

**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE  
September 24, 2015**

A meeting of the Land Development and Transportation Committee was held on, September 24, 2015 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

Vince Jarboe, Chairman  
Donnie Blake, Vice Chairman  
Jeff Brown  
Clifford Turner  
Marilyn Lewis

**Staff Members present were:**

Joe Reverman, Planning Manager  
David Wagner, Planner II  
Chris Brown, Planner II  
Sherie' Long, Landscape Architect  
John Carroll, Legal Counsel  
Tammy Markert, Transportation Planning  
Pamela M. Brashear, Management Assistant

The following matters were considered:

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

**SEPTEMBER 10, 2015 LD&T COMMITTEE MEETING MINUTES**

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

**RESOLVED**, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on September 10, 2015.

**The vote was as follows:**

**YES: Commissioners Blake, Brown and Lewis**

**ABSTAINING: Commissioners Jarboe and Turner**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES**  
**September 24, 2015**

**NEW BUSINESS**

**CASE NO. 15MISC1006**

Case No: 15MISC1006  
Project Name: Redden Mobile Mechanic  
Location: 4612 Knopp Ave  
Owner(s): Phil Charmoli, Charmoli-Knopp Properties  
Applicant: Chris Guffey, Allegiant Construction  
Representative: Jason Hall, Prism Engineering & Design Group  
Jurisdiction: Louisville Metro  
Council District: 13 – Vicki Aubrey Welch  
Case Manager: **Sherie' Long, Landscape Architect**

**Continued from September 16 DRC Hearing**

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:**

00:03:06 Ms. Long discussed the case summary, standard of review and staff analysis from the staff report. Waiver #5 was eliminated.

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

Jason Hall, Prism Engineering, 2300 Plantside Drive, Louisville, Ky. 40299  
Chris Goffey, 15505 Crystal Valley,

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

00:14:43 Mr. Hall read his justifications into the record. He also provided pictures and a tree exhibit.

00:22:45 Mr. Goffey said the area is industrial and heavily trafficked by tractor trailers that use all of the space. They are a small business and are sensitive to cost and time.

**Deliberation**

00:28:02 The commissioners would like to see the invasive trees cleaned up.

**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**

**CASE NO. 15MISC1006**

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 Blake, the following resolution was adopted.

**Waiver #1: Waiver of the Land Development Code Sections 5.8.1.B and 5.9.2.A.1.b.i, to not provide a sidewalk along the frontage of both Knopp and Melton Avenues; and not to provide the pedestrian connection from the building entrance to the right-of-way.**

**WHEREAS**, the waiver will not adversely affect adjacent property owners since there are no sidewalks located in the vicinity. Also, there are no transit stops close to this property; and

**WHEREAS**, Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver request does not violate the comprehensive plan since there are no sidewalks or transit stops in the vicinity. Plus along both street frontages MSD has recently added paved ditches along with improved site access entrances from the street which has created an existing condition not conducive for construction of a sidewalk along either street frontage; and

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee finds, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the existing condition is not conducive for construction of a sidewalk along either street; and

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee further finds a strict application of the provision of the regulation would create a hardship for the applicant to construct the sidewalks because of the existing conditions and limitations created by the drainage improvements recently completed by MSD.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** Waiver #1, waiver of the Land Development Code Sections 5.8.1.B and 5.9.2.A.1.b.i, to not provide a sidewalk along the frontage of both Knopp and Melton Avenues; and not to provide the pedestrian connection from the building entrance to the right-of-way based on the staff report and testimony heard today.

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**NEW BUSINESS**

**CASE NO. 15MISC1006**

The vote was as follows:

**YES: Commissioners Blake, Brown, Jarboe, Lewis and Turner**

**NO: No one**

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

**Waiver #2: Waiver of the Land Development Code Section 10.2.10 and Table 10.2.6, to allow the parking area and pavement to encroach into the required 15' VUA LBAs along Knopp and Melton Avenues.**

**WHEREAS**, the waiver will not adversely affect neighbors; and

**WHEREAS**, the site currently functions as an industrial site; and

**WHEREAS**, the site is surrounded by similar uses; and

**WHEREAS**, the site is zoned EZ-1 and encompassed by M-3; and

**WHEREAS**, the existing parking and maneuvering areas are not being increased, but do currently encroach into the required buffers; and

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee finds, existing trees and vegetation along Knopp Avenue and Melton Avenue provide a portion of the required plantings and screening; and

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee further finds the applicant proposes to provide for nearly 22% of the site in tree canopy around the perimeter of the site. Only 15% is required by the LDC. Therefore, the additional tree canopy provided elsewhere onsite will offset the requested waiver.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** Waiver #2, waiver of the Land Development Code Section 10.2.10 and Table 10.2.6, to allow the parking area and pavement to encroach into the required 15 foot VUA LBAs along Knopp and Melton Avenues based on the fact that these are existing conditions on the site today and that the total increase in intensity and additional parking is not proportional to the additional screening based on the applicant's justification and the testimony heard today.

