

MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE

July 28, 2016

A meeting of the Land Development and Transportation Committee was held on Thursday, July 28, 2016, at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Committee Members present:

Vince Jarboe, Chair
Marilyn Lewis, Vice Chair
Jeff Brown
Donnie Blake

Committee Members absent:

Clifford Turner

Staff Members present:

Joe Reverman, Assistant Director
Brian Davis, Planning Manager
Julia Williams, Planner Supervisor
Laura Mattingly, Planner I
Joel Dock, Planner I
John Carroll, Legal Counsel
Pat Brierly, Transportation Planning
Latondra Yates, Community Services and Revitalization
Kristen Loeser, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

Approval of the July 14, 2016 LD&T Committee Meeting Minutes

00:01:25 On a motion by Committee Member Blake, seconded by Vice Chair Lewis, the following resolution was adopted:

RESOLVED, that the Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on July 14, 2016.

The vote was as follows:

YES: Jarboe, Lewis, Blake, and Brown

ABSENT: Turner

ABSTAIN: None

NO: None

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NEW BUSINESS

CASE NUMBER 16SUBDIV1011

Request:	Revised Preliminary Subdivision Plan creating 237 buildable lots on 101.4 acres and a Floyds Fork DRO Plan
Project Name:	Sutherland Pointe
Location:	15905 Aiken Road
Owner:	Sonyjean, Inc. & Indianfield Farm, Inc.
Applicant:	Redwood Acquisitions, LLC
Representative:	Bardenwerper, Talbott & Roberts Mindel Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Brian Davis, AICP, Planning Manager

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:

00:02:30 Brian Davis stated the applicant requested this case to be continued to the August 11, 2016 meeting of the Land Development and Transportation Committee. New notices have been sent out.

00:02:54 On a motion by Vice Chair Lewis, seconded by Committee Member Brown, the following resolution was adopted:

RESOLVED, that the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** case number 16SUBDIV1011 to the August 11, 2016 meeting of the Land Development and Transportation Committee.

The vote was as follows:

YES: Jarboe, Lewis, Blake, and Brown
ABSENT: Turner
ABSTAIN: None
NO: None

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NEW BUSINESS

CASE NUMBER 16WAIVER1019

Project Name:	Sidewalk Waiver
Location:	6215 Bay Pine Drive
Owner:	Jerry Fleener, Fleener Construction
Applicant:	Same
Representative:	Same
Project Area/Size:	.22 acres
Existing Zoning District:	R-4, Single Family Residential
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	23-James Peden
Case Manager:	Laura Mattingly, Planner I

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

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:

00:03:51 Laura Mattingly presented the case and responded to questions from the Committee Members (see staff report and recording for detailed presentation).

00:07:36 Committee Members' deliberation

00:12:14 On a motion by Committee Member Blake, seconded by Vice Chair Lewis, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver will not adversely affect adjacent property owners as there are no existing sidewalks along Bay Pine Drive, and

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CASE NUMBER 16WAIVER1019

WHEREAS, the Committee further finds that Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. These guidelines are not violated with this waiver as the low-intensity impact of the proposed home does not necessitate the need for pedestrian connections and would be inappropriate in this area where there is no precedent for sidewalks, 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 all other aspect of the development are in conformance with the Land Development Code, 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 land or create an unnecessary hardship as the new proposed single family home is a low intensity use that does not warrant the need for sidewalks where none currently exist, or have the potential to exist; now, therefore be it

RESOLVED, that the Louisville Metro Land Development and Transportation Committee, in Case Number 16WAIVER1019, does hereby **APPROVE** the Waiver of Section 5.8.1.B of the Land Development Code (LDC) to not provide a sidewalk along Bay Pine Drive.

