

**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE  
February 12, 2015**

A meeting of the Land Development and Transportation Committee was held on February 12, 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, Chair  
Jeff Brown  
Clifford Turner  
Donnie Blake

**Committee Members absent were:**

Carrie Butler

**Staff Members present were:**

Joe Reverman, Planning Manager  
Brian Davis, Planning Supervisor  
Christopher Brown, Planner II  
Julia Williams, Planner II  
Jonathan Baker, Legal Counsel  
Pamela M. Brashear, Management Assistant

The following matters were considered:

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**APPROVAL OF MINUTES**

**JANUARY 22, 2015 LD&T COMMITTEE MEETING MINUTES**

On a motion by Commissioner Turner, 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 January 22, 2015.

**The vote was as follows:**

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

**NO: No one**

**NOT PRESENT FOR THIS CASE: Commissioner Butler**

**ABSTAINING: Commissioner Blake**

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**NEW BUSINESS**

**CASE NO. 14ZONE1041**

<b>Request:</b>	Change in Zoning from R-5 to OR, Waiver, Variance and District Development Plan
<b>Project Name:</b>	HAQ Medical Office
<b>Location:</b>	2125/2127 Bashford Manor Lane & 3506 Bardstown Road
<b>Owner:</b>	HAQS LLC
<b>Applicant:</b>	HAQS LLC
<b>Representative:</b>	Milestone Design Group; Wyatt Tarrant and Combs
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	10 – To Be Determined
<b>Case Manager:</b>	<b>Julia Williams, AICP, Planner II</b>

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:**

00:02:57 Mrs. Williams 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 and Combs, 500 West Jefferson Street, Suite 2800, Louisville, Ky. 40202

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

00:05:32 Mr. Ashburner said the only technical issues remaining are an agreement with TARC's request to provide an easement and elevations (not 2 stories, 1 story with large attic).

**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 the March 5, 2015 Planning Commission public hearing at the Old Jail Building.**

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**NEW BUSINESS**

**CASE NO. 14DEVPLAN1150**

Request:	Detailed District Development Plan; Land Development Code waivers
Project Name:	Panda Express
Location:	13311 Shelbyville Rd
Owner:	Middletown Investment Partners, LLC
Applicant:	Panda Restaurant Group
Representative:	Grimail Crawford, Inc.
Jurisdiction:	Middletown
Council District:	19 – Julie Denton
<b>Case Manager:</b>	<b>Christopher Brown, Planner II</b>

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:**

00:11:47 Mr. Brown discussed the case summary, standard of review and staff analysis from the staff report.

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

Erik Houston, 711 Cosmopolitan Drive, Unit 247, Atlanta, GA., 30324

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

00:15:15 Mr. Houston submitted an updated landscape plan to meet the screening requirements. KTC will allow planting trees in the right-of-way.

**Deliberation**

00:19:20 Commissioner Brown stated that the waivers have been properly mitigated. Commissioner Turner said the case is appropriate.

**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.**

20:13 On a motion by Commissioner Brown, seconded by Commissioner Blake, the following resolution was adopted.

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**(Pedestrian Connection)**

**WHEREAS**, The waiver will not adversely affect adjacent property owners since internal connectivity for the site will be provided from the access roadway sidewalk at the Middletown Commons shopping center entrance.

**WHEREAS**, The waiver will not violate specific guidelines of Cornerstone 2020 by since multi-modal access to the site will be provided in the most reasonable means due to grade issues along the street frontage for this property and potential ADA compliance issues with slope.

**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 a connection will be created along the western perimeter that will connect to the building from the shopping center entrance roadway.

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee further finds the strict application of the provisions of the regulation would t deprive the applicant of the reasonable use of the land and would not create an unnecessary hardship on the applicant since the pedestrian connection construction has grading and slope issues to achieve ADA accessibility.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Middletown, **APPROVAL** of Waiver #1 from chapter 5.9.2.A.1.b.i of the 2004 Land Development Code (LDC) to not provide the required pedestrian connection from Shelbyville Road to the proposed building based on the staff report and testimony heard today.

**The vote was as follows:**

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

**NO: No one**

**NOT PRESENT AND NOT VOTING: Commissioner Butler**

**ABSTAINING: No one**

20:47 On a motion by Commissioner Brown, seconded by Commissioner Blake, the following resolution was adopted.

