER-0155).

The vote was as follows:

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

Category 3 Development Plan with Proposed Amenity Area

On a motion by Commissioner Brown, seconded by Commissioner Mims, 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 Category 3 Development Plan with Proposed Amenity Area **ON CONDITION** that the street closure is approved prior to the issuance of building permits.

The vote was as follows:

NEW BUSINESS

CASE NO. 22-STRCLOSURE-0015

Request: Enterprise Drive Closure
Project Name: Enterprise Drive Closure

Location: Enterprise drive along the CSX Railroad

Owner: Louisville Metro

Applicant: Kentuckiana Development, LLC

Representative: Heritage Engineering

Jurisdiction: Louisville Metro Council District: 13 – Mark Fox

Case Manager: Molly Clark, 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:

00:44:19 Molly Clark discussed the case summary from the staff report and indicated that the application was ready for a public hearing.

The following spoke in favor of this request:

John Campbell, Heritage Engineering, 642 South 4th Street, Suite 100, Louisville, Ky. 40202

David Nicklies, Nicklies Development, 6060 Dutchmans Lane, Suite 110, Louisville, Ky. 40205

Summary of testimony of those in favor:

00:50:05 John Campbell gave a power point presentation discussing the following: Enterprise Dr. will never be extended; drainage ditches with buffers; flood plain compensation and MSD requirements; street closure plat; elevations; loading at the rear of the building; sidewalks; and description of the waiver.

Deliberation

01:03:58 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

NEW BUSINESS

CASE NO. 22-STRCLOSURE-0015

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 Mims, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby place this case on the October 6, 2022 Planning Commission Consent Agenda.

The vote was as follows:

NEW BUSINESS

CASE NO. 21-ZONE-0139

Request: Change in zoning from R-4 to R-5, with Detailed District

Development Plan and Binding Elements, Major Preliminary

Subdivision, and Waiver

Project Name:

Paddocks of Parkridge

Location:

7803, 7809, 7813, 7817, 7819, 7821 Manslick Road, 7739 &

7742 3rd Street Road

Owner:

TKS Rental Properties LLC, Jann Kajatin & Richard Jenkins

Applicant:

TKS Rental Properties LLC

Representative:

Wyatt Tarrant & Combs

Jurisdiction:

Louisville Metro

Council District:

25 - Amy Holton Stewart

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:

01:07:20 Dante St. Germain discussed the case summary from the staff report and indicated that the application was ready for a public hearing.

The following spoke in favor of this request:

Jon Baker, Wyatt, Tarrant and Combs, 101 South Market Street, Suite 2000, Louisville, Ky. 40202

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

Maureen Welch, 7101 Phoenician Way, Louisville, Ky.

Ann Ramser, 307 East Kenwood Drive, Louisville, Ky.

Summary of testimony of those in favor:

01:11:11 Jon Baker gave a power point presentation discussing the following: subdivision of the property; tree canopy; connectivity and stub roads; lotting patterns; 2 neighborhood meetings; traffic; and curb cuts (see recording for detailed presentation).

01:21:08 Derek Triplett continued the power point presentation discussing the following: the plan; Manslick Rd. access; existing detention basins; 83 single-family lots; stub street to south; trees and landscaping; waiver; and a Geotechnical Report was done (see recording for detailed presentation).

NEW BUSINESS

CASE NO. 21-ZONE-0139

01:27:25 Maureen Welch said she's in support because there is a need for single-family homes and it fits with the neighborhood (see recording for detailed presentation).

O1:28:04 Ann Ramser said the houses are needed and the applicant has done a nice job working with the neighborhood (see recording for detailed presentation).

Deliberation

01:29:03 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 20, 2022 public hearing at the Old Jail Building.

NEW BUSINESS

CASE NO. 22-ZONE-0012

Request: Change in zoning from R-4 to R-7, with Detailed District

Development Plan and Binding Elements, and Waiver

Project Name: 4700 S Hurstbourne Parkway Rezoning

Location: 4700 S Hurstbourne Parkway, Parcel ID 004405130000.

004404680000

Owner: 4700 S Hurstbourne Parkway LLC
Applicant: 4700 S Hurstbourne Parkway LLC
Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro
Council District: 26 – Brent Ackerson

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:

01:38:40 Dante St. Germain discussed the case summary from the staff report and indicated that the application was ready for a public hearing.