The vote was as follows:

YES: Jarboe, Lewis, Blake, and Brown

ABSENT: Turner

ABSTAIN: None

NO: None

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NEW BUSINESS

CASE NUMBER 16DEVPLAN1107

Request:	Revised Detailed District Development Plan
Project Name:	Bristol Bluff Apartments
Location:	6203 Gellhaus Lane
Owner:	Wayne Gallavin, Through the Valley Foundation, Inc
Applicant:	Michael Gross, LDG Development
Representative:	Clifford Ashburner, Dinsmore & Shohl, LLP
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Laura Mattingly, Planner I

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

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:

00:13:27 Laura Mattingly presented the case and responded to questions from the Committee Members (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Clifford Ashburner, 101 S. 5th Street, Suite 2500, Louisville, KY 40207
Kathy Linares, 5151 Jefferson Blvd, Louisville, KY 40219

Summary of testimony of those in favor:

00:20:41 Clifford Ashburner spoke on behalf of the applicant and referred to a presentation. He discussed proposed updates to the Binding Elements (see recording for detailed presentation).

00:30:45 Kathy Linares, Mindel Scott and Associates, stated they are not proposing any changes to the single family area at this time (see recording for detailed presentation).

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The following spoke in opposition to the request:

Bethamy Miller, 6200 Gellhaus Ln, Louisville, KY 40299
Gary Miller, 6200 Gellhaus Ln, Louisville, KY 40299

Summary of testimony of those in opposition:

00:32:47 Bethamy Miller, a neighbor, questioned why a traffic study from 2006 was used for this request rather than a more recent study and why it was not mentioned in the presentation that a stream near Gellhaus Lane causes runoff towards her property. She is also concerned about the 700 feet of fencing along Gellhaus Lane that belongs to her.

00:36:38 Ms. Mattingly stated that Transportation Planning and MSD have both given their stamps of approval for the plan.

00:37:02 Pat Brierly with Transportation Planning stated that he determined a new traffic study was not necessary because the proposed road improvements and the reduction in multi-family units on the development plan lowered the traffic impact. He advised the neighbor's fence would not be impacted by the road improvements (see recording for detailed presentation).

00:38:18 Mr. Ashburner clarified the reasons behind why the single family area would not have a Homeowners Association (see recording for detailed presentation).

00:39:42 Tony Kelly with MSD stated there is detention associated with this project that drains directly into the creek at the bottom of the site. He stated this project will not contribute to the drainage along Gellhaus Lane that the neighbors are concerned about.

The following spoke neither for nor against the request:

Councilman Stuart Benson, Metro Council District 20

Summary of testimony of those neither for nor against:

00:42:34 Councilman Stuart Benson spoke about drainage improvements in the area of this development (see recording for detailed presentation).

00:45:39 Mr. Kelly spoke in more detail regarding the drainage of this site. In his opinion, the development will not change the conditions of the area (see recording for detailed presentation).

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00:48:14 A neighbor, Gary Miller, used the projector screen to show the flow of drainage onto his property.

Rebuttal:

00:49:58 Mr. Ashburner confirmed that there is a portion of the site that slopes towards Gellhaus Lane and will probably remain that way, but any water that flows towards Gellhaus Lane after the development will be captured by a storm system, redirected into the detention basin, and then redirected down the slope to the creek.

00:51:13 Mr. Kelly stated the drainage towards Gellhaus Lane would improve once this site is development.

00:53:12 Mr. Brierly further discussed the original traffic study compared to their more recent internal findings (see recording for detailed presentation).

00:57:46 Committee Members' deliberation

01:02:21 On a motion by Committee Member Brown, seconded by Vice Chair Lewis, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that this parcel does have a significant tree canopy and two small ponds on site. While the proposal is not preserving these resources, they are re-planting the required tree canopy of 20% of the site area and having a geotechnical study done before any filling can be done, 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 with a proposed 5' sidewalk along Gellhaus Road and sidewalk connections from the public right-of-way and throughout the development. Public Works has reviewed the plan and given preliminary approvals for both the vehicular and pedestrian transportation that is proposed, and

WHEREAS, the Committee further finds that the applicant has proposed 2.24 acres of open space with both passive and active recreational opportunities, and

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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 land use and building design are compatible with the existing and future development of the area. This area is largely single family residential with some low-intensity uses such as the abutting school. Providing a multi-family development alongside single family offers more diverse residential options for the area, and

WHEREAS, the Committee further finds that the development plan is in conformance with the Land Development Code as well as the policies and guidelines of the residential intent of the Comprehensive Plan as it increases the residential options and affordability in the area; now, therefore be it

RESOLVED, that the Louisville Metro Land Development and Transportation Committee, in Case Number 16DEVPLAN1107, does hereby **APPROVE** the Revised Detailed District Development Plan as well as the proposed Binding Elements on page 9 of the Staff Report and the proposed Binding Elements presented by the applicant to replace Binding Elements number 8, 27, and 21 based on the Staff Report and testimony heard today.