**(VUA LBA/Plantings)**

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**WHEREAS**, The waiver will not adversely affect adjacent property owners since the landscape buffer reduction allows the construction of sidewalk to access the site and larger shopping center with tree canopy requirements being met overall on the site.

**WHEREAS**, The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. The location is internal to the shopping center along the access roadways and the reduction in tree plantings will be offset on other portions of the property.

**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 LBA would reduce the parking, require relocation of the dumpster and pedestrian access as well as impede circulation around the building. The tree planting reduction along this property perimeter is offset by plantings elsewhere on the site to meet the tree canopy requirements.

**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 by requiring relocation of the pedestrian connection, a reduction in the parking and relocation of internal circulation around the building.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to the City of Middletown, **APPROVAL** of Waiver #2, a landscape waiver from chapter 10.2.10 of the LDC to reduce the required 10 foot VUA LBA to 2 feet and the number of trees from 5 to 3 along the western property perimeter based on the staff report and testimony heard today.

**The vote was as follows:**

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

**NO: No one**

**NOT PRESENT AND NOT VOTING: Commissioner Butler**

**ABSTAINING: No one**

**Waiver #3 was eliminated.**

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21:24 On a motion by Commissioner Brown, seconded by Commissioner Blake, the following resolution was adopted.

**Shelbyville Road Scenic Corridor Buffer Plantings**

**WHEREAS**, the waiver will not adversely affect adjacent property owners since the reduction in tree plantings will be offset by tree plantings in the ROW along Shelbyville Road.

**WHEREAS**, Guideline 3, policy 9 of Cornerstone 2020 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. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of the scenic corridor development standards are to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors. The waiver will not violate these specific guideline policies since the scenic and aesthetic qualities will be maintained through the plantings within the ROW along Shelbyville Road.

**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 plantings will be provided within the ROW of Shelbyville Road along the scenic corridor.

**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 required plantings could not be provided within the reduced scenic

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corridor buffer without affects upon the parking area and circulation due to the location of a needed retaining wall.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Middletown, **APPROVAL** of Waiver #4, a landscape waiver from chapter 10.3.6 of the 2004 LDC to reduce the number of trees required due to the fact they will be working with the Transportation Cabinet to plant trees within the public right-of-way to meet the intent of that section of the LDC based on the testimony heard today. They provided the screening, thus eliminating that provision of Waiver #4.

**The vote was as follows:**

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

**NO: No one**

**NOT PRESENT AND NOT VOTING: Commissioner Butler**

**ABSTAINING: No one**

22:10 On a motion by Commissioner Brown, seconded by Commissioner Blake, the following resolution was adopted.

**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.

**WHEREAS**, Provisions for safe and efficient pedestrian transportation within and around the development and the community has been provided by the applicant.

**WHEREAS**, The open spaces requirements of the site are met.

**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.

**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 will be provided along roadways. The building will follow the approved pattern book for the Middletown Commons development. The committee needs to consider the lack of screening being proposed along the roadways around the property



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**WHEREAS**, the Louisville Metro Land Development & Transportation Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan with the proposed master plan pattern book that establishes a unique character for the development and unifies the appearance of the lots in their building, landscape and amenities area design. It meets the requirements of the Land Development Code with the exception of the requested waivers. The requested follow the intent of the Comprehensive Plan with the exception of the request to eliminate required screening and reduce the tree plantings along the scenic corridor.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Middletown, **APPROVAL** of the Detailed District Development Plan based on the staff report and testimony heard today and **SUBJECT** to the following Binding Elements:

**Proposed Binding Elements**

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 and to the City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 2,691 square feet of gross floor area with a 1,500 square foot outdoor patio.
3. There shall be no direct vehicular access to Shelbyville Road.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the

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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.

7. 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 and Turner**

**NO: No one**

**NOT PRESENT AND NOT VOTING: Commissioner Butler**

**ABSTAINING: No one**

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**CASE NO. 14DEVPLAN1176**

Request:	Revised Detailed District Development Plan; Land Development Code waivers and Binding Element Amendments
Project Name:	Discount Tire
Location:	12719 Shelbyville Road
Owner:	Nicklies Revocable Living Trust
Applicant:	Halle Properties LLC
Representative:	RA Smith National
Jurisdiction:	Middletown
Council District:	19 – Julie Denton
<b>Case Manager:</b>	<b>Christopher Brown, Planner II</b>

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:**

00:24:19 Mr. Brown discussed the case summary, standard of review and staff analysis from the staff report.

