

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

September 13, 2018

A meeting of the Land Development and Transportation Committee was held on Thursday, September 13, 2018 at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Committee Members present were:

Marilyn Lewis, Chair
Richard Carlson
Jeff Brown
Ruth Daniels

Committee Members absent were:

Rob Peterson, Vice-Chair

Staff Members present were:

Emily Liu, Director, Planning & Design Services
Julia Williams, Planning Supervisor
Jay Lockett, Planner I
Joel Dock, Planner II
John Carroll, Legal Counsel
Chris Cestaro, Management Assistant (minutes)

Others Present:

Beth Stuber, Transportation Planning
Tony Kelly, MSD

The following matters were considered:

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Approval of Minutes

Approval of the August 23, 2018 LD&T Committee Meeting Minutes

00:04:26 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 August 23, 2018.

The vote was as follows:

YES: Commissioners Brown and Carlson.

ABSTAINING: Commissioners Daniels and Lewis.

NOT PRESENT: Commissioner Peterson.

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New Business

Case No. 18ZONE1037

Request:	Set a Night Hearing Date
Project Name:	New Cut Road Warehouse
Location:	6008, 6108, & 6110 New Cut Road
Owner:	George's Mobile Home Park; Mark & Terri Hass
Applicant:	Exeter Property Group, LLC
Representative:	Land Design & Development Duncan Galloway Egan Greenwald, PLLC
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Aubrey Welch
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:

00:05:52 Julia Williams presented the case (see recording for detailed presentation.)

The following spoke in favor of the request:

No one spoke.

The following spoke in opposition to the request:

No one spoke.

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

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

00:07:47 The Committee by general consensus scheduled this case to be heard at the Planning Commission public hearing at **6:30 p.m. on Wednesday, November 7, 2018** at the Southwest Government Center, located at 7219 Dixie Hwy, Louisville, KY 40258.

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New Business

Case No. 18SUBDIV1012

Request:	Revised Major Subdivision
Project Name:	Catalpa Farms Subdivision
Location:	3208 Old Clark Station Road
Owner:	Rhodes Group, LLC
Applicant:	Catalpa Farms, LLC
Representative:	Land Design & Development
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson

Case Manager: **Jay Luckett, 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:

00:08:04 Jay Luckett presented the case (see staff report and recording for detailed presentation.)

00:10:30 In response to a question from John Carroll, legal counsel for the Planning Commission, Mr. Luckett confirmed that the cemetery is shown on the plan and pointed out the location.

The following spoke in favor of the request:

Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Mike Jones, 8908 Ayrshire Avenue, Louisville, KY 40222

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Summary of testimony of those in favor:

00:11:12 Kevin Young, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) This is an update of an existing subdivision that is currently under construction.

00:15:34 Commissioner Brown and Mr. Young discussed the driveway / road leading from the pump station to Old Clark Station (see recording for detailed conversation.)

00:16:13 Mike Jones was called but declined to speak, unless he needed to answer questions.

The following spoke in opposition to the request:

No one spoke.

00:16:34 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.

00:17:32 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the staff report and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested Revised Major Preliminary Conservation Subdivision and the changes to the Conditions of Approval as noted in the staff report on pages 5-9, **SUBJECT** to the following Conditions of Approval:

1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into

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a greater number of lots than originally approved will occur without approval of the Planning Commission.

2. The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, and demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by Planning Commission staff if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
3. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
4. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
5. 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

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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."

6. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
7. Prior to construction plan approval and any site disturbance for lots designated 448 to 564 on the approved subdivision plan, a Tree Survey shall be prepared and submitted to Louisville Metro Planning & Design Services staff showing the location and types of trees with a caliper in excess of 8 inches, measured at 3 feet above grade; location of significant groves or masses of trees; and location of significant habitat. After the Tree Survey is complete, the developer and Louisville Metro Planning & Design Services staff shall walk the site to review the survey results. Based on the location of the larger trees, significant tree groves or masses, and significant habitat identified on the survey, the developer shall have the right to modify house locations, lot lines, paths, trail heads, utility corridors and access roads in order to preserve tree canopy and habitat. These minor modifications to the approved preliminary subdivision plan may be approved by the Planning Director or his designee.
8. Private streets used for detached and attached single family housing shall be noted and referenced as "Private" on the designated street signs. Prior to the selling of the lots, potential property owners shall be notified of the private street and that the homeowners will be responsible for the maintenance of the private streets.
9. The deed restrictions recorded with lots designated as 207 to 251, 367 to 447 and 448 to 564 on the approved subdivision plan, and which contain single family detached and attached housing on private streets, shall conspicuously state in bold type that maintenance of private streets shall be the responsibility of the Homeowners Association.
10. Minor adjustments to street layouts, lot sizes and dimensions which are consistent with the approved preliminary plan, do not increase the

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approved density, do not reduce the amount of open space provided or primary and secondary conservation areas may be approved by the Planning Director or designee.

