

**LOUISVILLE METRO  
LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MEETING MINUTES  
OCTOBER 26, 2017**

A meeting of the Louisville Metro Land Development & Transportation Committee was held on October 26, 2017, at 1:00 p.m. at the Old Jail Building, 514 W Liberty Street, Louisville, KY 40202.

**Commissioners present:**

Marilyn Lewis, Chair  
Robert Peterson, Vice Chair  
Jeff Brown  
Ramona Lindsey  
Rich Carlson

**Staff members present:**

Brian Davis, Planning Manager  
Joel Dock, Planner II  
Laura Mattingly, Planner II  
Dante St. Germain, Planner I  
Jay Lockett, Planner I  
Tammy Markert, Transportation Planning  
John Carroll, Legal Counsel  
Travis Fiechter, Legal Counsel  
Kristen Padron, Management Assistant

The following matters were considered:

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**APPROVAL OF MINUTES**

**00:08:53** On a motion by Commissioner Carlson, seconded by Vice Chair Peterson, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on October 12, 2017.

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown and Lewis**

**Absent: None**

**Abstain: None**

**No: None**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17ZONE1025**

Request:	Schedule Night Hearing
Project Name:	Artis Senior Living
Location:	4922 Brownsboro Road
Owner:	Kinman Compound, LLC
Applicant:	Artis Senior Living, LLC
Representative:	Bardenwerper, Talbott, & Roberts, PLLC
Jurisdiction:	Louisville Metro
Council District:	7 – Angela Leet
Case Manager:	Laura Mattingly, AICP, Planner II

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

**An audio/visual recording of the Land Development and 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.**

**Agency Testimony:**

**00:09:48** Laura Mattingly stated that Staff has received a petition for a night hearing for this case to be held on November 6, 2017 at 6:00 p.m.

**00:10:41** On a motion by Vice Chair Peterson, seconded by Commissioner Lindsey, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **SCHEDULE** case number 17ZONE1025 for a night hearing with the Planning Commission on November 6, 2017 at 6:00 p.m. at the Old Jail Building.

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown and Lewis**

**Absent: None**

**Abstain: None**

**No: None**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17STREETS1015**

Project Name: 729 Franklin Street  
Location: 729 Franklin Street  
Owner(s): Louisville Metro  
Applicant: Vendome Copper & Brass Works  
Representative(s): Stites & Harbison, PLLC; Sabak, Wilson, & Lingo Inc.  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
Case Manager: Joel P. Dock, Planner II

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

**An audio/visual recording of the Land Development and 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.**

**Agency Testimony:**

**00:11:46** Joel Dock presented the case (see Staff Report and recording for detailed presentation).

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

Dennis Kraus, 608 S. 3<sup>rd</sup> Street, Louisville, KY 40202

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

**00:12:41** Dennis Kraus spoke on behalf of the applicant who is requesting a closure of a 12 ft. wide alley north of Franklin Street, terminating at North Shelby Street. He stated that the alley is primarily used by Vendome copper & Brass Works for manufacturing materials. It is a very narrow alley that is not accessible by the adjoining property, which is vacant at this time. In response to Commissioner Brown, Mr. Kraus stated that the alley will be divided down the middle, and he read a note from the plat: "Upon official closing of alley, the northern 6.0' of alley to be conveyed by deed to Vendome Copper & Brass Works, Inc."

**00:14:22** On a motion by Commissioner Carlson, seconded by Commissioner Lindsey, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **CONTINUE** case number 17STREETS1015 to the Consent Agenda of the November 2, 2017 meeting of the Planning Commission.

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17STREETS1015**

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown, and Lewis**

**Absent: None**

**Abstain: None**

**No: None**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17STREETS1016**

Project Name: David McKinley Rd Closure  
Location: 4121 Billtown Rd  
Owner(s): Louisville Metro  
Applicant: MRC Development  
Jurisdiction: Louisville Metro  
Council District: 20 – Stuart Benson  
Case Manager: Jay Lockett, Planner I

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

**An audio/visual recording of the Land Development and 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.**

**Agency Testimony:**

**00:16:03** Jay Lockett presented the case (see Staff Report and recording for detailed presentation).

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

Richard Williamson, Jr., 11704 Robindale Road, Louisville, KY 40243

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

**00:17:56** Richard Williamson offered to answer questions on behalf of the applicant who is requesting a closure of public right-of way known as David McKinley Road. There were none.

**00:19:51** On a motion by Vice Chair Peterson, seconded by Commissioner Carlson, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **CONTINUE** case number 17STREETS1016 to the December 7, 2017 Planning Commission public hearing.

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown, and Lewis**

**Absent: None**

**Abstain: None**

**No: None**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1015**

Project Name:	Little Spring Farm Section 4
Location:	11400 Vista Club Ct
Owner(s):	Joseph Pusateri
Applicant:	Jim Mims
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Jay Lockett, 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 and Transportation Committee meeting (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S 5th Street).