Binding Elements

1. The development shall be in accordance with the approved district development and preliminary subdivision plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The density of the development shall not exceed 17.10 dwelling units per acre (216 units on 12.63 net acres) on Parcel B. The density of the development on Parcel A shall not exceed 2.74 dwelling units per acre (37 units on 13.50 acres).
3. Signs shall be in accordance with Chapter 8.

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4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. A note shall be placed on the preliminary subdivision 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 driveline of the tree canopy -v and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
6. 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.
7. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request. All plans setting out Tree Canopy Protection Areas (TCPAs) must contain the following notes:
 - a) 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.
 - b) Dimension lines have been used on this plan to establish the general location of TCPAs and represent minimum distances. The final boundary for each TCPA shall be established in the field by the applicant/developer, or property owner to include canopy of all trees at or within the dimension line.
 - c) Tree protection fencing shall be erected around all TCPAs prior to site disturbance to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed, the fence shall be relocated to protect all remaining trees within that TCPA.

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- d) No parking, material storage, or construction activities are permitted within the TCPAs beyond that allowed for preliminary site investigation work.
 - e) Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed twelve (12) feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at breast height (DBH) shall be removed without prior approval by DPDS.
8. Prior to the recording of the record plat to create the single family portion of the plan, copies of the recorded documents listed 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, Kentucky, evidencing the incorporation of a Homeowners Association for the single family lots.
 - b) Bylaws of the Homeowners Association in a form approved by the Counsel for the Planning Commission.
9. Trees will be preserved and/or provided on site 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 LDC and for open spaces shown on the development plan. The landscaping shall be substantially similar to that shown on the development plan and concept landscape submitted for this site. 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.
10. 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 funding requirement.

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11. The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by Planning Commission staff if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:

1. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
2. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
3. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
4. Location of construction fencing for each tree/tree mass designated to be preserved.

12. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:

- a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, 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.
- c. 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.

13. 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.

14. 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,

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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.

15. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 28, 2016 Land Development and Transportation meeting.

16. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

17. 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.

18. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for Street C. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.

19. 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.

20. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.

21. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide approved by the Louisville Metro Health Department: larvicides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.

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22. Developer shall provide a west-bound right-turn lane on Billtown Road to Gellhaus Lane per KTC requirements. KTC permit required prior to construction approval by Metro Public Works.
23. As required by Public Works, the Gellhaus Lane Right-of-way shall be dedicated by deed or minor plat that must be recorded prior to Public Works construction approval or shall be recorded as part of the required record plat.
24. Developer shall be responsible for utility relocations, final surface overlay and striping associated with required road improvements. Gellhaus Lane shall be improved to provide a three-lane section per the approved schematic roadway and improvement striping plan provided (i.e. "Road Improvement Exhibit").
25. Prior to filling the existing pond on site, a geotechnical study shall be performed for review and approval by MSD (and Public Works).
26. No junked or unusable cars shall be stored on the property.
27. Any landscaping between an approved multi-family structure and the right of way of Gellhaus Lane shall be irrigated, and any landscaping material that dies shall be removed and replaced within 60 days.