11. The deed restrictions shall contain language restricting parking to one side of the street on 18-wide private streets. Signage shall be installed on the private streets that designate where on-street parking is prohibited.
12. Open space lots and conservation area lots shall not be further subdivided or developed for any other use and shall permanently remain as open space or conservation areas. A note to this effect shall be placed on the record plat. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 - c. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
13. 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.
14. The limits of disturbance shown on the preliminary plan are conceptual only and are subject to modification based on the location and design of utilities and walking paths. The final boundaries of the limits of disturbance shall be shown on the construction plans. The following note shall be placed on construction plans delineating limits of disturbance: "Construction fencing shall be erected at the edge of the limits of disturbance area shown on the construction plan prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or

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construction activities shall be permitted within the fenced area."

15. The location of sinkholes or closed depressions as shown on the preliminary plan shall be identified on the record plat.
16. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
17. The inactive cemetery **known as the Netherton/Rutledge Cemetery** shall be preserved and maintained as described in Section 4.4.6 of the Land Development Code. Ownership and maintenance of the cemetery shall be transferred to the homeowners association. A deed restriction in a form approved by the Planning Commission legal counsel shall be recorded acknowledging the location, site, ownership and maintenance of the cemetery.
18. 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.
19. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
20. If, during the development of the subdivision, TARC service is extended to the subject property, the developer shall work with TARC to provide areas within the development for transit amenities, including a covered bus shelter if requested by TARC.
21. The developer will agree to install "dark-sky" street lights, but only if such lights have been approved for use by the Public Service

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Commission and are available for purchase/lease from LG&E at such time as the developer begins installing street lights within the development.

22. No certificates of occupancy shall be requested until the improvements to Old Clark Station Road required of the developer by Public Works are completed.
23. Per the approved road improvement exhibit dated 07/02/09 and Metro Public Works requirements and standards, the applicant shall provide the following: widen Old Clark Station Road to 20' (minimum 2 ft. widening) with 6 – 8 ft shoulders along the property frontage, widening shall continue to the south to become 24' of total pavement width at the intersection of Taylorsville Road and Old Clark Station Road, Old Clark Station Road railroad crossing shall be improved and will require rail road approval, at the eastern intersection of Old Clark Station Road and Taylorsville Road existing pavement shall be removed and driveway(s) reconnected as necessary, a left turn lane measuring 180' in storage length with 180' taper shall be installed from eastbound Taylorsville Road to northbound Old Clark Station Road. Developer shall be responsible for any required utility relocations, final surface overlay, signage, and striping associated with required road improvements to Old Clark Station Road and Taylorsville Road. Construction plans, bond, and KTC permit are required by Metro Public Works prior to construction approval and issuance of MPW encroachment permit. All street name signs and pavement markings shall conform to the manual on uniform traffic control devices (MUTCD) requirements. Developer shall not request a certificate of occupancy until road improvements are complete.
24. No more than 199 units shall be constructed in Catalpa Farms prior to a vehicular connection is constructed to existing Shakes Creek Drive/Shakes Run subdivision.
25. Private Roads shall be signed as such and the developer shall establish a separate account that shall be funded by the HOA and shall be of a sufficient amount to provide one resurfacing of private roads within the development. Said account shall be separate and for the express purpose of maintaining the private roads in addition to other HOA accounts and shall be in place prior to bond release by Metro Public

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Works.

26. An encroachment permit and bond may be required by Metro Public Works for roadway repairs on all surrounding access roads to the subdivision site due to damages caused by construction traffic activities.
27. The applicant shall install signs, approved by the Metro Public Works Department, which indicate the future extension of the public right-of-way for all proposed stub streets. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
28. All street signs shall be installed by the Developer and shall conform to 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.
29. The developer shall preserve the existing vegetation along Old Clark Station Road. Additional buffer planting, equal to three (3) Type A trees per 50 feet of road frontage, shall be provided in addition to the existing preserved vegetation. This additional planting shall consist of a mixture of evergreen and deciduous trees. The developer shall work with the staff Landscape Architect to determine the most effective locations along Old Clark Station Road for the new plantings to provide adequate screening.