**An audio/visual recording of the Land Development and 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.**

**Agency Testimony:**

**00:20:46** Jay Lockett presented the case (see Staff Report and recording for detailed presentation).

**00:22:46** Mr. Lockett and Commission Brown briefly reviewed the original subdivision plan.

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

Kelli Jones, 608 S 3<sup>rd</sup> Street, Louisville, KY 40202  
Jim Mims, 16218 Shelbyville Road, Louisville, KY 40245

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

**00:24:54** Kelli Jones spoke on behalf of the applicant who is requesting approval of a revised major preliminary subdivision plan. This project has been in the works for about 15 years. Ms. Jones showed aerial photographs of the site and reviewed the proposed development plan. There was a study done to determine which sinkholes could be preserved and which could be built on. There is a net increase of 11 units from the original plan. The increased number of lots does not violate the commitments regarding sinkhole protection and does not encroach into the steep slopes or wooded embankment areas. All MSD requirements are being met. Ms. Jones discussed binding element #3 with Commissioner Brown.

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1015**

**The following spoke neither for nor against the request:**

Scott Kephart, 11404 Vista Club Court, Louisville, KY 40291

**Summary of neutral testimony:**

**00:34:44** Scott Kephart is a neighbor who lives near the subject property. Some of his concerns include traffic, which is already a problem, and water pressure. He moved to this location in 2011, and the original plan he received copies of was for between 60 and 65 lots. He stated the plan has changed approximately three times in the last three months, and there are 96 lots now being proposed.

**00:37:02** Commissioner Brown added that the state has approved a traffic signal for the intersection of Thixton Lane and Bardstown Road that will be installed within the next few months. He is unsure if it will be installed before winter.

**00:37:13** Mr. Kephart stated that since the newest section of the subdivision has been built, his water pressure has decreased at least 30%. He feels this will decrease more with the addition of 96 more lots.

**The following spoke in opposition to the request:**

David Carty, 11501 Braiden Place, Louisville, KY 40291

**Summary of testimony of those in opposition:**

**00:38:03** David Carty is a neighbor who is concerned with traffic, dynamite blasting, clubhouse congestion/parking, and sewage odors. Turning onto Bardstown Road is difficult and dangerous. There was a lot of blasting conducted in the newer section near his home. There were no warning sirens or any indication when the blasting would take place. There is a lot of rock in the area of the subject property which will require extensive blasting. The clubhouse and other amenities were sized incorrectly because there is always a great deal of congestion and parking is limited. There have been a significant number of odor complaints for the area near the MSD pump stations. Six months ago they were told that nothing was being developed, but they were just made aware today that development has been in the works for 15 years. There is animosity between homeowners and Elite Homes because homeowners do not feel they have a voice in what goes on in the development. He would like that the homeowners be advised of any future action on this property.

**Rebuttal:**

**00:44:54** Ms. Jones spoke in rebuttal. She clarified that it was only the original plan and zoning that were in the works 15 years ago, not what they are developing now. Regarding Mr. Kephart's testimony, she stated that she thinks he might have been looking at a plan for a particular section of Little Spring Farm and not the entire



**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1015**

development. Regarding water pressure, they are going to build additional water lines in the area that will be on loops. She cannot guarantee that this will increase water pressure, but the applicant is willing to reach out to the Louisville Water Company to find out anything they can about this issue. MSD has approved the development of these lots.

**00:48:05** Jim Mims of Elite Homes stated that they have to make an additional grid tie to an additional water line, which will hopefully make the water line more reliable and take care of the water pressure problems.

**00:48:49** In response to the Commissioners, Ms. Jones stated blasting is regulated through a state permit. There will be pre-blast surveys conducted on the exterior of surrounding structures. Inspectors look for issues with the foundation and take photographs. If someone feels their home was damaged by blasting, they can file a claim and compare to the pre-blast survey.

**00:50:23** Mr. Mims stated that pre-blast surveys are required for structures within 500 ft. of the blasting site. Survey companies send letters to homeowners requesting permission to conduct surveys on their property prior to blasting. Sites are required to have a seismometer.

**00:52:49** Mr. Carty stated that Elite just placed the liability for the water pressure and blasting issues on MSD and the state. He has heard that Elite has a poor track record for addressing construction issues.

**00:54:31** Mr. Kephart agreed with Mr. Carty. He reiterated that this plan will bring an additional 96 homes to the subdivision that the current facilities cannot handle. He agrees that responsibility for the water pressure is being shifted from Elite to MSD.

