

PLANNING COMMISSION MINUTES

April 17, 2024

PUBLIC HEARING

CASE NO. 23-ZONE-0088

Request: Change in Zoning from PD to C-1 with District Development Plan and Binding Elements with waiver(s) and variance(s)
Project Name: Marketplace at Tucker Station Rd
Location: 12515 TAYLORSVILLE RD; 3505, 3507, 3509 and 3511 TUCKER STATION RD
Owner: S&W of Louisville, LLC; Eric Green; Richard Wayne Abell; Austin James Felty; Vanderespt Living Trust
Applicant: WGM Development
Representative: Dinsmore and Shohl
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson
Case Manager: Jay Lockett, AICP, Planning Supervisor

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and 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 public hearing. (Staff report is part of the case file maintained in Office of Planning offices, 444 S. 5th Street.)

Agency Testimony:

00:07:50 Jay Lockett provided an overview of the request and presented a PowerPoint presentation. Lockett responded to questions from Commission Members (see recording for details).

00:14:01 Commissioner Mims asked if applicants have opted out of the PD zonings to other zonings. Jay Lockett answered that he is not aware of that happening. Mims asked if the connection to Urton Lane had already been established. Lockett responded that the Urton Lane Corridor has been proposed for some time. Mims asked how much weight the neighborhood plan played in the staff review. Lockett answered it varies from plan to plan (see recording for details).

00:17:42 Commissioner Cheek asked if the total square footage being so large an issue with this plan. Lockett responded it was a major issue (see recording for details).

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The following spoke in favor of this request:

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

Diane Zimmerman, 12803 High Meadows Pike, Prospect, KY 40059

Summary of testimony of those in favor:

00:20:34 Cliff Ashburner spoke in support of the request and presented a PowerPoint presentation. Ashburner discussed the plan will provide an additional grocery option for the area, road improvements at the intersection of Tucker Station Road and Taylorsville Road (see recording for details).

00:48:00 Diane Zimmerman spoke in support of the request. Zimmerman presented a summary of the Traffic Impact Study, dated December 5, 2023. Zimmerman stated that the main focus of the study was on the intersection of Taylorsville Road and Tucker Station Road, which would include a proposed turn lane on Taylorsville Road (see recording for details).

00:51:13 Cliff Ashburner continued the presentation by discussing the Urton Lane corridor and Plantside Drive Right of Way. Ashburner also proposed an amendment to Binding Element 8 and changes to Binding Element 6a and 6b (see recording for details).

01:02:24 Commissioner Mims asked for clarification on the proposed right turn lane on Taylorsville Road that extends to the Tyler Center. Diane Zimmerman responded that KRTC requested that it be a continuous lane with right turn lane arrows from Tyler Center to Tucker Station Road (see recording for details).

01:11:25 Commissioner Cheek asked if the adjacent senior housing development will dedicate a portion of future development of the right of way, on the north side of their property. Ashburner responded that their Binding Element is similar to the one in the staff report which requires the dedication of the right of way when Public Works requests it. The area where the right of way is planned is not developed but is being reserved upon the request of Public Works. Cheek also asked for clarification on the light standards on the site plan, if they will be leased from LG&E. Ashburner stated they will not be leased and anticipates that the applicant will purchase their own lights (see recording for details).

01:15:06 Commissioner Fischer asked for clarification on the Traffic Study pertaining to traffic from shoppers in the area. Zimmerman confirmed that the study

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assumes, although there is no data available, that traffic will be distributed equally across both grocery stores in the area.

01:16:19 Commissioner Carlson asked a question regarding money set aside from the state budget. Zimmerman and Ashburner confirmed that money has been allocated by the state for land improvements (see recording for details).

The following spoke in opposition of the request:

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

Don Wenzel, 12109 Taylorsville Road, Louisville, KY 40299

John Ulmer, 9311 LeBeau Court, Jeffersontown, KY 40299

Derek Siebert, 12323 Dominion Way, Louisville, KY 40299

John Schoene, 13006 Trump Ave, Louisville, KY 40299

Kathleen Kiefer, 3210 Tucker Station Road, Louisville, KY 40299

Laura Whitworth, 15811 Plum Creek Trail, Louisville, KY 40299

Lucy Moran, 12812 Ledges Drive, Louisville, KY 40243

Susan Speece, 4127 Morgan Jaynes, Louisville, KY 40299

Jim Thorne, 13808 Round Top Place, Louisville, KY 40299

Peter Bodnar, 8801 Dawson Hill Road, Louisville, KY 40299

Greg Vest, 3110 Annadale Court, Louisville, KY 40299

Karen Haycraft, 12413 Dominion Way, Louisville, KY 40299

Pete Kirven, 1277 Willow Ave, Louisville, KY 40204

Debbie Robbins, 2704-102 Bradford Commons Drive, Louisville, KY 40299

Teena Halbig, 6505 Echo Trail, Louisville, KY 40299

Dale Darnell, 12320 Dominion Way, Louisville, KY 40299

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Rita Osborn, 13416 Kristen Leigh Court, Louisville, KY 40299

Summary of testimony of those in opposition:

01:21:31 Steve Porter spoke in opposition of the proposal. Porter stated that he has worked with both plans since their beginning, including being on the task force of the Tyler Rural Settlement Neighborhood Plan. Porter presented various ways that this plan is in violation of the PD and neighborhood plan, including the design of a big box store, lack of mixed use, and land/residential use (see recording for details).