The vote was as follows:

YES: Commissioners Brown, Carlson, and Lewis.

ABSTAINING: Commissioner Daniels.

NOT PRESENT: Commissioner Peterson.

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New Business

Case No. 18SUBDIV1015

Request:	Revised Major Subdivision
Project Name:	Twin Lakes at Floyds Fork II
Location:	15318 Aiken Road
Owner:	Joseph Pusateri
Applicant:	Joseph Pusateri
Representative:	Nick Pregliscao, Bardenwerper Talbott & Roberts PLLC
	David Mindel – Mindel Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton

Case Manager: **Jay Luckett, 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:

00:18:22 Jay Luckett presented the case (see staff report and recording for detailed presentation.)

00:20:10 In response to a question from Commissioner Carlson, Mr. Luckett said the total number of lots is 150.

The following spoke in favor of the request:

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

Jim Mims, Elite Homes, 16218 Shelbyville Road, Louisville, KY 40245

David Mindel, Mindel Scott & Associates, 2121 Jefferson Boulevard, Louisville, KY

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New Business

Case No. 18SUBDIV1015

Summary of testimony of those in favor:

00:20:26 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:28:00 In response to a question from Commissioner Brown, Mr. Pregliasco discussed why there is a cul-de-sac instead of a stub street into adjoining property.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

00:31:09 Commissioners' deliberation

00:31:42 Commissioner Brown said the cul-de-sac should be made into a stub street. He said there is "definitely" the potential for more growth in this area.

00:33:08 Jim Mims, representing Elite Homes, discussed the stub street vs. cul-de-sac issue. He noted that the adjoining property owner stated during neighborhood meetings that he did not want the stub street, which is why the applicant agreed to not provide one. He added that enhanced landscaping and buffering would be added.

00:36:43 Mr. Pregliasco confirmed that a lot would be lost if a stub was provided.

00:38:51 David Mindel, an applicant's representative, confirmed that the adjoining property owner is strongly opposed to a stub street.

00:39:57 in response to a question from Commissioner Carlson, Mr. Mims said Section 1 of Twin Lakes has been started.

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Case No. 18SUBDIV1015

00:41:40 The Commissioners and Mr. Mims discussed the possibility of continuing this case for two weeks to give the applicant time to redesign the cul-de-sac/stub area (see recording for detailed discussion.)

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.

00:44:12 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 **CONTINUE** this case to the **September 27, 2018 LD&T Committee meeting** to allow the applicant to consider the Committee's request to create a stub connection into the adjacent property.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, and Lewis.
NOT PRESENT: Commissioner Peterson.

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New Business

Case No. 18DEVPLAN1130

Request:	Detailed District Development Plan
Project Name:	Blankenbaker Station II, Lot 1
Locations:	1801 Tucker Station Road
Owner:	Hosts Development
Applicant:	Hosts Development
Representative:	Bardenwerper, Talbott & Roberts PLLC Mindel Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson

Case Manager: **Jay Luckett, 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:

00:45:16 Jay Luckett presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

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

Kathy Linares and David Mindel, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Greg Oakley, P.O. Box 7368, Louisville, KY 40257

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New Business

Case No. 18DEVPLAN1130

Summary of testimony of those in favor:

00:47:20 William Bardenwerper, the applicant's representative, presented the case and showed a Power Point presentation (See recording for detailed presentation.)

00:57:11 In response to a question from Commissioner Carlson, Mr. Bardenwerper said the elevations being shown today show both sides of the Tucker Station Road frontages.

00:57:45 Commissioner Brown, Mr. Bardenwerper, and Mr. Mindel discussed the dedicated left-turn lane issue (see recording for detailed discussion.)

01:01:02 Commissioner Brown and Mr. Mindel discussed traffic study information [the traffic engineer, Diane Zimmerman, was not present at this meeting.] Mr. Bardenwerper suggested continuing this case to next week's Planning Commission public hearing in order to allow Ms. Zimmerman to attend and answer questions about the traffic study findings.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke

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.

01:08:13 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 **CONTINUE** this case to the **September 20, 2018** Planning Commission public hearing to allow the applicant's traffic engineer to

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Case No. 18DEVPLAN1130

answer questions about traffic generation and distribution as it relates to the left-turn lane warrants for the site.