**00:55:22** MSD representative Tony Kelly stated that when newer pump stations are sized, they are designed for the entire sewer shed. Odor problems typically occur when the plant doesn't have enough flow and the pump cycle times get longer. As more homes come in, the flow will pick up and cycle times will decrease, which should help alleviate the odor problem. He stated he would give Mr. Carty his card and look into the problem.

**00:56:27** Commissioners' deliberation

Commissioner Carlson stated that he feels that the plan complies with the Land Development Code and complies with the zoning. He is sensitive to the concerns heard today, but many of these are between the developer and neighboring residents.

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1015**

Regarding water pressure, the fire hydrant ordinance will require certain water flows in that area before building permits can be granted.

Commissioner Brown is okay with the revision, which is substantially similar to what was approved back in 2000 for this general area. Modifications are typical of a subdivision this size.

Commissioner Lindsey stated that based on what was approved in 2000, this is a small change to the number of lots. It sounds like the issues the property owners have are with the developer, and the Commission's role is to look at how well the plan meets the LDC. The property owners may have to work directly with the developer to those issues addressed.

Vice Chair Peterson feels that the plan, with slight modifications, does not affect the development, which is still in compliance. Water pressure issues should be worked out with MSD.

Chair Lewis feels that this is a slight modification to what was previously approved and it meets the requirements of the LDC.

**01:00:24** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

**WHEREAS**, the Committee further finds that, based on the staff report, the applicant's justification, and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE** the Revised Major Preliminary Subdivision Plan **ON CONDITION** that binding element #3 is verified or amended prior to the recording of the record plat for Little Spring Farm Section 4, **SUBJECT** to the following binding elements:

**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. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1015**

- 1a. Prior to development of either of Lots 257 and 518 the Applicant, Developer, or property owner shall obtain approval of a detailed district development plan from the Planning Commission. The Detailed District Development Plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
  - a. screening, buffering, landscaping, tree preservation
  - b. floor area, size and height of buildings
  - c. points of access and site layout with respect to on-site circulation
  - d. land uses
  - e. signage
  - f. parking
  - g. sidewalks
  - h. outdoor lighting
  - i. minor subdivision plan approval
  - j. air pollution
  - k. dumpsters
2. 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.
3. The density of the entire development shall not exceed 1.65 dwelling units per acre (717 units on 435.5 acres). For the R-4 portion of the site, the density shall not exceed 1.00 dwelling unit per acre (342 dwelling units on 341.2 acres); for the R-5 portion of the site, the density shall not exceed 2.49 dwelling units per acre (167 dwelling units on 67.2 acres); and for the R-5A portion of the site, the density shall not exceed 7.68 dwelling units per acre (208 dwelling units on 27.1 acres).
4. There shall be no direct vehicular access from any single family residential lot to Bardstown Road.
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. The applicant shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1015**

approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.

7. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from the Metro Public Works and Transportation Department and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening buffering/landscaping) as described in Article 12 and in conformance with the Parkway Policy prior to requesting a building permit. A landscape plan shall also be submitted for the scenic corridor requirements along Bardstown Road. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter by developer and/or homeowners association.
  - 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.
8. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan/preliminary subdivision plan is approved or an extension is granted by the Planning Commission.
9. 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.
10. 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. The 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, successors; and assignees, contractors, subcontractors, and other

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1015**

parties engaged in development of the site, shall be responsible for compliance with these binding elements.

11. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
12. The site shall be developed in accordance with the woodland protection areas (WPA) delineated on the site plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T approval.
13. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of such restrictions shall be approved by Planning Commission counsel, which approval shall not be unreasonably withheld.
14. All plans setting out woodland protection areas must contain the following notes:
  - a. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site that shall be permanently preserved. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat.
15. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  - a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
  - b. A deed of restriction or Bylaws of the Homeowners Association, either in a form approved by Counsel to the Planning Commission which approval shall not be unreasonably withheld, addressing responsibilities for the maintenance of common areas and open space, maintenance of WPAs, and TPAs.
  - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission, which approval shall not be unreasonably withheld.

