

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
February 9, 2023

OLD BUSINESS

22-ZONE-0050

Request:	Change in zoning from R-4 to R-6, with associated Detailed District Development Plan with Binding Elements, and Variance and Waiver
Project Name:	Terry Road Apartments
Location:	5127 Terry Road
Owner:	Ambvit Realty LLC
Applicant:	LDG
Representative:	Dinsmore & Shohl
Jurisdiction:	Louisville Metro
Council District:	1 – Tammy Hawkins
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. 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:

00:31:45 Dante St. Germain discussed the case summary from the staff report and indicated that the application was ready for a public hearing (see video for presentation). The applicant is proposing a zone change from a R-4 single family residential to R-6 multi family residential.

00:35:38 Commissioner Cheek asked if Joy Drive was a public right-of-way or an easement. St. Germain stated that Joy Drive is proposed to be a private drive on this plan.

00:38:16 Commissioner Brown asked if the pedestrian gate was applicable. St. Germain stated that she originally asked for the gate so pedestrians could get through but due to Harvest Drive being open the gate isn't necessary.

The following spoke in favor of this request:

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

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

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Summary of testimony of those in favor:

00:38:52 Cliff Ashburner spoke in support of the application (see video for presentation). Ashburner stated they looked internally to make Joy Drive a public right-of-way while maintaining the apartment community as a unit where people can feel free to walk around without being concerned about traffic but they were not able to make that connection so that is why they opened Harvest Drive.

00:44:18 Commissioner Brown asked if Ashburner would provide an easement to the undeveloped parcel. Ashburner stated that would be provided.

00:45:03 Commissioner Mims asked if the two pavements will connect. Ashburner stated that per code the connection must be made.

The following spoke in opposition to the request:

None

Summary of testimony of those in opposition:

None

REBUTTAL

None

Deliberation

00:48:15 Land Development and Transportation Committee 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.

00:48:35 The Committee by general consensus scheduled this case to be heard at the **March 2, 2023**, Planning Commission public hearing.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
January 26, 2023

NEW BUSINESS

22-ZONE-0050

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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. 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:

02:48:34 Dante St. Germain discussed the case summary from the staff report and indicated that the application was ready for public hearing (see video for presentation); The applicant is requesting a zone change from R-4 single family residential to R-6 multi-family residential.

02:53:43 Commissioner Mims asked if Joy Drive was being connected as a private drive and if that was the preference of staff or something else. St. Germain replied saying that the preference would be to have it as a public right of way.

The following spoke in favor of this request:

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

Derek Triplett, Land Design & Development, 502 Washburn Ave, Louisville, KY 40222

Summary of testimony of those in favor:

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
January 26, 2023

NEW BUSINESS

22-ZONE-0050

02:56:18 Cliff Ashburner spoke in support of the application and presented a PowerPoint presentation (see video). Ashburner stated that the property behind the development was landlocked and was not useable for projects in the future. He did state that they will provide an easement so that someone could get back to that property to maintain it. Ashburner said that they are providing pedestrian access near Harvest Drive not vehicular access.

03:04:11 Commissioner Carlson asked if the easement that is being provided will look like a parking space or will it be an open easement. Ashburner said that they would have to reconfigure the area and would lose about three parking spaces.

03:07:48 Commissioner Mims asked if the applicant would use the minimum radius for a residential street. Derek Triplett stated that the center line radius is smaller than what would typically be seen on a public road requirement.

03:09:25 Commissioner Carlson asked who would maintain Joy Drive if it does stay a private drive. Ashburner replied saying that he has never discussed enforcing maintenance on a private drive. Ashburner wanted to speak with his client and find a suitable solution.

The following spoke in opposition to the request:

None.

Summary of testimony of those in opposition:

None.

Rebuttal

None.

Deliberation

03:11:51 Land Development and Transportation Committee deliberation.

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03:13:55 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
January 26, 2023

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22-ZONE-0050

RESOLVED, that the Land Development & Transportation Committee does hereby **CONTINUE** this case to the February 9th, 2023 Land Development & Transportation Committee meeting.

The vote was as follows:

YES: Commissioners Cheek, Brown, Mims, Carlson, Sistrunk