The vote was as follows:

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

NOT PRESENT: Commissioner Peterson.

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New Business

Case No. 17ZONE1041

Request:	Change in zoning from R-4 and C-2 to M-2 and a Detailed District Development Plan
Project Name:	Hay Court
Locations:	806 Hay Court and 8325 Nash Road
Owner:	The Barnie R. Elder Living Trust
Applicant:	The Barnie R. Elder Living Trust
Representative:	Schroll Land Surveying
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Aubrey Welch

Case Manager: **Joel Dock, 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:

01:09:11 Joel Dock presented the case (see staff report and recording for detailed presentation.) He noted that proposed Tract 2 is being subdivided off from the subject site and is not being considered for the rezoning, nor will it be part of the development plan. He said he has asked for some clarifications on the development plan prior to the public hearing; therefore, Item #2 in the staff report technical review has been resolved.

01:13:34 In response to questions from Commissioner Brown, Mr. Dock discussed the mixture of zoning categories on Nash Road and the area surrounding the subject site. They also discussed a related street closure.

The following spoke in favor of the request:

Bill Schroll, Schroll Land Surveying LLC, 5450 Southview Drive, Louisville, KY 40214

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Case No. 17ZONE1041

Barnie Elder, 9702 Thixton Lane, Louisville, KY 40291

Summary of testimony of those in favor:

01:15:18 Bill Schroll, the applicant's representative, pointed out the location of an R-4 property that belongs to Louisville Metro Public Works (see recording for detailed presentation.) He said flooding was an issue brought up during the neighborhood meetings, and that the applicant is not proposing any site disturbance other than the tree plantings and fencing. The applicant will provide a landscape buffer to the south.

01:17:10 In response to a question from Commissioner Brown, Mr. Schroll said the applicant does not have to provide any on-site detention because there will be no increase in impervious surface.

The following spoke in opposition to the request:

Ty Schrenger, 8400 Nash Road, Louisville, KY 40214

Frank Kerr, 8205 Nash Road, Louisville, KY 40214

Summary of testimony of those in opposition:

01:18:21 Ty Schrenger spoke in opposition. He said the property in question consists of 10 addresses, and he read those addresses into the record (see recording.) He said the application states that the applicant is seeking a rezoning from R-4 and C-2 to M-2, but he says all of the property is R-4 and there is no C-2 there. He discussed his concerns about flooding, and drainage, and described the conversations he has had with MSD and Public Works about this issue. He said Public Works uses the property across the street as "a junkyard". He expressed concerns about junk deposited on Public Works property; infrastructure (particularly roads); traffic and access on Nash Road; and structures being built on the site, after promising not to.

01:26:06 Frank Kerr, a Nash Road resident, said this property has been "abused" for many years. The owner is already keeping trucks on the property; leaking diesel fuel and oil from oil changes. He is concerned about heavy trucks running at night. He said the grass is not cut, there is trash on the property; and

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the person living in the existing guard shack has shot at people on the neighboring property. He said the person is dangerous, and the landlord has never addressed this. Mr. Kerr also expressed concerns about flooding and drainage.

The following spoke neither for nor against the proposal:

No one spoke.

Rebuttal:

01:29:57 Mr. Schroll said both existing structures are single-family residences. No new structures are being proposed on the site. Before the current owner purchased the property, it was owned by another trucking company. He explained that part of the proposal is to consolidate the lots that Mr. Schrenger listed. There will be no access onto Nash Road from this property.

01:32:22 In response to questions from Commissioner Lewis, Mr. Schroll said no new graveled area will be added; it is all existing. He pointed out two areas that will be paved.

01:34:01 Commissioner Carlson suggested a binding element prohibiting overnight truck idling.

01:34:35 Commissioner Carlson also asked Tony Kelly, MSD representative, to discuss drainage, and compact gravel vs. asphalt for water runoff / reabsorption (see recording for detailed explanation.)

01:36:13 Mr. Schrenger resumed the podium and asked if there was existing gravel on the north of Hays Court. Mr. Schroll used the site plan to point out graveled and non-graveled areas. Mr. Schrenger also asked about the two existing residential structures on the site. Mr. Schroll said one residence will be used as a watchman's facility; the other will be used as a contractor's shop. Neither will be used as residences. He added that he did not know what type of contractor will end up leasing that building.

