

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
September 14, 2023**

A meeting of the Land Development and Transportation Committee was held on September 14, 2023 at 1:00 p.m. in the Old Jail Auditorium, located on 514 West Liberty Street, Louisville, Kentucky.

Committee Members Present Were:

Te'Andre Sistrunk, Chair
Jim Mims, Vice Chair
Jennifer Kern
Suzanne Cheek
Rich Carlson

Staff Members Present Were:

Brian Davis, Assistant Director
Julia Williams, Planning & Design Manager
Beth Stuber, Engineering Supervisor
Travis Fiechter, Assistant County Attorney
Jay Lockett, Planner Supervisor
John Michael Lawler, Planner I

The Following Matters Were Considered:

The Audio is Not Available on the Video

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
September 14, 2023

APPROVAL OF MINUTES

August 24, 2023

On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution was adopted:

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the Minutes of its meeting conducted on August 24, 2023.

The Vote Was as Follows:

YES: Commissioners Carlson, Kern, Mims, and Sistrunk

ABSTAIN: Commissioner Cheek

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
September 14, 2023

NEW BUSINESS

23-ZONE-0104

Request: Change in Zoning from R-5 Single Family to OR-1 Office-Residential with a District Development Plan with Binding Elements, Variance(s) and Waiver(s)

Project Name: Lyndon Professional Office

Location: 106 Lyndon Lane

Owner/Applicant: Neal Campbell

Representative: C.R.P. & Associates

Jurisdiction: Lyndon

Council District: 18 – Marilyn Parker

Case Manager: Jay Lockett, AICP, Planner Supervisor

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The Staff Report prepared for this case was incorporated into the record. This report was available to any interested party prior to the Land Development & Transportation Committee meeting. (The Staff Report is part of the case file maintained in Planning and Design Services offices, at 444 South 5th Street).

00:04:40 Jay Lockett presented the case and showed a slideshow presentation. Lockett responded to questions from the Commissioners (see recording and Staff Report for a detailed presentation).

The Following Spoke in Support of This Request:

Charles Podgursky, 7321 New La Grange Road, Louisville, KY 40222

Summary of Testimony of Those in Support:

00:6:55 Charles Podgursky advocated in favor of the request and responded to questions from the Commissioners (see recording for a detailed presentation).

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.

00:09:35 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following was adopted:

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
September 14, 2023

NEW BUSINESS

23-ZONE-0104

RESOLVED, the Land Development & Transportation Committee does hereby **CONTINUE** case number 23-ZONE-0104 to the October 12th, 2023 Land Development & Transportation Committee meeting.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
September 14, 2023

NEW BUSINESS

23-DDP-0064

Request: A Revised Detailed District Development Plan with a Waiver for a Proposed Warehouse Development
Project Name: Bohannon Commerce Center
Location: 6574 Lewis Lane
Owner/Applicant: LDG Bohannon Industrial 1
Representative: Sabak, Wilson & Lingo, Inc.
Jurisdiction: Louisville Metro
Council District: 14 – Cindi Fowler
Case Manager: John Michael Lawler, Planner I

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The Staff Report prepared for this case was incorporated into the record. This report was available to any interested party prior to the Land Development & Transportation Committee meeting. (The Staff Report is part of the case file maintained in Planning and Design Services offices, at 444 South 5th Street).

00:12:20 John Michael Lawler presented the case and showed a slideshow presentation. Lawler responded to questions from the Commissioners (see recording and Staff Report for a detailed presentation).

The Following Spoke in Support of This Request:

Kelli Jones, 608 South 3rd Street, Louisville, KY 40202

Summary of Testimony of Those in Support:

00:16:45 Kelli Jones advocated in favor of the request and responded to questions from the Commissioners (see recording for a detailed presentation).

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 Land Development Code Section 10.2.4 to Allow Encroachment into the 50' Property Perimeter Landscape Buffer Area Along the Southern Portions of the Eastern Property Line

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
September 14, 2023

NEW BUSINESS

23-DDP-0064

00:25:05 On a motion by Commissioner Carlson, seconded by Commissioner Cheek, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds the Waiver will not adversely affect adjacent property owners as all required plantings and screening will be required and the use of the encroachment will be for passenger vehicles;

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 10 calls to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should 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. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. The proposed development will provide all required planting materials to protect the residence from visual intrusions;

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 LG&E is requiring them to relocate their previously approved facilities out of an existing easement they were originally allowed to build in;

WHEREAS, the Louisville Metro Land Development & Transportation Committee 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 as all required planting and screening will be provided and the area is limited to passenger vehicles.

RESOLVED, the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE** that the requested Waiver of Land Development Code Section

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
September 14, 2023

NEW BUSINESS

23-DDP-0064

10.2.4 to allow encroachment into the 50' property perimeter Landscape Buffer Area along the Southern portions of the Eastern property line.