The vote was as follows:

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**NEW BUSINESS**

**CASE NO. 15MISC1006**

**YES: Commissioners Blake, Brown, Jarboe, Lewis and Turner**

**NO: No one**

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

**Waiver #3: Waiver of the Land Development Code Section 10.2.10 and 10.2.11, to not provide the required screening and tree planting along both Knopp and Melton Avenues.**

**WHEREAS**, the waiver will not adversely affect neighbors; and

**WHEREAS**, the site currently functions as an industrial site; and

**WHEREAS**, the site is surrounded by similar uses; and

**WHEREAS**, the site is zoned EZ-1 and encompassed by M-3; and

**WHEREAS**, the existing parking and maneuvering areas are not being increased, but do currently encroach into the required buffers; and

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee finds, existing trees and vegetation along Knopp Avenue and Melton Avenue provide a portion of the required plantings and screening; and

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee further finds the applicant proposes to provide for nearly 22% of the site in tree canopy around the perimeter of the site. Only 15% is required by the LDC. Therefore, the additional tree canopy provided elsewhere onsite will offset the requested waiver.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** Waiver #3, waiver of the Land Development Code Section 10.2.10 and 10.2.11, to not provide the required screening and tree planting along both Knopp and Melton Avenues **ON CONDITION** that the applicant provide some type of screening along the Melton and Knopp Ave. frontages approximately 10 feet on center and work with Planning and Design staff on the final plan based on the testimony heard today and the applicant's justification; also including the removal of the invasive species along both of those frontages.

**The vote was as follows:**

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**NEW BUSINESS**

**CASE NO. 15MISC1006**

**YES: Commissioners Blake, Brown, Jarboe, Lewis and Turner**  
**NO: No one**

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

**Waiver #4: Waiver of the Land Development Code Sections 10.2.10 and Table 10.2.6, to eliminate the required 15' VUA LBA and plantings along the unimproved Rowe Street frontage.**

**WHEREAS**, the waiver, if granted, will not adversely affect adjacent property owners; and

**WHEREAS**, Rowe Street is unimproved; and

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee finds, Rowe Street right-of-way appears to be utilized by the adjacent property owner; and

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee further finds existing trees along the frontage of Rowe Street right-of-way will be maintained as part of the preserved tree canopy.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** Waiver #4, waiver of the Land Development Code Sections 10.2.10 and Table 10.2.6, to eliminate the required 15 foot VUA LBA and plantings along the unimproved Rowe Street frontage based on the applicant's justification and the testimony heard today.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Jarboe, Lewis and Turner**  
**NO: No one**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES**  
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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1082**

Case No: 15DEVPLAN1082/15SUBDIV1007  
Request: Revised Detailed District Development Plan, Revised Preliminary Subdivision Plan and Waiver  
Project Name: Orell Station  
Location: 7400 W. Orell Road  
Owner: TSB Development, Inc.  
Applicant: TSB Development, Inc.  
Representative: Blue Stone Engineers, PLLC  
Jurisdiction: Louisville Metro  
Council District: 14 – Cindi Fowler  
**Case Manager: Brian Davis, AICP, Planning Supervisor**  
**Presented by: David Wagner, 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:41:51 Mr. Wagner discussed the case summary, standard of review and staff analysis from the staff report.

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

Chris Crumpton, Blue Stone Engineers, 3703 Taylorsville Road, Louisville, Ky. 40220  
Ken Thieneman, 833 Valley College Drive, Louisville, Ky. 40272

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

00:48:05 Mr. Crumpton said his justification is based on trying to keep Orell Rd. as a rural setting. Shared entrances haven't worked for large tracts (in past).

**Deliberation**

00:49:43 Commissioner Brown stated that on these collector and county through roads, the number of entrances need to be minimized. "I really couldn't support individual driveways for that many lots. I would encourage some kind of frontage road or at the least, shared driveways. Our intent is to minimize the number of access points because the rear end collisions go up proportionally to the number of driveways."



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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1082**

Commissioner Lewis asked the applicant why he can't share access. Mr. Thieneman said there are issues of drafting an agreement for shared driving and he can't sell the existing lots with shared parking.

00:57:50 Tammy Markert stated that the original plan had lot 7 listed as lot 8 and note 50 talks about access (intended for tract 7) – No access off Orell.

**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 Blake, seconded by Commissioner Turner, the following resolution was adopted.

A motion was made to **APPROVE** Case No. 15DEVPLAN1082/15SUBDIV1007, a Revised Detailed District Development Plan, Revised Preliminary Subdivision Plan and a waiver of section 6.1.3 to allow single family access to collector level roadways based on the testimony heard today and the staff report.

