

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
August 24, 2017**

A meeting of the Land Development and Transportation Committee was held on, August 24, 2017 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Marilyn Lewis, Chair
Jeff Brown
Richard Carlson

Committee Members absent were:

Rob Peterson, Vice-Chair
Ramona Lindsey

Staff Members present were:

Emily Liu, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning and Design Manager
Julia Williams, Planning Supervisor
Laura Mattingly, Planner II
Joel Dock, Planner II
Dante' St. Germain, Planner I
Jay Lockett, Planner I
Paul Whitty, Legal Counsel
Tony Kelly, MSD
Jeremeih Shaw, Transportation Planning
Pamela M. Brashear, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

AUGUST 10, 2017 LD&T COMMITTEE MEETING MINUTES

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

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on August 10, 2017.

The vote was as follows:

YES: Commissioners Brown, Carlson and Lewis

NOT PRESENT FOR THIS CASE: Commissioners Lindsey and Peterson

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
August 24, 2017

NEW BUSINESS

CASE NO. 16MINORPLAT1091

Request: Amendment to a Record Plat and a Waiver of the minimum lot width
Project Name: Ernspiker Lots
Location: 1248 Helck Avenue
Owner: Andrew Ernspiker Jr., Inc
Applicant: Land Design & Development
Representative: Land Design & Development
Jurisdiction: Louisville Metro
Council District: 21 – Dan Johnson
Case Manager: Laura Mattingly, AICP, Planner II

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:03:51 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Ann Richard, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

00:07:21 Ms. Richard gave a power point presentation. "There's a patch work of varied lot pattern out there already, so to vary from the requirements of the Land Development Code does not create an unusual situation. It actually makes the lot compliant with the varied lot widths and lot areas out there today."

The following spoke in opposition to this request:

Rodney Hack, 1250 Helck Avenue, Louisville, Ky. 40213
Walter Hack, 1254 Helck Avenue, Louisville, Ky. 40213

Summary of testimony of those in opposition:

00:10:10 Mr. Rodney Hack stated there's not enough space for 3 houses. The back ditch line is not kept up by MSD. Will the applicant or MSD clean up before they build?

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NEW BUSINESS

CASE NO. 16MINORPLAT1091

00:13:01 Mr. Walter Hack stated he does not oppose the house being built on the property (just not 3). It's a swamp in the back and MSD has put in a concrete ditch. "Where will the water go?"

Rebuttal:

00:14:33 Ms. Richard stated the lots are large enough to build 3 houses – lot 3 is 9,000 square feet, lot 1 is 20,000 square feet and lot 2 is 21,000 square feet. Also, the drainage issues will be reviewed and addressed by MSD.

Deliberation

00:16:00 Commissioner Brown said the drainage issues will be addressed at the building permit stage.

Commissioner Carlson stated the lot sizes are greater than what's required. The request is appropriate.

Chair Lewis said 2 lots are double the size required. The building permit stage is more appropriate for addressing drainage issues.

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.

Waiver of section 5.3.1.C.2 (table 5.3.1) to allow lot width less than 60 feet

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

WHEREAS, the waiver will not adversely affect adjacent property owners as the use remains low to medium single family residential with shared driveway access; and

WHEREAS, Guideline 3, policy 1 strives to have compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The waiver will not violate specific guidelines of Cornerstone 2020 as the new lots are for single family residential with access to Helck Avenue. The size and orientation are compatible with adjacent and nearby lots having frontage along Helck Avenue, and meet all other form district standards pertaining to this minor subdivision request; and

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NEW BUSINESS

CASE NO. 16MINORPLAT1091

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 as the parent parcel has sufficient area to create three lots but is only 100' wide, making it difficult to subdivide without the need for relief; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as there will be only one shared drive for the three lots. Additionally two of the three lots will be setback from the road which will aid in maintaining the character of Helck Avenue.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 16MINORPLAT1091, a waiver of section 5.3.1.C.2 (table 5.3.1) to allow lot width less than 60 feet, based the staff report, testimony heard today and adopt staffs' analysis as the justification for approving the waiver.