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1015**

16. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this \$3,000 funding requirement.
17. Building materials shall be selected by home purchasers at their option. Some homes will be all brick, some will be a mixture of brick and siding, and others will be maintenance-free vinyl exteriors.
18. The signature entrance shall be submitted to the Planning Commission staff for review prior to recording the record plat. Unless specifically waived, signage is subject to DRO Guidelines.
19. Sinkholes:
  - a. The perimeter boundary of the sinkholes shown on the Approved Preliminary Subdivision Plan shall be field-verified, staked in the field, and shown on the construction plans. A revised preliminary subdivision plan showing the field-verified sinkholes shall be approved by DPDS Staff prior to construction plan approval for each affected site of phase of the development.
  - b. No buildings shall be constructed over any of the sinkholes shown on the Approved Preliminary Subdivision Plan. In the event of locational discrepancies of sinkholes between field verification and the Approved Preliminary Subdivision Plan field verification shall prevail.
  - c. Individual lot approvals by MSD shall be required for the lots shown on the Approved Preliminary Subdivision Plan. A geotechnical engineer selected by the Owner/Developer shall observe and approve all foundation subgrades on lots requiring MSD approval.
  - d. Should additional sinkholes be encountered during construction of site improvements, road, or structures, work shall be suspended in the vicinity of the occurrence and investigated by the geotechnical engineer. These new sinkholes encountered during construction shall be located on construction plans and treated or avoided in accordance with the geotechnical engineer's recommendations.
  - e. No repair or filling of any sinkhole/feature shall occur without prior approval by the geotechnical engineer. The geotechnical engineer shall be on-site during construction to monitor, verify and document appropriate sinkhole remediation for all sinkholes. All filled sinkholes shall maintain internal drainage.

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1015**

20. The water quality recommendations described in the Water Quality Recommendations for the Proposed Little Spring Farm Subdivision, prepared by Law Engineering and Environmental Services, Inc., dated September 14, 2000 shall be implemented on this site. Plans detailing the recommendations described in this document shall be submitted for approval from MSD and DPDS prior to approval of the construction plans.

21. Water Quality:

- a. During construction, areas designated for water quality basins on the Approved Preliminary Subdivision Plan may serve as temporary sediment control basins. Maintenance of these interim facilities shall be done in accordance with MSD's Erosion Prevention and Sediment Control Ordinance, and the Best Management Practices of the Natural Resources Conservation Service Report.
- b. The water quality basins shall be inspected twice per year for the first three years after construction of each basin by a landscape architect registered in the State of Kentucky. Specific note of plant species distribution/survival, sediment accumulation, water elevations, and condition of the outlet shall be made. Thereafter, annual inspections will be required. Records of inspection reports shall be maintained by the Developer and/or Homeowners Association.
- c. Accumulated sediments in water quality basins shall be cleaned out every 3 to 5 years, or as necessary, as determined by the annual inspections made by the registered landscape architect.
- d. Maintenance access and embankment areas of the water quality basins shall be mowed twice per year to prevent woody growth. All remaining areas shall be maintained as a wet meadow.
- e. No detention or water quality basins shall be located over any sinkhole shown on the Approved Preliminary Subdivision Plan and subsequently verified in the field. In the event of a sinkhole/feature's locational discrepancy between the Approved Preliminary Subdivision Plan and field verification field verification shall prevail.

22. The community center facility shall be used only by property owners and residents of Little Spring Farm Subdivision and their guests.

23. Developer shall set aside 5% of the R-5 portion of the site and 5% of the R-5A portion of the site for appropriate/inclusive housing affordable to families meeting the median household income for Jefferson County. The projected sales price of these

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1015**

homes shall be consistent with the schedule accompanying the preliminary subdivision application, which is titled "Revised Housing Affordability Analysis for Little Spring Farm".

24. Developer shall implement the recommendations and abide by the guidelines contained in (a) the Habitat Management Plan prepared by the Kentucky Department of Fish and Wildlife Resources, (b) the Sinkhole Management Plan prepared by Sabak, Wilson & Lingo, Inc., (c) the Water quality Management plan for Little Spring Farm prepared by LAWGIBB Group, and (d) the Revised Report of Geologic Assessment prepared by LAWGIBB Group.

25.

A. Prior to March 31, 2002, Developer shall request the Kentucky State Nature Preserve Commission (KSNPC) to perform a survey on areas of subject property likely to contain glade cress habitat. In the event that the KSNPC is unable to perform a survey as necessary to meet construction timetables, Developer shall obtain the services of a qualified professional to perform the survey. Areas in Open Space Lot 257 that the survey deems most likely to contain glade cress habitat shall be protected, except as provided for in (b).

B. In the event glade cress plants are discovered within areas designated for construction, any such plants shall be removed and transplanted to suitable glade cress habitat either (a.) where deemed viable at a location within Open Space Lot 257, or (b) to an off-site location area as may be recommended by the KSNPC, or in the event KSNPC is not able to assist, by other qualified professional.

26. Developer agrees to:

a. Construct a hiking trail as shown on the approved preliminary subdivision plan.

b. Construct connections from the hiking trail shown on the approved preliminary subdivision plan at the time the regional trail system shown on Core Graphic 7 presents itself at site's boundaries and is available for connection; the location of the connections shall be determined pursuant to agreement between Louisville Metro or its successor government and the Developer and/or homeowner's association.

c. Allow public access to all or part of the trail system as mutually determined and pursuant to terms and conditions which are mutually agreeable to Louisville Metro or its successor government and the Developer and/or homeowner's association.