**The vote was as follows:**

**YES: Commissioners Blake, Jarboe, Lewis and Turner**

**NO: Commissioner Brown**

**The vote was not unanimous and has to be heard by the full Planning Commission.**

On a motion by Commissioner Blake, seconded by Commissioner Turner, the following resolution was adopted.

**The Committee, by general consensus, placed this case on the October 1, 2015 Planning Commission meeting to be held at the Old Jail Building.**

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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1124**

Case No: 15DEVPLAN1124  
Request: Detailed District Development Plan with Land  
Development Code Waiver  
Project Name: Thorntons Office Building  
Location: 14800 Bush Farm Road  
Owner: Papa OREO DS, LLC  
Applicant: Thorntons, Inc.  
Representative: BTM Engineering Inc.  
Jurisdiction: Louisville  
Council District: 19 – Julie Denton  
**Case Manager: Christopher Brown, 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

01:05:35 Mr. Brown discussed the case summary, standard of review and staff analysis from the staff report.

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

John Addington, BTM Engineering, 3001 Taylor Springs Drive, Louisville, Ky. 40220

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

01:08:30 Mr. Addington said they will be planting plenty throughout the site.

**Deliberation**

01:11:03 Planning Commission 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 Blake, seconded by Commissioner Lewis, the following resolution was adopted.

**Waiver**

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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1124**

**WHEREAS**, the waiver will not adversely affect adjacent property owners since all required screening and planting material will be provided; and

**WHEREAS**, Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. Landscaping material will be provided that meets the intent of the buffering requirement; therefore, the waiver will not violate specific guidelines of Cornerstone 2020; 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 required screening and planting materials will be provided along the property perimeter; 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 since the landscape buffer would impede the required vehicular parking, circulation and pedestrian connections to the north of the building if it was provided outside of the existing utility easements.

**Development Plan and Binding Elements**

**WHEREAS**, there does 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

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES**  
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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1124**

**WHEREAS**, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided. Transportation Planning Review has approved the preliminary development plan; and

**WHEREAS**, Provisions of sufficient open space will be provided; and

**WHEREAS**, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions 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 provided to screen adjacent properties and roadways; 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** Case No. 15DEVPLAN1124, the waiver from chapter 10.2.4.B of the Land Development Code to allow a required 20 foot perimeter landscape buffer area to encroach more than 50% into an existing utility easement, the Detailed District Development Plan and associated binding elements based on the testimony heard today and the staff report.

**Proposed Binding Elements**

**All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:**

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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1124**

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, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro **Develop Louisville Office of Construction Review, Transportation Planning** 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.
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.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Jarboe, Lewis and Turner**  
**NO: No one**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES**  
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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1136**

Project Name: State Farm – New Sign  
Location: 8217 Shelbyville Road  
Owner(s): David Franck  
Applicant: Owner  
Representative: Owner  
Jurisdiction: City of Lyndon  
Council District: 18 – Marilyn Parker  
**Case Manager: Sherie' Long, Landscape Architect**

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:**

01:12:59 Ms. Long discussed the case summary, standard of review and staff analysis from the staff report.

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

David Franck, 8217 Shelbyville Road, Louisville, Ky.

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

01:19:54 Mr. Franck stated that the company has changed logos and has to change its signs.

**Deliberation**

01:20:44 Planning Commission 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.**

**Development Plan and Binding Elements**

On a motion by Commissioner Blake, seconded by Commissioner Turner, the following resolution was adopted.

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES**  
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**NEW BUSINESS**

**CASE NO. 15DEVPLAN1136**

**WHEREAS**, there does not appear to be any environmental constraints or historic resources on the subject site. Existing vegetation will be preserved including any trees; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided. Transportation Planning Review has approved the preliminary development plan; and

**WHEREAS**, provisions for open space is not required; and

**WHEREAS**, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions 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 provided to screen adjacent properties and roadways; 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 **RECOMMEND**, to the City of Lyndon, **APPROVAL** of Case No. 15DEVPLAN1136, the Revised Detailed District Development Plan and Sign Review based on the testimony heard today and the staff report.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Jarboe, Lewis and Turner**

**NO: No one**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES**  
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**NEW BUSINESS**

**CASE NO. 15MOD1015**

Case No: 15MOD1015  
Project Name: Foster Hydraulics  
Location: 7800 Johnstontown Road  
Owners: Timothy B. Foster  
Applicant: Timothy B. Foster  
Representative: Bardenwerper, Talbott & Roberts PLLC  
Existing Zoning District: EZ-1  
Existing Form District: Neighborhood  
Jurisdiction: Louisville Metro  
Council District: 14 – Cindi Fowler  
**Case Manager: Brian Davis, AICP, Planning Supervisor**  
**Presented by: David Wagner, 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

01:27:21 Mr. Wagner discussed the case summary, standard of review and staff analysis from the staff report.