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

Todd Mosher, 1245 East Diehl Road, Suite 101, Naperville, IL. 60563

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

00:32:12 Mr. Mosher has worked through a lot of issues with the property owner and staff. "We did look at a flip version of the plan but that would cause a couple of issues – amount of parking spaces and hard for the truck drivers to maneuver."

**Deliberation**

00:39:05 Commissioner Blake said the plan is consistent. Commissioner Brown is in favor of all 3 waivers.

**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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40:40 On a motion by Commissioner Blake, seconded by Commissioner Turner, the following resolution was adopted.

**(Utility Easement Overlaps)**

**WHEREAS**, The waiver will not adversely affect adjacent property owners since the required planting and screening materials will be provided on site.

**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. The overlap proposed will still allow buffering to be provided to meet the intent of the guidelines; therefore, the waiver will not violate specific guidelines of Cornerstone 2020.

**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 Shelbyville Road.

**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 by requiring shifting of the building and elimination of parking below the minimum required along Shelbyville Road to accommodate the expansion of the buffer area to eliminate the overlap.

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**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Middletown, **APPROVAL** of Waiver #1, a landscape waiver from chapter 10.2.4.B of the 2004 Land Development Code (LDC) to allow an overlap of the existing utility easements by more than 50% within the scenic corridor landscape buffer based on the testimony heard today, the justification statement and the Staff Analysis found on pages 2 and 3 of the staff report.

**The vote was as follows:**

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

**NO: No one**

**NOT PRESENT AND NOT VOTING: Commissioner Butler**

**ABSTAINING: No one**

41:30 On a motion by Commissioner Blake, seconded by Commissioner Turner, the following resolution was adopted.

**(Setback and Buffer Encroachments)**

**WHEREAS**, The waivers will not adversely affect adjacent property owners since the required buffers will be maintained along the front and rear of the property with the required screening and planting materials.

**WHEREAS**, Guideline 3, policy 9 of Cornerstone 2020 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. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of parkway development standards is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing

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corridors and to protect and improve the visual experience on established corridors. The adjacent areas to the out lot are along the access road and the overall site will be providing the required planting materials while meeting the scenic corridor buffer requirements; therefore, the waiver will not violate specific guidelines of Cornerstone 2020.

**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 to allow the needed building and accessory dumpster locations to allow proper maneuvering on the site. The building location will be similar to those to the east and west of the subject site.

**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 by requiring the elimination of additional maneuvering space to allow proper access to the building and dumpster areas by service vehicles.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Middletown, **APPROVAL** of Waiver #2, a landscape waiver from chapter 10.2.10 of the 2004 LDC to allow the dumpster and enclosure to encroach into the required 10 foot VUA LBA along the rear access easement based on the testimony heard today and the Staff Analysis found in the staff report.

**The vote was as follows:**

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

**NO: No one**

**NOT PRESENT AND NOT VOTING: Commissioner Butler**

**ABSTAINING: No one**

42:05 On a motion by Commissioner Blake, seconded by Commissioner Turner, the following resolution was adopted.

**WHEREAS**, The waivers will not adversely affect adjacent property owners since the required buffers will be maintained along the front and rear of the property with the required screening and planting materials.

**WHEREAS**, Guideline 3, policy 9 of Cornerstone 2020 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

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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. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of parkway development standards is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors. The adjacent areas to the out lot are along the access road and the overall site will be providing the required planting materials while meeting the scenic corridor buffer requirements; therefore, the waiver will not violate specific guidelines of Cornerstone 2020.

**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 to allow the needed building and accessory dumpster locations to allow proper maneuvering on the site. The building location will be similar to those to the east and west of the subject site.

**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 by requiring the elimination of additional maneuvering space to allow proper access to the building and dumpster areas by service vehicles.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Middletown, **APPROVAL** of Waiver #3, a landscape waiver from chapter 10.3.6, to allow the proposed building to encroach 10 feet at its closest point into the required 40 foot scenic corridor setback based on the testimony heard today and the Staff Analysis found in the staff report.

**The vote was as follows:**

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

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**NOT PRESENT AND NOT VOTING: Commissioner Butler**  
**ABSTAINING: No one**

42:42 On a motion by Commissioner Blake, seconded by Commissioner Turner, the following resolution was adopted.