01:45:18 Don Wenzel spoke in opposition of the proposal. Wenzel, Blackacre Conservancy board member, opposed the plan based on the negative impact on the neighborhood plan (see recording for details).

01:53:01 John Ulmer, Jefferson Co Historical Society, spoke in opposition of the proposal. Ulmer stated that the Taylorsville Road area has always been a residential area and adding developments will increase pollution. Ulmer also stated as a member of the Jefferson County Historical Society, they do not support the proposed plan (see recording for details).

01:55:02 Derek Siebert spoke in opposition of the proposal. Siebert stated that the plan was not thoroughly thought out and is not benefiting the neighborhood. Siebert also questioned if the Traffic Study included the amount of people that would frequent the grocery store (see recording for details).

01:59:55 John Schoene spoke in opposition of the proposal. Schoene expressed his concern with the additional traffic the plan will create (see recording for details).

02:04:14 Kathleen Kiefer spoke in opposition to the proposal pertaining to preserving the history of the community for future generations (see recording for details).

02:05:45 Laura Whitworth spoke in opposition to the proposal pertaining to the removal of the homes without an Environmental Impact Study being done (see recording for details).

02:06:51 Lucy Moran spoke in opposition to the proposal. Moran expressed concern with developers following the intent of the rules but not necessarily following the rules. Moran also asked what time of day the Traffic Study was conducted (see recording for details).

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02:10:43 Susan Speece spoke in opposition to the proposal. Speece agreed that an environmental study/analysis should be completed. Speece also expressed concern on the impact of the water flow to the streams and the effects of plant life (see recording for details).

02:12:29 Jim Thorne spoke in opposition to the proposal. Thorne commented that the rules and regulations should be followed to develop the land and expressed concern of additional traffic (see recording for details).

02:15:13 Peter Bodnar spoke in opposition to the proposal. Bodnar stated that we needed to be more gracious and accept less instead of wanting more (see recording for details).

02:16:00 Greg Vest spoke in opposition to the proposal. Vest stated that the Traffic Impact Study is not accurate (see recording for details).

02:17:14 Karen Haycraft spoke in opposition to the proposal. Haycraft asked if the Traffic Study included three other potential developments in the area (see recording for details).

02:18:45 Pete Kirven spoke in opposition to the proposal. Kirven stated he does not live in the area but supports preserving the history of the area.

02:22:24 Debbie Robbins spoke in opposition to the proposal. Robbins spoke in support of preserving the area and not adding a big box store (see recording for details).

02:26:16 Teena Halbig spoke in opposition to the proposal pertaining to preserving the area (see recording for details).

02:29:49 Dale Darnell spoke in opposition to the proposal pertaining to additional traffic (see recording for details).

02:31:55 Rita Osborn spoke in opposition to the proposal pertaining to additional traffic and preservation of nature (see recording for details).

The following spoke in neutral of the request:

Caitlin Goodwin, 4301 Pleasant Glen Drive, Louisville, KY 40299

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Summary of testimony of those in neutral:

02:34:08 Caitlin Goodwin spoke in neutral of the proposal. Goodwin stated that she is not in opposition of the development overall but is concerned with the impact on the community. Goodwin questioned how the impact of traffic will be handled, such as road damage from the traffic (see recording for details).

Rebuttal:

02:38:02 Cliff Ashburner responded in rebuttal. Ashburner commented that the plan does show mixed used by providing a grocery, bank, and a dental office. Ashburner stated that the Traffic Study was conducted on a Tuesday, between 7am am 9 am and 4-6pm which are the peak traffic times in the area (see recording for details).

02:50:33 Commissioner Carlson asked about the environmental impact. Ashburner discussed the different phases that occur (see recording for details).

Deliberation:

02:52:29 Planning Commission deliberation.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Change in Zoning from PD Planned Development District to C-1 Commercial

03:02:05 On a motion by Commissioner Mims, seconded by Commissioner Kern, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the Planning Commission finds the proposal does not meet Plan 2040 Community Form: Goal 1 because the proposal would represent a significant expansion of the intensity and scale of permitted commercial development. The current PD zoning district permits commercial development with a maximum building footprint of 40,000 SF for lots along Taylorsville Rd. Commercial uses would currently be permitted on lots not fronting Taylorsville Rd only as part of mixed-use development.

WHEREAS, the Planning Commission finds the proposal does not meet Community Form: Goal 2 because the proposed development would be inconsistent with other

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development in the established activity center and would be in conflict with the desired form established in the Tyler Rural Settlement neighborhood Plan.

WHEREAS, the Planning Commission finds the proposal does not meet Community Form: Goal 4 because the proposal includes demolition of 4 residential structures that are contributing structures to the Tyler Rural Settlement National Register Historic District.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **DENY** the Change in zoning from R-4 Single Family Residential to R-5 Single Family Residential and R5A Multi-Family Residential

The vote was as follows:

YES: Commissioners Kern, Mims, and Carlson

NO: Commissioners Cheek, and Fischer

ABSENT: Commissioner Sistrunk, and Howard