The vote was as follows:

YES: Jarboe, Lewis, Blake, and Brown
ABSENT: Turner
ABSTAIN: None
NO: None

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NEW BUSINESS

CASE NUMBER 16WAIVER1025

Request:	Landscape Waiver
Project Name:	River Breeze South Waiver
Location:	11314 Breeze Circle
Owner:	David Richardson, River Breeze South, LLC
Applicant:	Same
Representative:	Alex Rosenberg, AL Engineering, INC.
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Laura Mattingly, Planner I

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

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:

01:04:00 Laura Mattingly presented the case (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Alex Rosenberg, 4790 Crittenden Drive, Suite 201, Louisville, KY 40209

Summary of testimony of those in favor:

01:06:27 Alex Rosenberg with AL Engineering Inc. spoke on behalf of the applicant and explained the reasons for the Landscape Waiver (see recording for detailed presentation).

The following spoke neither for nor against the request:

Mark Jackson, 6305 Morrman Road, Louisville, KY 40272

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Summary of testimony of those neither for nor against:

01:08:18 Neighbor, Mark Jackson, used the projector to show where he would like a fence to be constructed on the adjoining property and where he feels a fence is not needed.

01:12:23 Committee Members' deliberation

01:12:49 On a motion by Committee Member Blake, seconded by Committee Member Brown, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver will not adversely affect adjacent property owners as the planting and screening requirements will still be met, and

WHEREAS, the Committee further finds that Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. As the applicant is exceeding the required buffer with planting and screening that will provide a transition to the neighboring residential developments, these policies of Cornerstone 2020 are not violated, 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 detention basin and

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easement were required by KYTC and MSD after the Category 3 development plan and construction plans were approved. The applicant had no other options for placement of the basin and easement, 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 Category 3 Development plan has already been approved and moving the Landscape Buffer Area out of the easement would require plan reconfiguration and re-approval; now, therefore be it

RESOLVED, that the Louisville Metro Land Development and Transportation Committee, in Case Number 16WAIVER1025 does hereby **APPROVE** the Waiver of Section 10.2.4.B to allow a sewer and drainage easement to encroach into a required Landscape Buffer Area by more than 50% based on the Staff Report and testimony heard today.

The vote was as follows:

YES: Jarboe, Lewis, Blake, and Brown

ABSENT: Turner

ABSTAIN: None

NO: None

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NEW BUSINESS

CASE NUMBER 16MINORPLAT1073

Project Name:	7005 Trade Port
Location:	7005 Trade Port Drive
Owners/Applicants:	Stanley Rader, LMK Investments, LLC
Representative:	James L. Griffin, Evans/Griffin Inc
Project Area/Size:	3.951 acres
Existing Zoning District:	EZ-1, Enterprise Zone
Existing Form District:	Suburban Workplace
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Laura Mattingly, Planner I

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

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.

NOTE: This case was heard out of order as the 5th item under New Business.

Agency Testimony:

01:14:16 Laura Mattingly presented the case (see staff report and recording for detailed presentation).

01:15:26 On a motion by Committee Member Brown, seconded by Vice Chair Lewis, the following resolution was adopted:

RESOLVED, that the Louisville Metro Land Development and Transportation Committee, in Case Number 16MINORPLAT1073 does hereby **APPROVE** the Amendment to Record Plat based on the Staff Report and testimony heard today.

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CASE NUMBER 16MINORPLAT1073

The vote was as follows:

YES: Jarboe, Lewis, and Brown

ABSENT: Blake and Turner

ABSTAIN: None

NO: None

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NEW BUSINESS

CASE NUMBER 15ZONE1036

Request: Change in zoning from R-4 to C-2
Project Name: Bardstown Pavilion
Location: 9505, 9509, 9507, 9511, 9515, 9513, 9517, 9601, 9608,
9610, 9700, & 9703 Bartley Drive,
7500, 7600, & 7602 Bardstown Road, &
7512 Cedar Creek Road
Owner: Chester Dwight & Sheil Logsdon, Stephen & Betsy Clark,
Dwight & Jane Stewart, Madge & Etal Chalmers, Mark
Minton & Nancy Richardson, WM & Marietta Harkness,
Gary & Susanne Jenkins Revocable Trust, Susanne
Jenkins Revocable Trust & Craig Jack & Patricia Whitney
Applicant: Devonshire/Reit
Representative: Land Design and Development;
Bardenwerper Talbott and Roberts PLLC.
Jurisdiction: Louisville Metro
Council District: 22-Robin Engel
Case Manager: Julia Williams, RLA, AICP, Planning Supervisor

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

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:

01:16:43 Julia Williams presented the case and responded to questions from the Committee Members (see staff report and recording for detailed presentation).