**DEVELOPMENT PLAN and AMENDMENT TO 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.

**WHEREAS**, 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 preliminary development plan.

**WHEREAS**, There are no open space requirements with the current proposal.

**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.

**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. Parking lots will meet all required setbacks and the building will follow a similar setback as existing structures to the east and west of the subject site.

**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 with the exception of the requested waivers. The requested waivers follow the intent of the Comprehensive Plan and the 2004 Land Development Code.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Middletown, **APPROVAL** of the Revised Detailed District Development Plan and the amendment to the binding elements based on the testimony heard today and the Staff Analysis found in the staff report, **SUBJECT** to the following Binding Elements:



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**Proposed Binding Elements**

1. ~~The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission and the City of Middletown.~~ **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 and to the City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.**
  
2. The development shall not exceed ~~2,820~~ **7,373** square feet for the restaurant. Additionally, all final architectural elevations and renderings, and exterior lighting shall be approved by the City of Middletown prior to installation. All exterior lighting to be subdued.
  
4. Before a building 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).~~ **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. The property owner/developer must obtain approval from the Planning Commission and the City of Middletown of a detailed plan for screening (buffering/landscaping) as described in ~~Article 12 Chapter 10~~ **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. ~~The only permitted freestanding sign shall be located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 7 feet to front property line. The sign shall not exceed 30 square feet in area per side and 15 feet in height. No sign shall have more than two sides.~~ **Signs shall be in accordance with Chapter 8.**
  
8. Structures on the out lots shall not be more than one story. ~~and the architectural appearance shall conform to the remainder of the development.~~

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10. If a building permit is not issued within ~~one~~ **two years** of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
  
12. ~~The property owner/developer shall provide copies of these binding elements to contractors and other parties engaged in 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~~ **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.**
  
13. ~~The above binding elements may be amended as provided for in the Zoning District Regulations, and the Ordinances of the City of Middletown~~

**The vote was as follows:**

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

**NO: No one**

**NOT PRESENT AND NOT VOTING: Commissioner Butler**

**ABSTAINING: No one**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES**  
**February 12, 2015**

**NEW BUSINESS**

**CASE NO. 14DEVPLAN1169**

Request:	Detailed District Development Plan; Land Development Code waivers and General Plan Binding Element Amendments
Project Name:	The Vinings Apartments
Location:	9500 Williamsburg Plaza
Owner:	JHS Vinings LLC
Applicant:	JHS Vinings LLC
Representative:	Blomquist Design Group LLC
Jurisdiction:	Hurstbourne
Council District:	18 – Marilyn Parker
Case Manager:	<b>Christopher Brown, Planner II</b>

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:**

00:44:09 Mr. Brown discussed the case summary, standard of review and staff analysis from the staff report.

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

Marv Blomquist, Blomquist Design Group, 10529 B Timberwood Circle, Louisville, Ky. 40223

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

00:50:17 Mr. Blomquist discussed the reasons for the waivers.

**Deliberation**

00:56:50 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.**

58:39 On a motion by Commissioner Brown, seconded by Commissioner Turner, the following resolution was adopted.

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**NEW BUSINESS**

**CASE NO. 14DEVPLAN1169**

**(Screen Wall)**

**WHEREAS**, The waiver will not adversely affect adjacent property owners since the buildings will provide screening along the majority of the street frontage and safe pedestrian access is provided at the side parking entry points on the site.

**WHEREAS**, The waiver will not violate specific guidelines of Cornerstone 2020 since minimal parking areas are being provided along the side of structures. The majority of the parking areas are located to the rear of the structures following the traditional form.

**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 to permit areas to provide the needed pedestrian access from the street frontage in a safe manner.

**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 by negatively affecting pedestrian connectivity from Williamsburg Plaza.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Hurstbourne, **APPROVAL** of Waiver #1 from Chapters 5.4.1.G.1.b and 5.5.1.A.3.a of the 2006 Land Development Code to eliminate the required 3 foot screen wall along the parking areas adjacent to Williamsburg Plaza based on the staff report and testimony heard today.

**The vote was as follows:**

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

**NO: No one**

**NOT PRESENT AND NOT VOTING: Commissioner Butler**

**ABSTAINING: No one**

59:16 On a motion by Commissioner Brown, seconded by Commissioner Turner, the following resolution was adopted.