The vote was as follows:

YES: Commissioners Brown, Carlson and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Peterson

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 16MINORPLAT1091, a record plat amendment based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Carlson and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Peterson

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NEW BUSINESS

CASE NO. 17WAIVER1024

Request: Waiver to allow a changing image sign within 300 feet of residential properties
Project Name: Canaan Christian Church Sign
Location: 2840 Hikes Lane
Owner: Canaan Christian Church
Applicant: Robert Holmes
Representative: Kip Husk – Husk Signs
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Dante St. Germain, Planner I

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:

00:20:29 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kip Husk, 530 Clearcrest Lane, Evansville, In. 47710
Robert K. Holmbs, Jr., 2840 Hikes Lane, Louisville, Ky. 40218

Summary of testimony of those in favor:

00:25:24 Mr. Husk stated the church wants to be a good steward of what's been given to them. Also, the church wants to address neighbors' concerns.

00:26:22 Mr. Holmbs said the church tries to be a good neighbor. The proposed sign is important for communicating with the community.

The following spoke in opposition to this request:

Betty Conliffe, 202 Flanders Court #7, Louisville, Ky. 40218

Summary of testimony of those in opposition:

00:28:37 Ms. Conliffe stated the sign could be a distraction to motorists.

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NEW BUSINESS

CASE NO. 17WAIVER1024

Rebuttal:

00:30:17 Mr. Husk said the sign is not a changing image sign. Safety is a concern all around. The sign will be high quality.

Deliberation

00:36:55 Commissioner Carlson requests the sign be turned off 11:00 p.m. until 6:00 a.m. That would be less intrusive. Commissioner Brown agrees.

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.

Waiver from the Land Development Code, section 8.2.1.D.6 to allow a changing image sign to be closer than 300 feet to residentially zoned properties that are used residentially

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

WHEREAS, the waiver will not adversely affect adjacent property owners as the sign will be dimmed at night and the changing image panel will be frozen or turned off during late evening hours; and

WHEREAS, the waiver will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 describes the Neighborhood Form as characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

Guideline 3. Compatibility requires land uses and transportation facilities to be compatible with nearby land uses and to minimize impacts to residential areas.
Guideline 3.A.28. Signs requires signs to be compatible with the form district pattern and contribute to the visual quality of their surroundings, and to be of a size and height adequate for effective communication and conducive to motor vehicle safety. These guidelines are not violated because the sign is compatible with a minor arterial road and the applicant agrees to minimize the impact of the sign with a condition of approval.

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NEW BUSINESS

CASE NO. 17WAIVER1024

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 as there is no location on the property where a changing image sign could be placed that is not within 300 feet of residential properties; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived by agreeing to limit the use of the changing image sign between the hours of 11PM and 6AM.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** 17WAIVER1024, a waiver from the Land Development Code, section 8.2.1.D.6 to allow a changing image sign to be closer than 300 feet to residentially zoned properties that are used residentially **ON CONDITION** that the sign (changing message portion) shall be turned off between the hours of 11:00 p.m. and 6:00 a.m. based on the staff report, testimony heard today and adopt the staffs' analysis as the justification for approving the waiver.

The vote was as follows:

YES: Commissioners Brown, Carlson and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Peterson

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NEW BUSINESS

CASE NO. 17STREETS1012

Request: Street/alley closure
Project Name: Churchill Downs
Location: South of Central Avenue, east of Taylor Boulevard and north of Longfield Avenue
Owner: City of Louisville; Churchill Downs, Inc.; and AQ properties
LLC Applicant: Churchill Downs, Inc.
Representative: Wyatt, Tarrant, & Combs, LLP – Jon Baker; QK4 – Ashley Bartley
Jurisdiction: Louisville Metro
Council District: 15 – Marianne Butler
Case Manager: Joel Dock, Planner II

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:41:37 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jon Baker, Wyatt, Tarrant and Combs, 500 West Jefferson Street, Suite 2800, Louisville, Ky. 40202
Ashley Bartley, Qk4, 1046 East Chestnut, Louisville, Ky.
John Gardner, 3143 and 3133 Taylor Boulevard, Louisville, Ky. 40215

Summary of testimony of those in favor:

00:47:27 Mr. Baker gave a power point presentation. The application is to close several public right-of-ways that are internal to the racetrack. The right-of-ways are owned by Churchill Downs. The applicant will provide some new connections as some streets/alleys are closed. The police establish the routes during derby. Landscaping will be installed.