01:21:14 Tony Kelly with MSD responded to questions from the Committee Members regarding sewer connections to adjacent properties (see recording for detailed presentation).

The following spoke in favor of the request:

Bill Bardenwerper, 1000 N Hurstbourne Pkwy., 2nd Floor, Louisville, KY 40223
Kevin Young, 503 Washburn Ave., Suite 101, Louisville, KY 40222

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CASE NUMBER 15ZONE1036

Diane Zimmerman, 5420 Bunsen Pkwy., Suite 225, Louisville, KY 40220

Summary of testimony of those in favor:

01:22:16 Bill Bardenwerper spoke on behalf of the applicant and discussed road improvements and other developments in the area (see recording for detailed presentation).

01:26:43 Kevin Young with Land Design and Development Inc. provided further detail regarding the proposed road improvements to Bardstown Road, Bartley Drive, and Cedar Creek Road and spoke about how drainage will be handled on the site. He also spoke regarding landscape buffer and fencing along the property.

01:37:04 Mr. Bardenwerper showed some examples of what the building style, design, and materials would look like and discussed the design booklet that was created for this project. The design booklet features things such as design treatments, street furniture, etc.

01:40:06 Mr. Young and Mr. Bardenwerper further spoke regarding road improvements along Bartley Drive (see recording for detailed presentation).

01:43:19 Diane Zimmerman with Diane Zimmerman Engineering spoke regarding the Traffic Impact Study she prepared for this project (see recording for detailed presentation).

01:46:46 Mr. Bardenwerper responded to questions from the Committee Members and explained why the C-2 zoning was chosen for this project (see recording for detailed presentation).

The following spoke in opposition to the request:

Michael Tigue, PO Box 729, LaGrange, KY 40031

Charles Gramig, 9416 Bartley Drive, Fern Creek, KY 40291

Summary of testimony of those in opposition:

01:57:39 Michael Tigue spoke as a representative of Frank Csapo, developer of SouthPointe Commons, who is opposed to this project. The SouthPointe Commons project was approved by the Planning Commission five years ago and has been in litigation ever since then. Mr. Tigue feels that completing this project would jeopardize

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all of the work that has been done and the commitments that have been made by the Commission. He does not feel like the project is even developable or ready for public hearing. He believes there are inadequacies in the traffic study conducted by Ms. Zimmerman and made a request for her to provide the basis of her findings for further examination (see recording for detailed presentation).

02:18:35 Charles Gramig is a neighbor who is against the request. He feels that Bartley Drive is a fully private road that should not be moved or changed in any way and he provided a list of signatures from neighbors who feel the same way. He is also concerned with the additional flooding and traffic that could be caused by this project.

The following spoke neither for nor against the request:

Nancy Richardson, 437 Ashford Drive, Mt. Washington, KY 40047

Summary of testimony of those neither for nor against:

02:23:00 Nancy Richardson's son lives on Bartley Drive and she also drives a school bus to and from Bates Elementary School on Bardstown Road. She feels that the traffic signal that will be constructed in front of Bates Elementary School will be a great improvement to Bardstown Road and she doesn't feel that moving Bartley Drive will be a problem.

Rebuttal:

02:33:01 Ms. Zimmerman did confirm that a failing grade would be received on the traffic report once Bartley Drive was added to the intersection, so further improvement would have to be made to the intersection. Her study recommends a third through-lane that would begin at the gene Snyder and run to the intersection of Brentlinger and Bardstown Road. Once the improvement is complete, the grade will go up to an E.

02:36:02 Committee Member Jeff Brown stated that because Bardstown Road is a state road, some type of approval would be needed from the Transportation Cabinet before the Planning Commission could make any recommendations for approval of the third through-lane.