**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1015**

27. Within the flood plain abutting Floyds Fork, Developer shall construct a wetland of approximately 8 acres, which shall be consistent with the Proposed Wetland Recharge Area Plan dated December 9, 2000.
28. Developer shall grant a Conservation Easement pursuant to KRS 382.800 et seq. in favor of the Future Fund, Inc. The Conservation Easement shall be executed and recorded. The form of the easement shall receive the approval of the General Counsel of the Planning Commission, which approval shall not be unreasonably withheld. The conservation Easement shall provide that Future Fund, Inc., shall have the right to monitor the Open Space areas for conformance with the terms of the Conservation Easement.
29. Developer shall work co-operatively with Future Fund, Inc., to implement the Habitat Management Plan for Little Spring Farm, prepared by the Kentucky Department of Fish and Wildlife Resources.
30. The Conservation Easement shall provide that Developer and/or Homeowners Association shall be responsible for the cost of construction and continuing maintenance of Open Space Lots 257, 37, 517, 6, 458, 88, 167, 148, 282, 439, and the habitat, hiking trail, water quality, Conservation Easement, and the Proposed Wetland Recharge Area (see Plan dated December 9, 2000). The cost of monitoring the continuing maintenance of these areas by Future Fund, Inc., shall be agreed upon between the parties to the Conservation Easement, and paid for by Developer and/or Homeowners Association, except as provided for in Binding Element 28.
31. Future Fund, Inc. may work co-operatively with another qualified land trust, such as the Jefferson County Environmental Trust (JCET) to explore development of JCET holding a joint or secondary interest in the Conservation Easement. Any proposed qualified land trust other than JCET shall be subject to the prior approval of Developer and/or Homeowners Association.
32. Title to part or all of Open Space Lot(s) 257, 37, 517, 6, 458, 88, 167, 148, 282, and 439 may be conveyed in fee simple at a future time to a Future Fund, Inc., pursuant to an agreement then reached between Developer and Future Fund, Inc.
33. In the unlikely event Future Fund, Inc., should elect not be the Holder of the Conservation Easement, Developer shall select a qualified holder pursuant to the requirements of KRS 382.800 et seq. The rights and obligations of Future Fund, Inc., set forth in these Binding Elements shall then be assumed by the qualified Holder.
34. All street signs shall be installed by the Developer, and shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1015**

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.

35. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.

36. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.

37. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown, and Lewis**

**Absent: None**

**Abstain: None**

**No: None**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1146**

Project Name: Blankenbaker Station II Lot 10  
Location: 12620 Plantside Dr  
Owner(s): VKH Venture LLC  
Applicant: VKH Venture LLC  
Jurisdiction: Louisville Metro  
Council District: 20 – Stuart Benson  
Case Manager: Jay Lockett, 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 and Transportation Committee meeting (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S 5th Street).

**An audio/visual recording of the Land Development and 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.**

**Agency Testimony:**

**01:02:45** Jay Lockett presented the case (see Staff Report and recording for detailed presentation).

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

Bill Bardenwerper, 1000 N Hurstbourne Pkwy., Louisville, KY 40203  
Kent Gootee, 5151 Jefferson Blvd., Louisville, KY 40219

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

**01:05:11** Bill Bardenwerper spoke on behalf of the applicant who is requesting approval of a detailed district development plan for a 68,500 sq. ft., 2-story office building with 334 parking spaces. No waiver or variances are being requested.

**01:07:16** Kent Gootee stated that binding element #4.b. could be deleted because an encroachment permit is not needed.

**01:08:29** Commissioners' deliberation

**01:10:18** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1146**

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee finds that 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, and

**WHEREAS**, the 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 has approved the preliminary development plan, and

**WHEREAS**, the Committee further finds that there are no open space requirements pertinent to the current proposal, and

**WHEREAS**, the Committee further finds that 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, and

**WHEREAS**, the Committee further finds that 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, and

**WHEREAS**, the 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, and

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE** the Detailed District Development Plan, **SUBJECT** to the following binding elements:

**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

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1146**

Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, 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.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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.

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1146**

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown, and Lewis**

**Absent: None**

**Abstain: None**

**No: None**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1182**

Project Name: English Station Center Sign  
Location: 13817 English Villa Drive  
Owner(s): Camp Flow Properties LLC  
Applicant: Jeff Lamb – Commonwealth Sign Company  
Jurisdiction: Louisville Metro  
Council District: 20 – Stuart Benson  
Case Manager: Dante St. Germain, 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 and Transportation Committee meeting (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S 5th Street).

**An audio/visual recording of the Land Development and 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.**

**Agency Testimony:**

**01:11:34** Dante St. Germain presented the case. The request is necessitated by a binding element that is on the property which is part of a larger development. Binding element #5 states that Staff cannot approve sign plans for this property unless they comply with parkway requirements, even if they are otherwise compliant with the Land Development Code. Ms. St. Germain responded to questions from the Commissioners (see Staff Report and recording for detailed presentation).