00:50:31 Ms. Bartley gave a power point presentation. The intent is to combine all the parking lots and make it safer for circulation. There will be an additional 900 trees added to the extra landscaping. Bio-swales and rain gardens will be added as well.

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NEW BUSINESS

CASE NO. 17STREETS1012

01:00:21 Mr. Gardner stated the applicant is closing Racine and putting in an alley, but he doesn't see it on the plan. Mr. Baker explained the closures and creations of new alleys/streets.

The following spoke in opposition to this request:

Joseph Lanham, 3135 Taylor Boulevard, Louisville, Ky. 40215
Lorita Lanham, 3135 Taylor Boulevard, Louisville, Ky. 40215
Kevin D. Newton, 1008 Thornberry Avenue, Louisville, Ky. 40215

Summary of testimony of those in opposition:

01:03:00 Mr. Lanham said the proposal is bringing down the value of his home. The applicant just wants to control the traffic but there is no need because it's safe as it is. "The greed, power and control need to stop."

01:08:47 Mrs. Lanham wants assurance that there will be a street near her alley, and not another alley. Also, the proposal includes closing an alley on the other end. Mrs. Lanham doesn't want her access impeded in any way. Also, the area is not devoid of trees. Every time the applicant bought a piece of property, they cut all the mature trees down.

01:13:19 Mr. Newton stated Churchill Downs is owned by the Louisville Metro government. In the last 24 months there's been an increase of them buying up properties.

Mr. Newton wants to know if his street (Thornberry Ave.) will be closed. Mr. Dock answered, "Thornberry will remain open from the west right-of-way line of Warren Ave. across Bohannon to Taylor Blvd."

The following spoke neither for nor against the request:

Douglas Taylor, 9100 Denington Drive, Louisville, Ky. 40222

Summary of testimony of those neither for nor against:

01:20:23 Mr. Taylor wants multiple pedestrian accesses. The bus drivers run the engines all day and that puts too much carbon dioxide in the air.

Rebuttal:

01:24:25 Ms. Bartley answered the questions asked by the opposition and 'others'.

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CASE NO. 17STREETS1012

Mr. Baker said the applicant/representatives will continue to work with the neighbors and address their concerns.

01:30:27 Mr. Baker remarked, "It's public record that Louisville Metro owns the land underneath Churchill Downs, but they certainly do not own the business of Churchill Downs or any of its affiliates."

An audio/visual recording of the Land Development & Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

The Committee, by general consensus, CONTINUED this case to the October 5, 2017 public hearing at the Old Jail Building.

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NEW BUSINESS

CASE NO. 17STREETS1021

Request:	Street Name Assignment
Project Name:	Branden Klayko Alley
Location:	South of Franklin Street between North Hancock Street and North Wenzel Street
Owner:	Louisville Metro
Applicant:	Develop Louisville
Representative:	Tony Mattingly – Develop Louisville
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Jay Lockett, Planner I

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:

01:31:35 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Anthony Mattingly, 444 South 5th Street, Suite 600, Louisville, Ky. 40202

Summary of testimony of those in favor:

01:32:59 Mr. Mattingly gave a power point presentation about the life of Branden Klayko.

Deliberation

01:35:17 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 Carlson, seconded by Commissioner Brown, the following resolution was adopted.

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NEW BUSINESS

CASE NO. 17STREETS1021

RESOLVED, that the Louisville Metro Planning Commission does hereby place Case No. 17STREETS1021 on the Consent Agenda of the August 29, 2017 night public hearing at the Kentucky Country Day at 4100 Springdale Rd.