The following spoke in favor of this request:

John Talbott, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Kent Gootee, 5151 Jefferson Boulevard, Louisville, Ky. 40219

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

Summary of testimony of those in favor:

01:46:11 John Talbott gave a power point presentation discussing the following: 384 multi-family units; 2 activity centers in the area; steep slopes and waterways; changes to the development plan; buffering; parking; berms; 2nd entrance; additional trees; elevations (four-stories); and emergency gate (see recording for detailed presentation).

01:57:14 Kent Gootee discussed access, site distance and the entrances.

02:02:40 Diane Zimmerman discussed the traffic impact study and proposal to add an additional road (see recording for detailed presentation).

The following spoke in opposition to this request:

NEW BUSINESS

CASE NO. 22-ZONE-0012

Steve Porter, 2406 Tucker Station Road, Louisville, Ky. 40299 Madison Hicks, 4905 Walnut Hills Drive, Louisville, Ky. 40299 Bob Gunter, 4903 Walnut Hills Drive, Louisville, Ky. 40299

Summary of testimony of those in opposition:

02:13:36 Steve Porter said he represents the neighbors on Laurel Spring Dr. and Walnut Hills. They object to any connection (including emergency) to Laurel Spring Dr.

Steve Porter also discussed the following: emergency gate is not necessary; traffic issues; don't want sidewalks; preserve existing vegetation and berm; new fence; want proposal reduced to 2-stories; not compatible; blasting, karst and Geotechnical Report; and they request another LDT meeting (see recording for detailed presentation).

02:26:33 Madison Hicks said the density of the neighborhood is not compatible with the proposal and it should be a 1-story building (see recording for detailed presentation).

02:30:51 Bob Gunter discussed the traffic, environment and sinkholes. The proposal is dangerous and not appropriate for the neighborhood (see recording for detailed presentation).

Rebuttal:

02:34:22 John Talbott requests keeping the October 24, 2022 Planning Commission date. Laurel Spring Dr. is an adequate road, but they don't intend to use it unless it becomes mandatory (see recording for detailed presentation).

02:36:14 Kent Gootee said there are a lot of sinkholes in the area and they will be treated. A pre-blast survey will be done (see recording for detailed presentation).

Deliberation

02:38:13 Land Design 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

CASE NO. 22-ZONE-0012

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the October 13, 2022 LDT meeting to give the applicant an opportunity to address the concerns brought up at today's meeting.

The vote was as follows:

NEW BUSINESS

CASE NO. 22-ZONE-0076

Request: Change in zoning from R-4 & C-2 to R-6, C-1 & C-2, with

Detailed District Development Plan and Binding Elements,

and Waiver and Variance

Project Name: 4900 S Hurstbourne Parkway Rezoning

Location: 4900 S Hurstbourne Parkway, 5119 & 5201 Bardstown

Road, Parcel ID 005002700000, 005002710000

Owner: 4700 S Hurstbourne Parkway LLC, Southeast Storage LLC,

Roman Catholic Bishop of Louisville

Applicant: 4700 S Hurstbourne Parkway LLC Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 26 – Brent Ackerson

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:

02:53:05 Dante St. Germain discussed the case summary from the staff report and indicated that the application was ready for a public hearing.

The following spoke in favor of this request:

John Talbott, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Summary of testimony of those in favor:

02:57:50 John Talbott gave a power point presentation discussing the revised plan. The intent of building a road is not to be used as a public road, but to mitigate impacts the proposal will create (see recording for detailed presentation).

The following spoke in opposition to this request:

Steve Porter, 2406 Tucker Station Road, Louisville, Ky. 40299 Madison Hicks, 4905 Walnut Hills Drive, Louisville, Ky. 40299

Summary of testimony of those in opposition:

NEW BUSINESS

CASE NO. 22-ZONE-0076

03:03:12 Steve Porter said this case and the previous case should be considered together (see recording for detailed presentation).

03:03:24 Madison Hicks discussed the following: traffic; look of the buildings (rural); and the proposal is not appropriate or compatible (see recording for detailed presentation).

Deliberation

03:05:00 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.

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the October 13, 2022 LDT meeting to give the applicant an opportunity to address the concerns brought up at today's meeting.

The vote was as follows:

ADJOURNMENT

The meeting adjourned at approximately 4:09 p.m.

Chair

Planning Director

		1	