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

Lester LeMaster, 13817 English Villa Drive, Louisville, KY 40245

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

**01:20:01** Lester LeMaster spoke on behalf of the applicant who is requesting approval of a sign plan to allow a monument-style freestanding sign on a plan certain property. The applicant wants to increase the size of the sign because tenants are receiving complaints from customers that the store names are not visible from the road. Mr. LeMaster responded to questions from the Commissioners.

**01:23:20** There was concern expressed by the Commissioners regarding the insufficient measurements on the site plan provided by the applicant. Mr. LeMaster

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1182**

stated that he would like to continue the case to a future date so that he can get the needed information from the applicant.

**01:27:39** On a motion by Commissioner Brown, seconded by Vice Chair Peterson, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **CONTINUE** case number 17DEVPLAN1182 to the November 9, 2017 Land Development & Transportation Committee meeting.

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown, and Lewis**

**Absent: None**

**Abstain: None**

**No: None**



**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1092**

Project Name:	Mercedes Benz of Louisville
Location:	2520 Terra Crossing Blvd
Owner(s):	Jefferson Healthcare Old Henry, LLC
Applicant:	Tafel Motors, Inc
Representative(s):	Wyatt, Tarrant & Combs, LLP
Project Area/Size:	11.34 acres
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Laura Mattingly, AICP, Planner II

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 and Transportation Committee meeting (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S 5th Street).

**An audio/visual recording of the Land Development and 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.**

**Agency Testimony:**

**01:28:56** Laura Mattingly presented the case (see Staff Report and recording for detailed presentation).

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

Jon Baker, 500 W Jefferson Street, Suite 2800, Louisville, KY 40202  
John Henney, 101 S 5<sup>th</sup> Street, Suite 1400, Louisville, KY 40202  
John Hawkins, 630 Walnut Street, Jeffersonville, IN 47130  
Mike Russell, 8005 Vinecrest Avenue, Suite 2, Louisville, KY 40222

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

**01:32:41** Jon Baker spoke on behalf of the applicant who is requesting approval of a waiver and a revised detailed district development plan. The development plan involves two lots—the north lot is for vehicle storage and the south lot is for the dealership and parking garage. The parcel in between these two is for retention.

**01:38:00** John Henney with Gresham, Smith and Partners spoke about the landscape waiver, which is being requested to avoid conflict with a number of underground utilities that are immediately outside of the right-of-way in front of this

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1092**

property. Although the property is adjacent to the Gene Snyder freeway, they are not proposing anything that encroaches into that right-of-way, so binding element #4.b. would not be applicable. The surface lot to the north is for new vehicle storage, and drainage will feed from this lot into the existing detention basin in the center of the property. There is another detention basin located on the south side of the property.

**01:41:58** Mr. Baker stated that the applicant is relocating to this site to service more cars and to provide ease in loading and unloading inventory on their site, which is difficult at the current Shelbyville Road location. Related to the waiver, they will provide a 10 ft. wide sidewalk for pedestrians. Mr. Baker showed the Commissioners renderings of the proposal put together by John Hawkins and discussed the amenities area.

**01:49:12** In response to Commissioner Carlson, John Hawkins stated that the second story of the dealership will be used for office space. They are also proposing a “jewel box” to lift cars up for display.

**01:50:46** Mike Russell of Matrix Development stated that the night lighting scheme has not yet been determined. Lighting will be reduced during overnight hours.

**01:51:25** Mr. Baker stated that customers will not have access to the inventory parking lot. He discussed the need for the additional curb cut into the lot with Commissioner Brown, who also stated that he feels the 10 ft. sidewalk should be carried through the entire development.

**01:57:45** Commissioners’ deliberation

Vice Chair Peterson feels this is a well thought out plan and that the overall design fits well. He is comfortable with the plan and waiver. He is okay with the curb cut for optional traffic flow.

Commissioner Lindsey feels that this is a very nice building and that the plan is in line with the Land Development Code. She does not see why the curb cut would need to be eliminated. She likes the plan as it is now unless there is justification for elimination of the curb cut.

Commissioner Brown stated he would support elimination of the curb cut, especially with an amenity like a multi-use path that will bring pedestrians and cyclists. Eliminating the curb cut would minimize the number of conflict points.

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1092**

Commissioner Carlson is supportive of the plan and feels the waiver has been justified. He would encourage some conversation with the fire department when they do the site plan review.

Chair Lewis agrees with her fellow Commissioners.