The vote was as follows:

YES: Commissioners Brown, Carlson and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Peterson

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NEW BUSINESS

CASE NO. 17SUBDIV1007

Request: Conservation Subdivision for 72 buildable lots on 28.11 acres
Project Name: Washington Green
Location: 6307 Mount Washington Road
Owner: Wright Construction and Development
Applicant: JS Acquisitions
Representative: Kathy Linares– Mindell Scott & Associates
Jurisdiction: Louisville Metro
Council District: 23 – James Peden
Case Manager: Jay Lockett, Planner I

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:

01:37:22 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kathy Linares, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Suite 101, Louisville, Ky. 40219
David Mindel, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Suite 101, Louisville, Ky. 40219

Summary of testimony of those in favor:

01:42:16 Ms. Linares gave a power point presentation. There is a 100 foot Ashland pipe line easement and some lots proposed on the other side of it. The open space has increased. The stub will extend to Campfire.

The following spoke in opposition to this request:

Kenneth Harris, 11738 Washington Green Road, Louisville, Ky. 40229

Summary of testimony of those in opposition:

01:50:56 Mr. Harris stated he doesn't oppose the subdivision, but the layout. The original proposed McNeely Lake entrance showed 2 pedestrian access points. The main concern is the lot sizes – they're 41% smaller.

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NEW BUSINESS

CASE NO. 17SUBDIV1007

The following spoke neither for nor against the request:

John Torskey, Councilman Peden's office, 601 West Jefferson Street, Louisville, Ky. 40202

Summary of testimony of those neither for nor against:

01:59:22 Mr. Torskey asked if there will be dedicated construction entrances or will they be using established streets? This development is next to the 2nd largest park in Jefferson County and doesn't connect to it. Also, "Do you feel there is enough usable empty land to justify the added lots?"

Rebuttal:

02:04:05 Ms. Linares stated the approved plan shows a pedestrian access easement between the lots to the open space. The applicant is not opposed to having connections – may build a bridge and a path to the park. It will have to be worked out with Metro Parks.

Ms. Linares remarked, "The trees shown on the right-of-way are a requirement of the conservation regulations to provide street trees." The current open space has increased.

02:09:43 Mr. Mindel stated when the original plan was approved there was just one entrance off Mt. Washington Rd. There's a MSD pump station that prevents putting in a temporary construction entrance. Maintenance of the open space will be provided by the Homeowners Association.

02:18:56 Ms. Linares said the road issue was an existing condition. Commissioner Brown stated, not really because you have totally changed the alignment of the road. A street name change will probably have to be requested. Commissioner Brown said the Campfire Ct. and Deutsch Rd. issues also need to be resolved.

Deliberation

02:24:15 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.

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NEW BUSINESS

CASE NO. 17SUBDIV1007

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** Case No. 17SUBDIV1007 to the September 28, 2017 LD&T meeting.

The vote was as follows:

YES: Commissioners Brown, Carlson and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Peterson

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 16ZONE1079

Case No: 16ZONE1079
Request: R-4 to C-2 and Neighborhood to Suburban Workplace
Project Name: Jet Li Imports
Location: 4562 Poplar Level Road
Owner: Dong Li, YHR 888, LLC
Applicant: Dong Li, YHR 888, LLC
Representative: Miller Wihry, LLC
Jurisdiction: Louisville Metro
Council District: 21 – Dan Johnson
Case Manager: Laura Mattingly, AICP, Planner II
Presented By: Brian Davis, Planning Manager

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:

02:27:05 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

John Miller, 1387 South 4th Street, Louisville, Ky. 40208

Summary of testimony of those in favor:

02:29:13 Mr. Miller gave a power point presentation and background information. The new facility is approximately 2200 square feet and lines up with the front of the existing facility. The 2 entrances will be consolidated to create 1 entrance to the property.

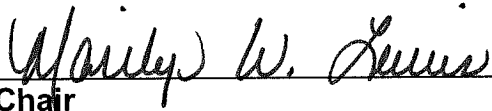
An audio/visual recording of the Land Development & Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

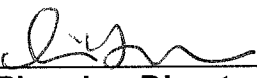
The Committee by general consensus placed this case on September 21, 2017 public hearing at the Old Jail Building.

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ADJOURNMENT

The meeting adjourned at approximately 3:43 p.m.


Chair


Planning Director