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

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

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

01:31:11 Mr. Talbott stated that the property next door is also a non-conforming use. There were trucks constantly going in and out and were unsightly and unwanted. The owner doesn't want the issues of the binding elements preventing him from selling his property.

**Deliberation**

01:32:058 Planning Commission 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.**



**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES**  
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**NEW BUSINESS**

**CASE NO. 15MOD1015**

**Development Plan and Binding Elements**

On a motion by Commissioner Blake, seconded by Commissioner Lewis, the following resolution was adopted.

**WHEREAS**, the site is already developed, so the proposed amendments to the binding elements do not interfere with any natural features on the site; and

**WHEREAS**, the development has a single access point on Johnstontown Road, which is a local level roadway. The proposed amendments to the binding elements will not affect the safe and efficient vehicular and pedestrian transportation within the area; and

**WHEREAS**, the provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development; Not applicable; and

**WHEREAS**, the proposed amendments will not contribute to nor interfere with drainage on the site; and

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee finds, the site is already developed and appears to have well established buffering along the property perimeter. The applicant is not proposing any changes to this perimeter at this time; and

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee further finds the existing use is a permitted use in the EZ-1 zoning district. Any change to the use or the site will be evaluated as part of the revised district development plan review process.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 15MOD1015, amendment to the binding elements based on the testimony heard today and the staff report.

**Existing Binding Elements**

1. The development plan shall be in accordance with the approved district development plan and the agreed upon binding elements. No further development shall occur without prior approval from the Planning Commission.
2. The development plan shall not exceed 6,500 square feet of gross floor area.
3. There shall be no freestanding sign permitted on the site.

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**CASE NO. 15MOD1015**

4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.
6. Outdoor lighting shall be directed down and away from nearby residential properties.
7. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes 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.
8. Before any permit including but not limited to building, parking lot, change of use or alteration permit is requested:
  - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty Street).
  - b. A minor subdivision plat shall be recorded dedicating additional right-of-way to Johnstontown Road to provide a total of 30 feet from the centerline. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans only after receipt of said instrument.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. Prior to requesting a certificate of occupancy the property owner/developer must obtain approval of a plan for securing flammable or toxic materials, as specified in the Jefferson County Floodplain Management Ordinance, (Sec. 157.03 C.4.c).

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**NEW BUSINESS**

**CASE NO. 15MOD1015**

9. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a reviewed district development plan is approved or an extension is granted by the Planning Commission.
10. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding element requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy unless specifically waived by the Planning Commission.
11. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in the development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Jarboe, Lewis and Turner**

**NO: No one**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES**  
**September 24, 2015**

**NEW BUSINESS**

**CASE NO. 15ZONE1019**

Case No: 15ZONE1019  
Request: Change in Zoning from R-4 (Single Family Residential) to C-1 (Commercial), Detailed District Development Plan, Binding Elements, and Waivers for a salon  
Project Name: Kowalewski Salon  
Location: 10624 Watterson Trail  
Owner: Kowalewski Salon, LLC  
Applicant: Kowalewski Salon, LLC  
Representative: Wyatt, Tarrant & Combs, LLP  
Civil Design, Inc.  
Jurisdiction: Jeffersontown  
Council District: 11 – Kevin Kramer  
**Case Manager: David B. Wagner – 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:**

01:35:47 Mr. Wagner discussed the case summary, standard of review and staff analysis from the staff report.

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

Cliff Ashburner, Wyatt, Tarrant & Combs, 500 West Jefferson Street, Louisville, Ky. 40202

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

01:44:07 Mr. Ashburner provided a power point presentation. A handicap space will be placed up front so it can be easier for everyone involved.

**Deliberation**

01:51:48 Planning Commission 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.**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
September 24, 2015**

**NEW BUSINESS**

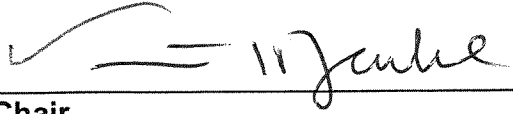
**CASE NO. 15ZONE1019**

**The Committee, by general consensus, placed this case on the October 29, 2015  
Planning Commission public hearing at the Old Jail Building.**

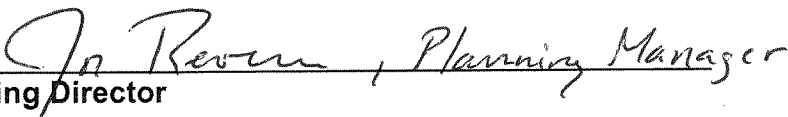
LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
September 24, 2015

ADJOURNMENT

The meeting adjourned at approximately 3:58 p.m.



Chair

  
Planning Director