**02:01:23** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

**Waiver of 10.2.10 to allow the pedestrian easement to encroach into the required 15' Vehicle Use Area Landscape Buffer along Terra Crossing Blvd.**

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee finds that the waiver will not adversely affect adjacent property owners as landscaping will be provided in the right-of-way and screening will be provided in the remaining 5 foot of buffer area which will meet the intent of the Vehicle Use Area buffer,

**WHEREAS**, the Committee further finds that 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 screening and buffering of parking areas adjacent to streets. 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. These guidelines are not violated, as landscaping will be provided in the remaining 5 feet of buffer and the right-of-way along Terra Crossing Blvd, meeting the intent of Cornerstone 2020, and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the location of utilities prevent landscaping to be provided in the 15' buffer area, and

**WHEREAS**, the Committee further finds that 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 the utility easements along Terra Crossing Blvd prevent landscaping from being provided. The 15' buffer with plantings provided between the property line and the parking would require the removal of parking and vehicle maneuvering area due to the increased area needed for utilities, and

**Revised Detailed District Development Plan**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1092**

**WHEREAS**, the Committee further finds that the site does not appear to contain any steep slopes, hydric soils, or historic resources and contains very little vegetation. It appears there are two small streams on site where the detention basins will be located. One on the south side will not be impacted. The applicant has applied for a USACE permit for the stream on the north side and will provide mitigation for any negative impacts. Tree canopy requirements are also being met, and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided as access and parking facilities are provided. Pedestrian connections to public sidewalks have been provided to the main entrance of the auto dealership, and

**WHEREAS**, the Committee further finds that an outdoor amenity area has been included on the plan for the office area of the development, and

**WHEREAS**, the 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 Committee further finds that the overall site design and land uses are compatible with the future development in the area, as this area is undeveloped and this proposal is part of a re-zoning that proposed a mix of multi-family and commercial, including auto sales, and

**WHEREAS**, the Committee further finds that the development plan generally conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, and

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE (1)** the Waiver of 10.2.10 to allow the pedestrian easement to encroach into the required 15' Vehicle Use Area Landscape Buffer along Terra Crossing Blvd. and **(2)** the Revised Detailed District Development Plan **ON CONDITION** that the plan shows the 10 ft. sidewalk to be constructed along the entire site's frontage, **SUBJECT** to the following binding elements:

**Binding Elements**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1092**

All binding elements from the approved General Development Plan (16ZONE1019) are applicable to this site, in addition to the following:

1. 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 LDC. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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 Develop Louisville and the Metropolitan Sewer District.
  - b. 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.
  - c. The property owner/developer must obtain approval of a detailed plan for screening, buffering and/or landscaping as described in LDC Chapter 10, which shall be implemented prior to occupancy of the site and maintained thereafter.
  - d. An approved Tree Preservation Plan in accordance with LDC Chapter 10 is required prior to obtaining approval for site disturbance activities.
  - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1092**

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.

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 them. At all times during development of the site, the applicant and developer, their heirs and successors as well as 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 October 26, 2017 meeting.
8. There shall be no truck loading, unloading, or staging within Terra Crossing Blvd. right-of-way.

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown, and Lewis**

**Absent: None**

**Abstain: None**

**No: None**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1166**

Project Name:	Blankenbaker Station II Lot 8
Location:	Southeast Corner of Plantside Drive & Tucker Station Road
Owner(s):	Hosts Development, LLC
Applicant:	Quantum Magnetics
Representative:	Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Laura Mattingly, AICP, Planner II

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 and Transportation Committee meeting (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S 5th Street).

**An audio/visual recording of the Land Development and 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.**

**Agency Testimony:**

**02:03:19** Laura Mattingly presented the case (see Staff Report and recording for detailed presentation).

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

Bill Bardenwerper, 1000 N Hurstbourne Pkwy., Louisville, KY 40203  
Kent Gootee, 5151 Jefferson Blvd., Louisville, KY 40219  
Greg Oakley, PO Box 7368, Louisville, KY 40257

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

**02:05:19** Bill Bardenwerper spoke on behalf of the applicant who is requesting approval of a detailed district development plan for 39,950 sq. ft., 2-story office building with 104 parking spaces. No waiver or variances are being requested.

**02:07:05** Kent Gootee stated that a building pad needs to be established since they are approaching the end of the construction season. A tree preservation plan has been submitted and is waiting for the development plan to be approved.

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1166**

**02:09:09** In response to Commissioner Brown, Greg Oakley stated that 15 years ago, the narrow portion of the property to the south was just an access to the property. He stated that a sidewalk can be constructed along the Tucker Station frontage.

**The following spoke neither for nor against the request:**

Ed Weis, 2205 Tucker Station Road, Louisville, KY 40299

**Summary of neutral testimony:**

**02:12:43** Ed Weis asked if adjoining property owners would be given a chance to see the landscape plan. Mr. Bardenwerper and Mr. Gootee stated they would provide a copy of the landscape plan to him.

