

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

JANUARY 9, 2014

A meeting of the Land Development and Transportation Committee was held on, Thursday, January 9, 2014 at 1:00 PM in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Donnie Blake, Chair
Vince Jarboe, Vice Chair
Clifford Turner
Jeffrey Brown

Committee Members absent were:

Tawana Hughes

Staff Members present were:

Emily Liu, Director of Planning & Design Services
Joseph Reverman, Planning Supervisor
Jonathan Baker, Legal Counsel
Christopher Brown, Planner II
Matthew Doyle, Planner I
Tammy Markert, Transportation Planning Coordinator
Rebecca Simmons, Management Assistant (minutes)

The following matters were considered:

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New Cases

CASE NO. 13DEVPLAN1075

Project Name: Cityscape Apartments
Location: 11750 Interchange Drive
Owner: Southgate Associates
FDR LLC
Applicant: Cityscape Residential LLC
Representative: Deborah Bilitski
Kevin Young
Jurisdiction: Louisville
Council District: 13 - Vicki Aubrey Welch
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. 5th Street.)

Request:

Revised General/Detailed District Development Plan with General Plan Binding Element Amendments for proposed multi-family residential use.

Those who spoke on behalf of this case:

Deborah Bilitski, Wyatt Tarrant & Combs, 500 W Jefferson St, Ste 2800,
Louisville, KY 40202

Ann Richard, Land Design & Development, 503 Washburn Ave, Louisville, KY
40222

Kelly Lawrence, Cityscape Residential, 8888 Keystone Crossing, Indianapolis, IN
46240

Discussion:

01:10:48 Christopher Brown reviewed the requests, case summary/background/site context, staff conclusions, and proposed general plan binding element amendments from the staff report. In response to Commissioner Blake's question, Mr. Brown clarified the proposed amendment to general plan

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binding element #4.

01:14:55 Deborah Bilitski, attorney representing the applicant, provided a brief background of the site. She said this site was originally planned that it would be commercial use, specifically a home and garden center, which did not pan out. She said there was a parking waiver associated with the home and garden center, which is not applicable at this point, so the binding element limiting the site to a home and garden center is being requested to be deleted. Ms. Bilitski pointed out an area on the plan that is planned to be retained to be developed as out lots. She addressed the signage issue and explained that signage is being requested is what is permitted by code. Ms. Bilitski submitted exhibits for the design of the development. She spoke about the large area of property owners that were noticed and said no comments were received.

01:18:36 Ann Richard, Land Design & Development, stated that no waivers or variances were requested.

01:18:55 Kelly Lawrence, Cityscape Residential, spoke about the proposed development being high end and the market for the use in the area. She pointed out the proposed monument signage at both entrances. Ms. Lawrence also discussed the trash compactor and its planned location.

01:21:25 Commissioner Blake said he likes the apartments being done with residential. He said the use will fit in nicely in the area.

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

WHEREAS, the Land Development & Transportation Committee finds, based on the staff report and testimony provided, that 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

WHEREAS, the Land Development & Transportation Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the

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preliminary development plan; and

WHEREAS, the Land Development & Transportation Committee further finds that all required open space will be provided on the site; and

WHEREAS, the Land Development & Transportation Committee further finds that 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 Land Development & Transportation Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. The change in use follows similar uses existing within the general vicinity. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Land Development & Transportation Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. The amendment to the general plan binding elements will allow the use and signage permitted by the Land Development Code.that Case 13DEVPLAN1075 be approved; now, therefore be it

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the Revised General/Detailed District Development plan **SUBJECT** to the following General Plan Binding Element Amendments AND Detailed District Development Plan Binding Elements.

General Plan Binding Elements:

4. There shall be no freestanding signs permitted on site except for the following:
 - (2) Project identification signs 6 feet high, 32 sq. ft.
 - (2) Shopping Center identification signs 30 feet high, 144 sq. ft.
 - Freestanding outlot identification signs 25 feet high, 64 sq. ft.

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Signage for the proposed multi-family residential use at 11750 Interchange Drive and 5025 Mud Lane shall follow Chapter 8 of the Land Development Code.

~~17. Lot 2 shall be limited to a home and garden center, since the justification for the parking waiver is based on this type of use.~~

Detailed District Development Plan:

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. The density of the development shall not exceed 20.8 dwelling units per acre (312 units on 15.0 acres).
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 Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.

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- c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. 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.
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 9th, 2014 Land Development & Transportation meeting.

The vote was as follows:

YES: Commissioners Blake, Jarboe, Turner, and Brown

NO: No one.

NOT PRESENT AND NOT VOTING: Commissioner Hughes

ABSTAINING: No one.

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New Cases

CASE NO. 17611

Project Name: Baxter Tracts
Location: 611-617 Baxter Ave.
Owner: Glenmary Investment Group, LLC
Applicant: Glenmary Investment Group, LLC
Representative: Deborah Bilitski and Miller/Wihry
Jurisdiction: Louisville Metro
Council District: 4 - David Tandy
Case Manager: Joseph Reverman, AICP, Planning Supervisor

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.)

Request:

Change in zoning from R-6, Multi-Family Residential, to C-1, Commercial; a Detailed District Development Plan; Landscape Waivers; a Sidewalk Waiver; and a Variance

Those who spoke on behalf of this case:

Deborah Bilitski, Wyatt Tarrant & Combs, 500 W. Jefferson St, Ste 2800, Louisville, KY 40202

Kevin Jagers, 2093 Sherwood Ave, Louisville, KY 40205

Beth Darrell, 1115 Roger St, Louisville, KY

Discussion:

01:23:49 Joseph Reverman reviewed the requests, case summary/background/site context, and applicable plans and policies from the staff report. He explained that the applicant proposes to improve the rear of the site for parking. He pointed out the building that is proposed to be demolished and rebuilt, as well as the building proposed to be used for a garage and storage. He also pointed out a graveled area that is planned to be improved with asphalt and entrances added. Mr. Reverman then reviewed the technical review from

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the staff report and discussed the requested variance and waivers.