The Vote Was as Follows:

YES: Commissioners Carlson, Cheek, Kern, Mims, and Sistrunk

Revised Detailed District Development Plan

00:25:05 On a motion by Commissioner Carlson, seconded by Commissioner Cheek, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds there do 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, the Louisville Metro Land Development & Transportation Committee finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan;

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds the applicant is providing amenity areas that meet the needs of the proposed development as required by the Land Development Code;

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision 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. Buildings and parking lots will meet all required setbacks;

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
September 14, 2023

NEW BUSINESS

23-DDP-0064

RESOLVED, the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE** that the requested Revised Detailed District Development Plan, **SUBJECT** to the following Binding Elements:

1. The site shall be maintained in accordance with all applicable sections of the Land Development Code (LDC) and agreed-upon Binding Elements unless amended pursuant to the LDC. Amendment of any Binding Element(s) shall be submitted to the Planning Commission or its designee for review and approval; any amendments not so referred shall not be valid.
2. No outdoor advertising signs, small free-standing signs, pennants, balloons or banners shall be permitted.
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 is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration, or demolition:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways for any work within the state right-of-way.
 - c. 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 a plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved District Development Plan shall be recorded prior to issuance of any building permits.
 - 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 office responsible for permit issuance will occur only after receipt of said instrument.
 - f. An easement providing public access to the easement labeled on the plan as 55' Access & Utility Easement containing the Louisville Loop extension down Lewis Lane, for the purpose of providing public access to the Loop, in a form acceptable to Planning Commission legal counsel shall be created and recorded.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
September 14, 2023

NEW BUSINESS

23-DDP-0064

- restored in accordance with Binding Element #9 for all areas within the buffer that lie between impervious surfaces and the limits of Disturbance.
- b. This provision shall not prohibit any of the following: Removal of dead or diseased trees/vegetation (provided a live root system stays intact); removal of noxious weeds; Removal of non-native trees/vegetation that threaten native species growth or reintroduction: removal of fallen trees, tree limbs, brush and similar debris that accumulate naturally in river/stream beds and that impede river/stream flow, or removal of any other tree/vegetation that is a threat to the public health or safety; Removal of trees as part of an approved plan for stream side recreation or access (e.g. pedestrian trail) or as part of an approved utility or road construction project.
11. Before development of Tracts #3 and #4, or the buildings nearest the home in the northeast corner of the site. a landscape plan will be reviewed and approved by the Louisville Metro Planning Commission or a Committee thereof. This requirement for Tract #3 shall be null and void should the property to the west of Tract #3 cease being used as a residence.
12. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
13. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
14. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
15. All street signs shall be installed by the Developer and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a Certificate of Occupancy for that structure.

The Vote Was as Follows:

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
September 14, 2023

NEW BUSINESS

23-DDP-0064

YES: Commissioners Carlson, Cheek, Kern, Mims, and Sistrunk

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
September 14, 2023

NEW BUSINESS

23-DDP-0067

Request: A Revised Detailed District Development Plan for a Proposed Restaurant with Outdoor Seating and Alcohol Sales

Project Name: SandBar

Location: 2819 North Hurstbourne Parkway

Owner/Applicant: DWT, Inc.

Representative: Land Design and Development, Inc.

Jurisdiction: Louisville Metro

Council District: 17 – Markus Winkler

Case Manager: John Michael Lawler, Planner I

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The Staff Report prepared for this case was incorporated into the record. This report was available to any interested party prior to the Land Development & Transportation Committee meeting. (The Staff Report is part of the case file maintained in Planning and Design Services offices, at 444 South 5th Street).

00:27:20 John Michael Lawler presented the case and showed a slideshow presentation. Lawler responded to questions from the Commissioners (see recording and Staff Report for a detailed presentation).

The Following Spoke in Support of This Request:

Ted Bernstein, 503 Washburn Avenue, Louisville, KY 40222

Summary of Testimony of Those in Support:

00:32:55 Ted Bernstein advocated in favor of the request and responded to questions from the Commissioners (see recording for a detailed presentation).

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.

Revised Detailed District Development Plan

00:37:20 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution, based on the Staff Analysis and Standard of Review and evidence and testimony heard today, was adopted:

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
September 14, 2023

NEW BUSINESS

23-DDP-0067

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds there do 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, the Louisville Metro Land Development & Transportation Committee finds 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, the Louisville Metro Land Development & Transportation Committee finds there are no open space requirements pertinent to the current proposal;

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision 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. Buildings and parking lots will meet all required setbacks;

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE** that the requested Revised Detailed District Development Plan, **SUBJECT** to following 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
September 14, 2023

NEW BUSINESS

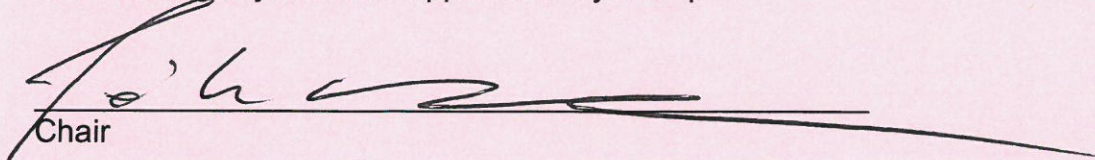
23-DDP-0067

3. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
4. 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.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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.

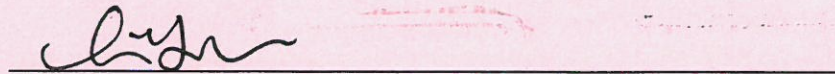
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
September 14, 2023

ADJOURNMENT

The meeting adjourned at approximately 1:40 p.m.



Chair



Planning Director