02:42:40 Committee Members' deliberation

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By general consensus, the Land Development and Transportation Committee **SCHEDULED** this case to be heard at the September 15, 2016 Planning Commission public hearing meeting.

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NEW BUSINESS

CASE NUMBER 16DEVPLAN1141

Project Name:	Fern Valley Distribution Center
Location:	4500 Fern Valley Rd
Owner(s):	Lannert Farm LLC
Applicant(s):	Summit Construction LLC
Representative(s):	Kathy Linares, Mindel Scott & Associates
Project Area/Size:	17.1 acres
Existing Zoning District:	EZ-1, Enterprise Zone
Existing Form District:	Suburban Workplace
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Laura Mattingly, Planner I

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

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:

02:46:40 Laura Mattingly presented the case (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Kathy Linares, 5151 Jefferson Blvd, Louisville, KY 40219

Summary of testimony of those in favor:

02:49:27 Kathy Linares spoke on behalf of the applicant and showed a PowerPoint presentation (see recording for detailed presentation).

02:52:34 Committee Members' deliberation

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02:52:41 On a motion by Committee Member Blake, seconded by Vice Chair Lewis, the following resolution was adopted:

RESOLVED, that the Louisville Metro Land Development and Transportation Committee, in Case Number 16DEVPLAN1141, does hereby **APPROVE** the Category 3 Development Plan review and the Waiver of Section 10.3.5 to allow parking to encroach into parkway buffer based on the Staff Report and testimony heard today.

The vote was as follows:

YES: Jarboe, Lewis, Blake, and Brown

ABSENT: Turner

ABSTAIN: None

NO: None

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NEW BUSINESS

CASE NUMBER 15STREETS1017

Request:	Street Closure
Project Name:	African American Heritage Center
Location:	East/West alley between 17th and 18th Streets
Owner:	Louisville Metro
Applicant: Louisville	Metro Government
Representative:	Jefferson County Attorney's Office – Edward Carle
Jurisdiction:	Louisville Metro
Council District:	4 – David Tandy
Case Manager:	Joel P. Dock, Planner I

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

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:

02:53:53 Joel Dock presented the case (see staff report and recording for detailed presentation).

02:56:10 On a motion by Vice Chair Lewis, seconded by, Committee Member Blake the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that a 20' sanitary sewer and drainage easement is being granted as required by the Metropolitan Sewer District to maintain utilities within the East/West alley proposed for closure. The proposed closure does not interfere with the function of existing facilities or create a demand for future utilities, and

WHEREAS, the Committee further finds that any utility access necessary within the right-of-way to be closed will be maintained by agreement with the utilities. A 20' sanitary sewer and drainage easement is being granted as required by the Metropolitan Sewer District to maintain utilities within the East/West alley proposed for closure, and

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CASE NUMBER 15STREETS1017

WHEREAS, the Committee further finds that the applicant will provide for the improvements. It does not appear any improvement will be needed as no infrastructure exists within these rights-of-way, and

WHEREAS, the Committee further finds that the closure complies with the Goals, Objectives and Plan Elements of the Comprehensive Plan found in Guideline 7 (Circulation) and Guideline 8 (Transportation Facility Design). Any physical improvements necessary for the closure will be completed by the applicant. Right-of-way proposed for closure does not serve as public access to surrounding uses or obstruct circulation with adjacent uses. The improvements existing across the alley proposed for closure function as parking facilities for the African American heritage Foundation, and

WHEREAS, the Committee further finds that there are no other relevant matters; now, therefore be it

RESOLVED, that the Louisville Metro Land Development and Transportation Committee does hereby place case number 15STREETS1017 on the **Consent Agenda** of the August 4, 2016 Planning Commission public hearing.

The vote was as follows:

YES: Jarboe, Lewis, Blake, and Brown

ABSENT: Turner

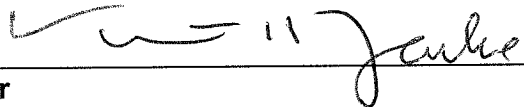
ABSTAIN: None

NO: None

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ADJOURNMENT

The meeting adjourned at approximately 4:15 p.m.



Chair



Planning Director