01:28:08 Commissioner Brown asked about the screening proposed along Bishop. Mr. Reverman said the screening will be done with plantings.

01:28:32 Deborah Bilitski, attorney representing the applicant, discussed the zoning and land uses of the properties near the subject site and explained that it is a mixed-use area. She said it is proposed to rezone the four lots to C-1 to bring the existing non-conforming uses into compliance, and to make improvements on the site. Ms. Bilitski then reviewed the proposed uses for the subject site. She reviewed the plans for defined access points, landscape island installation, and underground stormwater retention area. She pointed out where a landscape buffer requirement could not be met and the area in which the landscape buffer is being requested. She said more details for the design and justifications for the requests will be presented at the public hearing.

01:34:58 Kevin Jagers stated his name for the record.

01:35:13 Commissioner Brown asked about access to the garage. Ms. Bilitski explained that there will be garage doors and pointed out where the garage will be accessed.

01:36:11 Beth Darrell (phonetic), (Inaudible) Neighborhood Association, stated that there are concerns about retention of the stormwater. She asked if there would be a stipulation to limit the size of trucks to be parked on the site overnight. She raised concerns about storage of equipment for maintenance services. She explained that the neighborhood association would like input on the landscaping plan. Ms. Darrell explained that the association would also like a stipulation to be added that any future owners of the site would also be held to the same standards. Commissioner Blake suggested that the neighborhood association meet with the applicant to work on agreed upon binding elements to address concerns prior to the public hearing.

By general consensus the Land Development & Transportation Committee scheduled Case 17611 to be heard before the Louisville Metro Planning Commission on Thursday, February 6, 2014 at the Mayors Gallery.

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CASE NO. 13ZONE1013

Project Name: Honest-1 Autocare
Location: 2801 N Hurstbourne Pkwy
Owner: S&L Ventures, LLC
Applicant: S&L Ventures, LLC
Representative: Bill Bardenwerper and Mindel, Scott & Associates,
Inc.
Jurisdiction: Louisville Metro
Council District: 17 - Glen Stuckel
Case Manager: Joseph Reverman, AICP, Planning Supervisor

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.)

Request:

Change in Zoning from R 4, Single Family Residential, to C 2, Commercial; a Detailed District Development Plan; a Variance; and a Land Development Code Waiver.

The following spoke on behalf of this case:

Bill Bardenwerper, Bardenwerper Talbott & Roberts, 1000 N. Hurstbourne Pkwy, Louisville, KY 40222

Todd Lanning, Mindel Scott & Associates, 5151 Jefferson Blvd, Louisville, KY 40219

Todd Lanning, Mindel Scott & Associates, 5151 Jefferson Blvd, Louisville, KY 40219

Kristen (Last name inaudible), Hagen Properties, 12949 Shelbyville Rd, Louisville, KY 40243

DISCUSSION:

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01:48:35 Joseph Reverman reviewed the requests, case summary/background/site context, and technical review from the staff report.

01:54:28 Commissioner Brown asked if there was any condition or binding elements placed on the Sawyer shops to the north. Mr. Reverman said there was initially either a binding element or note on the plan; however, after it was rezoned a building was constructed. He stated he would need to check if a spot was identified for a future connection.

01:55:13 Commissioner Brown asked if an access easement would be acceptable in lieu of a right-of-way. Mr. Reverman said it would make sense to have dedicated right-of-way. He said if it were an access easement, there would need to be a discussion about the safety issues of having pull-in parking spaces when it is connecting to the roadway.

01:56:23 Bill Bardenwerper, attorney representing the applicant, provided a brief history of the subject site. He addressed pre-app discussions about the issue of the future Spring Bark drive connection. He submitted a booklet regarding the proposal and showed a series of photos of the site. Mr. Bardenwerper discussed the proposed waiver of the vehicular and pedestrian connection to the commercially zoned lot to the north. He then reviewed the proposed use for the site and said the C-2 zoning is needed for the extra vehicle bays.

02:05:50 Todd Lanning and Steve Scott with Mindel Scott & Associates, and the owner Dale Schaefer stated their names for the record.

02:06:43 Commissioner Jarboe said he did believe that the street that would be coming through for the church in the future would be an impediment. He said he questions whether there is not access to the back of the building. Commissioner Jarboe said it seems there is enough room to have access to the back of the retail building. Mr. Scott said there is a 20 ft LBA that would be encroached upon. After some further discussion about this issue, Commissioner Jarboe stated that a variance on the LBA would be entertained if access was being provided to the other property.

02:10:45 Commissioner Blake raised concern about danger with the driving isle in the back.

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02:13:03 Kristen (Last name inaudible), Hagen Properties, pointed out the dumpster and retaining wall areas behind the building. She said the driving isle is tight.

02:14:20 Commissioner Blake asked if there had been any discussion about uses being opted out under the C-2 zoning. Mr. Bardenwerper said that there would be a discussion about this and more information would be presented at the public hearing.

By general consensus the Land Development & Transportation Committee does hereby schedule Case 13ZONE1013 to be heard before the Louisville Metro Planning Commission on Thursday, February 6, 2014 at the Mayors Gallery.

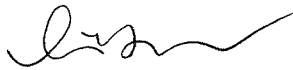
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The meeting was adjourned at approximately 2:11 pm.

A handwritten signature in black ink, appearing to read "V-H Jaurve", is written above a solid horizontal line.

Chairman

A handwritten signature in black ink, appearing to read "L. S.", is written above a solid horizontal line.

Division Director