**(Landscape Buffer Reductions)**

**WHEREAS**, The waiver will not adversely affect adjacent property owners since the interior buffer is along a zoning boundary and the rear property perimeter encroachment will not prevent sufficient screening and planting from being provided.

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**NEW BUSINESS**

**CASE NO. 14DEVPLAN1169**

**WHEREAS**, Guideline 3, policy 9 of Cornerstone 2020 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. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. 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. The intent of Cornerstone 2020 will be provided on the site through the use of sufficient screening and planting along the rear property perimeter and the elimination of the interior buffer.

**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 allow the proper circulation and needed parking to be provided on the site.

**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 by requiring extensive buffering interior to the site and along the rear property perimeter that would prevent the minimum parking from being provided and not allow proper circulation to allow vehicular movement on the site.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Hurstbourne, **APPROVAL** of Waiver #2, a landscape waiver from chapter 10.2.4 of the 2006 Land Development Code (LDC) to eliminate the required interior landscape buffer along the zoning boundary between OR-3 and C-2 of the existing property lines based on the staff report and testimony heard today.

**The vote was as follows:**

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

**NO: No one**

**NOT PRESENT AND NOT VOTING: Commissioner Butler**

**ABSTAINING: No one**

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

**(Landscape Buffer Reductions)**

**WHEREAS**, The waiver will not adversely affect adjacent property owners since the interior buffer is along a zoning boundary and the rear property perimeter encroachment will not prevent sufficient screening and planting from being provided.

**WHEREAS**, Guideline 3, policy 9 of Cornerstone 2020 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. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. 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. The intent of Cornerstone 2020 will be provided on the site through the use of sufficient screening and planting along the rear property perimeter and the elimination of the interior buffer.

**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 allow the proper circulation and needed parking to be provided on the site.

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee further finds The strict application of the provisions of the regulation would deprive the applicant

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of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring extensive buffering interior to the site and along the rear property perimeter that would prevent the minimum parking from being provided and not allow proper circulation to allow vehicular movement on the site.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Hurstbourne, **APPROVAL** of Waiver #3, a Landscape waiver from Chapter 10.2.4 of the 2006 Land Development Code to reduce the required landscape buffer along the south property perimeter to allow parking and drive aisles to encroach into a portion of the buffer based on the 10 foot screen wall, the staff report and testimony heard today.

**The vote was as follows:**

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

**NO: No one**

**NOT PRESENT AND NOT VOTING: Commissioner Butler**

**ABSTAINING: No one**

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

**(Utility Easement Overlap)**

**WHEREAS**, The waiver will not adversely affect adjacent property owners since the required planting and screening materials will be provided on site.

**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

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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. The overlap proposed will still allow buffering to be provided to meet the intent of the guidelines; therefore, the waiver will not violate specific guidelines of Cornerstone 2020.

**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.

**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 by requiring shifting of the buffering resulting in the elimination of parking below the minimum required on the site.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Hurstbourne, **APPROVAL** of Waiver #4, a Landscape waiver from Chapter 10.2.4. B of the 2006 Land Development Code to allow utility easements to overlap required landscape buffers by more than 50% based on the staff report and testimony heard today.

**The vote was as follows:**

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

**NO: No one**

**NOT PRESENT AND NOT VOTING: Commissioner Butler**

**ABSTAINING: No one**

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

**DEVELOPMENT PLAN and AMENDMENT TO 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.

**WHEREAS**, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro



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Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

**WHEREAS**, Sufficient open space is being provided with the current proposal.

**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.

**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. Parking lots will meet all required setbacks and the building will follow a similar setback as existing structures to the east and west of the subject site.

**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 with the exception of the requested waivers. The requested waivers follow the intent of the Comprehensive Plan and the 2004 Land Development Code.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Hurstbourne, **APPROVAL** of the General Plan Binding Element Amendments listed on pages 17 and 18 of the staff report and the Detailed District Development Plan presented today based on the staff report and testimony heard today and **SUBJECT** to the following Binding Elements:

**Proposed Binding Elements**

**General Plan Binding Element:**

32. No portion of any building located within Lots 1 & 2 (shown on General Development Plan) shall exceed three stories (3) or forty-five (45) fifty-five feet seven inches (55'-7") in height. Building height shall be determined pursuant to the Land Development Code.