**02:14:35** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee finds that LOJIC has not identified any hydric soils or steep slopes at this site. A Karst survey was performed and the site was found to have no Karst features. A stream buffer has been provided for the intermittent stream to the east, and

**WHEREAS**, the 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 has approved the preliminary development plan. The proposal includes all required sidewalks and pedestrian connections as well as proposed future connection to the south, and

**WHEREAS**, the Committee further finds that there is no open space requirement with this plan, and

**WHEREAS**, the Committee further finds that 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, and

**WHEREAS**, the Committee further finds that 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 will meet all required setbacks, and

**WHEREAS**, the 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, and



**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1166**

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE** the Detailed District Development Plan **ON CONDITION** that sidewalks will be added along the site's Tucker Station frontage adjacent to lot 291 as shown on the development plan, if sidewalks are extended to that property in the future, **SUBJECT** to the following binding elements:

**Binding Elements**

All binding elements from the approved General Development Plan (9-67-05 & 10-51-05) are applicable to this site, in addition to the following:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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 Develop Louisville 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

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1166**

building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

- c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) **or** outdoor entertainment or outdoor PA system audible beyond the property line.
8. 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.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 26, 2017 LD&T meeting.

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown, and Lewis**

**Absent: None**

**Abstain: None**

**No: None**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17ZONE1032**

Request: R-4 to R-5  
Project Name: Bryant Farms Subdivision  
Location: 16401 Shelbyville Rd  
Owner: William R. Bryant Living Trust &  
Pinnacle Properties of Louisville  
Applicant: Ball Homes  
Representative: Bardenwerper, Talbott, & Roberts, PLLC  
Jurisdiction: Louisville Metro  
Council District: 19 – Julie Denton  
Case Manager: Laura Mattingly, AICP, Planner II

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 and Transportation Committee meeting (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S 5th Street).

**An audio/visual recording of the Land Development and 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.**

**Agency Testimony:**

**02:17:36** Laura Mattingly presented the case (see Staff Report and recording for detailed presentation).

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

Bill Bardenwerper, 1000 N Hurstbourne Pkwy., Louisville, KY 40203

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

**02:21:30** Bill Bardenwerper spoke on behalf of the applicant who is requesting approval of a detailed district development plan/preliminary subdivision plan and a change in zoning from R-4 to R-5. Two neighborhood meetings were held regarding this request. Connectivity to the future Gardiner Park commercial development was established per the request of the Eastwood Village Council. Mr. Bardenwerper discussed the Gardiner Park project adjacent to the subject property and showed renderings of the proposed homes.

**The following spoke neither for nor against the request:**

Casey Krill, 600 W Main Street, Suite 500, Louisville, KY 40202

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17ZONE1032**

Bob Federico, 17007 Ash Hill Drive, Louisville, KY 40245  
Paul Dines, 16601 Chestnut Glen Place, Louisville, KY 40245  
Ralph Langdon, 16602 Chestnut Glen Place, Louisville, KY 40245

**Summary of neutral testimony:**

**02:31:48** Casey Krill spoke on behalf of the Eastwood Village Council. The remaining concern of the Council is in the amount of development happening in Eastwood Village and the need to maintain appropriate infrastructure. There are other subdivisions being proposed in the area that, along with this one, make a total of 618 homes east of the intersection of Johnson Road and Shelbyville Road. Both Johnson Road and Shelbyville Road are two-lane roads at this intersection which causes traffic to back up and causes traffic accidents. He would like the Commissioners to look at the infrastructure of the entire area when making their decision.

**02:34:56** Bob Federico is a member of the Eastwood Village Council and is also concerned about traffic and safety in the area. He would like the Commissioners to look at the global picture when making their decision.

**02:37:47** Paul Dines is president of the Chestnut Glen Homeowners Association and is concerned about traffic. He stated that it is difficult getting emergency equipment up and down Shelbyville Road. It is difficult to get out of the subdivision. He thanked Ball Homes for their willingness to work with homeowners from the beginning of the development. He requested that all the structures that appear on the corners where the buildings are highly visible be required to be brick.

**02:43:59** Ralph Langdon agrees that the developers have been good about working with the homeowners, but he is concerned about traffic and safety. Mr. Langdon cited the University of Kentucky's Community Transportation Innovation Academy as having research that shows that crashes and fatalities can be reduced by the installation of roundabouts. And he would like the Commissioners to consider the installation of roundabouts in their decision.

**02:46:48** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **SCHEDULE** case number 17ZONE1032 to be heard at the the November 16, 2017 Planning Commission public hearing.

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**NEW BUSINESS**

**CASE NUMBER 17ZONE1032**

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown, and Lewis**

**Absent: None**

**Abstain: None**

**No: None**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 26, 2017**

**ADJOURNMENT**

The meeting adjourned at approximately 4:00 p.m.

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Chairman

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Division Director