01:38:29 In response to a question from Commissioner Lewis, Mr. Schroll said the watchman's facility will be staffed 24/7.

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01:39:12 Mr. Kerr asked how spilled oil and fuel can be removed from gravel. Gravel cannot hold spillages of hazardous materials. Commissioner Carlson said that if it comes to the attention of emergency response teams, they will bring it to the attention of MSD/Water Co/etc. There are provisions for removal of hazardous material spills.

01:42:51 Barnie Elder, the applicant, said he has mowed and sprayed the grass growth in the graveled areas. He said that, if he gets a call about a spill, he goes to the property and attends it. He said he is there 2-3 times per week.

01:43:24 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 **October 18, 2018** Planning Commission public hearing.

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Case No. 18ZONE1022

Request:	CONTINUED FROM 7/26 & 8/23 LD&T – Change in zoning from R-4 to C-1 with a Revised Detailed District Development Plan, waivers, and street closure
Project Name:	Ghasem – Factory Lane
Locations:	12910 Factory Lane
Owner:	Ghasem Properties, Inc.
Applicant:	Ghasem Properties, Inc.
Representative:	William Bardenwerper – Bardenwerper Talbott & Roberts PLLC
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton

Case Manager: **Joel Dock, 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:

01:44:00 Joel Dock presented the case. He noted what has changed from the last time this plan was presented at the last LD&T (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

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

Mark Madison, Milestone Design Group, 108 Davenport Lane Suite 300,
Louisville, KY 40223

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

September 13, 2018

New Business

Case No. 18ZONE1022

Summary of testimony of those in favor:

01:47:45 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a power Point presentation (see recording for detailed presentation.)

01:58:06 Commissioner Carlson and Mr. Bardenwerper discussed the "Factory Lane" road (Old Factory Lane vs. Factory Lane, etc.) Commissioner Carlson was concerned about the addressing of the buildings, to eliminate confusion for first responders. He asked if the applicant would communicate with E-911/MetroSafe addressing to resolve addressing issues, prior to the public hearing.

02:00:37 In response to a question from Commissioner Brown, Mark Madison, an applicant's representative, said the TARC route is on LaGrange Road.

The following spoke in opposition to the request:

Clifford Ashburner, Dinsmore & Shohl, 101 S 5th St #2500, Louisville, KY 40202

Summary of testimony of those in opposition:

02:01:19 Clifford Ashburner, on behalf of R.J. Thieneman Company, spoke in opposition.

The following spoke neither for nor against the proposal:

No one spoke.

02:02:04 Commissioners' deliberation

Mr. Dock said E-911 (MetroSafe addressing) comments have been addressed. The applicant might receive a LaGrange Road address, instead of a Factory Lane address. That determination has not been made yet, pending comments from the district Fire Department/s.

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

September 13, 2018

New Business

Case No. 18ZONE1022

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 **October 18, 2018** Planning Commission public hearing.

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

September 13, 2018

New Business

Case No. 18ZONE1021

Request:	Change in zoning from R-6 to C-R with a Waiver
Project Name:	841 East Washington Street
Locations:	841 East Washington Street
Owner:	Van Goat LLC
Applicant:	Van Goat LLC
Representative:	Van Goat LLC
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith

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:

02:04:01 Julia Williams presented the case (see staff report and recording for detailed presentation.)

01:06:20 Commissioner Brown questioned the parking calculations, as far as their reductions. He said the reduction should only be one space, not two. Ms. Williams said she would check on that; if there is an error, the applicant can change that on the plan. Commissioner Brown also stated that there is no parking within 30 feet of the stop bar at the intersection (see recording for detailed discussion.)

02:08:16 In response to a question from Commissioner Brown, Ms. Williams said that the site is currently a market. The application only says “commercial” – the C-R zoning district only permits a few small, neighborhood-oriented commercial uses. A specific user has not been identified outside of the current use.

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

September 13, 2018

New Business

Case No. 18ZONE1021

The following spoke in favor of the request:

Nick Grazione, 1613 Rosewood Avenue, Louisville, KY 40204

Summary of testimony of those in favor:

02:08:04 Nick Grazione said he was available to answer questions (he spoke off-camera.)

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

02:09:20 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 **October 18, 2018** Planning Commission public hearing.

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

September 13, 2018

The meeting adjourned at approximately 3:20 p.m.

Chairman

Division Director