**Detailed Development Plan:**

1. **The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code**

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(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 and to the City of Hurstbourne for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. The density of the development shall not exceed 29.78 dwelling units per acre (159 units on 5.34 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.
  - c. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
  - 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.
  - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the

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**office responsible for permit issuance will occur only after receipt of said instrument.**

- 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 February 12<sup>th</sup>, 2105 LD&T meeting.**

**The vote was as follows:**

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

**NO: No one**

**NOT PRESENT AND NOT VOTING: Commissioner Butler**

**ABSTAINING: No one**

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**NEW BUSINESS**

**CASE NO. 14ZONE1050**

Request: Change in zoning from C-3 to EZ-1  
Project Name: Old Forester  
Location: 117-119 West Main Street  
Owner: Main Street Revitalization, LLC  
Applicant: Brown-Forman Corporation  
Representative: EHI Consultants;  
T. Bruce Simpson, Stoll Keenon Ogden PLLC  
Jurisdiction: Louisville Metro  
Council District: 4- David Tandy  
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:**

01:03:00 Mr. Brown discussed the case summary, standard of review and staff analysis from the staff report.

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

Bruce Simpson, Stoll, Keenon and Ogden, PLLC, 300 West Vine Street, Lexington, Ky.  
Mike Beach, Brown-Forman Corporation, 850 Dixie Highway, Louisville, Ky. 40210

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

01:06:27 Mr. Simpson stated, a lot of work has been done prior to filing the application.

01:08:27 Mr. Beach said one of their goals on the Washington St. side, is to get as much of the traffic related items inside the building. There's only 1 curb cut. Commissioner Brown is concerned because the sidewalk is heavily used.

**Deliberation**

01:13:22 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. 14ZONE1050**

**The Committee by general consensus placed this case on the March 5, 2015 Planning Commission public hearing at the Old Jail Building.**

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**NEW BUSINESS**

**CASE NO. 14ZONE1060**

Case No: 14ZONE1060  
Request: Change in zoning from R-4 to R-6 and Detailed District  
Development Plan  
Project Name: Springs at Bunsen Parkway  
Location: 9120 Blowing Tree Road  
Owner: Margaret Thieneman & The Thieneman Family Limited  
Partnership  
Applicant: Continental 325 Fund LLC  
Representative: Bill Bardenwerper  
Jurisdiction: Louisville  
Council District: 18 – Marilyn Parker  
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:**

01:14:34 Mr. Brown discussed the case summary, standard of review and staff analysis from the staff report.

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

Bill Bardenwerper, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223  
Kent Gootee, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

**The following spoke as "other":**

Cliff Ashburner, 500 West Jefferson Street, Suite 2800, Louisville, Ky. 40202  
Jim Lobb, 471 West Main Street, Louisville, Ky. 40202

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

01:20:14 Mr. Bardenwerper said they sent notification to everyone in Hurstbourne Acres. Bowling Tree Rd. is not in the City of Hurstbourne Acres.

01:32:30 Mr. Gootee said there will be a vegetative buffer and some fencing.

**Summary of testimony of "other":**

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**NEW BUSINESS**

**CASE NO. 14ZONE1060**

01:34:35 Mr. Ashburner represents the Bullitt Trust. "The Trust are not opposed to the development. They just want to make sure that the connector that was imposed on us, is actually going to be built or at least not prevented in the future. There's a concern that the alignment shown, on the plan, would make the construction of the connector more difficult."

1:41:40 Mr. Lobb is counsel for Hurstbourne Acres. The main concerns are: want Blowing Tree to remain a frontage street (narrow dead end); Blowing Tree extends and is gravel. There should be no gravel access from the entrance to the apartment project.

**Deliberation**

01:44:00 Planning Commission deliberation.

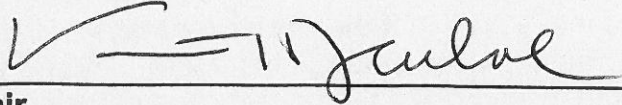
**An audio/visual recording of the Land Development & Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**The Committee by general consensus placed this case on the March 19, 2015 Planning Commission public hearing at the Old Jail Building.**

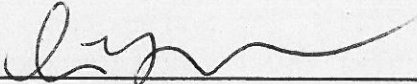
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**ADJOURNMENT**

The meeting adjourned at approximately 2:50 p.m.



**Chair**



**Planning Director**