

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

April 24, 2014

A meeting of the Land Development and Transportation Committee was held on, Thursday, April 24, 2014 at 1:00 PM in the Metro Development Center, located at 444 South Fifth Street, Louisville, Kentucky.

Committee Members present were:

Donnie Blake, Chairman
Vince Jarboe, Vice-Chair
Jeff Brown

Committee Members absent were:

Clifford Turner

Staff Members present were:

Emily Liu, Director, Planning and Design Services
John Carroll, Legal Counsel
Joseph Reverman, Planning Supervisor
Jessica Wethington, Public Information Specialist
Julia Williams, Planner II
Matt Doyle, Planner I
David B. Wagner, Planner II
Latondra Yates, Planner II
Christopher Brown, Planner II
Tammy Markert, Transportation Planning
Chris Cestaro, Management Assistant (minutes)

Others Present:

Pat Barry, MSD

The following matters were considered:

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Approval of Minutes

April 10, 2014 LD&T Committee Meeting Minutes

On a motion by Commissioner Jarboe, the following resolution was adopted:

RESOLVED, the Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted Thursday, April 10, 2014.

The vote was as follows:

YES: Commissioners Blake, Jarboe, and Brown.

NO: No one.

NOT PRESENT: Commissioner Turner.

ABSTAINING: No one.

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New Cases

Case No. 14MINORPLAT1021

Project Name:	Ridge Minor Plat
Location:	17848 Bradbe Road
Owner:	Donald Ridge, Sr.
Applicant:	Donald Ridge, Sr.
Representative:	Kathy Matheny, Cardinal Surveying
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson

Case Manager: **Matthew R. Doyle, 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.)

Request:
Minor Plat Waiver

The following spoke on behalf of Case No. 14MINORPLAT1021:
Kathy Matheny, Cardinal Surveying, 9009 Preston Hwy, Louisville, KY 40219

DISCUSSION:
Matthew Doyle presented the case (see staff report for detailed presentation.)

Kathy Matheny, the applicant's representative, discussed the waiver request with Commissioner Brown. Commissioner Brown said there appears to be adequate sight distance.

On a motion by Commissioner 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 traffic generated from tract 6 on the proposed plat would have little impact on nearby communities; and

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WHEREAS, the Committee further finds that Guideline 3, policy 6 wants to mitigate adverse impacts of traffic from proposed development on nearby existing communities. The waiver will not violate specific guidelines of Cornerstone 2020 as the traffic generated from tract 6 on the proposed plat would have little impact on nearby communities; 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 tract 6 on the proposed plat complies with all other applicable regulations in the LDC; 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 as tract 6 on the proposed plat is in a rural area of Jefferson County and creating new, direct access to Bradbe Road would have little impact on nearby communities with respect to traffic; and

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that, based on the evidence and testimony presented today, the staff report, and the applicant's justification, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the proposed Minor Plat Amendment to include a Waiver of Chapter 7.8.60.B.4 to allow the creation of a single family residential lot with direct access to a collector level roadway.

The vote was as follows:

YES: Commissioners Blake, Jarboe, and Brown.

NO: No one.

NOT PRESENT: Commissioner Turner.

ABSTAINING: No one.

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CASE NO. 14DEVPLAN1013

Project Name:	St. Anthony's Landing
Location:	7101 St. Anthony Church Road
Owner:	Old 3 rd Properties, LLC
Applicant:	Old 3 rd Properties, LLC
Representative:	Heritage Engineering, LLC
Jurisdiction:	Louisville Metro
Council District:	25 – David Yates

Case Manager: **Christopher Brown, Planner II**

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

Request:

Revised Detailed District Development Plan with Landscape Waivers

The following spoke on behalf of Case No. 14DEVPLAN1013:

John Campbell, Heritage Engineering, 642 South Fourth Street Suite 100, Louisville, KY 40202

DISCUSSION:

Christopher Brown presented the case (see staff report for detailed presentation.) He said the staff report incorrectly states that the proposed structure will be used for condominiums; the 2-story, 8-unit structure will be used for apartments. There will be parking out front. He referred to the landscape waiver review/analysis in the staff report.

He said pages 8-9 of the staff report show the proposed revised binding elements (updating some language, and density.)

John Campbell, the applicant's representative, said the "condominium" note on the plan was an accidental carry-over from the previous plan. Using the site plan, he explained that everything outside of the site boundary lines is either built or under construction as apartment buildings. He explained that this was a

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“distressed property” that was originally planned for condominium units, until the condominium market collapsed. He added that the applicant has also acquired a corner parcel, originally planned for an office building with parking and a direct connection onto St. Anthony's Church Road. He explained the changes to the revised plan and pointed out the temporary construction entrances onto St. Anthony's Church Road. He said that, other than the area affected by the waiver request, all other landscaping will be provided.

Landscape Waiver – Waiver from Chapter 10.2.4 and 10.2.10 of the Land Development Code to eliminate the 15' required landscape buffer and associated planting and screening materials

On a motion by Commissioner Jarboe, 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 since the landscape buffer is along an internal zoning boundary between the same multi-family use; and

WHEREAS, the Committee further finds that Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of

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development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The adjacent land uses will be the same. The need for a transition does not exist along the zoning boundary since there are no negative impacts to minimize or mitigate; therefore, the waiver will not violate specific guidelines 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 to allow the parking and building to be located on the subject site as proposed; 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 by eliminating a large portion of the parking and building area on the smaller lot; and

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that, based on the evidence and testimony presented today, the staff report, and the applicant's justification, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested Landscape Waiver from Chapter 10.2.4 and 10.2.10 of the Land Development Code to eliminate the 15' required landscape buffer and associated planting and screening materials.

The vote was as follows:

YES: Commissioners Blake, Jarboe, and Brown.

NO: No one.

NOT PRESENT: Commissioner Turner.

ABSTAINING: No one.

Revised Detailed District Development plan and Amendment to Binding Elements

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On a motion by Commissioner Jarboe, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that there does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

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

WHEREAS, the Committee further finds that the provisions of open space will be met; 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 existing and future development of the area. 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 with the exception of the requested landscape waiver which meets the standard of review; and

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that, based on the evidence and testimony presented today, the staff report, and the applicant's justification, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan and **SUBJECT** to the following amended binding elements:

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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. 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. There shall be no medical office or other uses requiring a parking ratio greater than one space per 400 square feet of floor area unless the applicant, property owner, or developer provides documentation for the DPDS file that parking can meet the requirement of the proposed use.
3. ~~The development on lot two shall not exceed 3,200 square feet of gross floor area.~~
4. The density of the development shall not exceed ~~44.33~~ **14.5** dwelling units per acre (~~120 units on 8.37 acres~~ **128 units on 8.83 acres**).
5. The only permitted freestanding signs shall be monument style signs, located as shown on the approved development plan/sign plan. No portion of the sign on lot one, including the leading edge of the sign frame, shall be closer than 30 feet to front property line. The sign shall not exceed 6 square feet in area per side and 6 feet in height. No portion of the sign on lot two, including the leading edge of the sign frame, shall be closer than 15 feet to front property line. The sign shall not exceed 30 square feet in area per side and 6 feet in height. No sign shall have more than two sides.
6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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7. There shall be no outdoor storage on the site.
8. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site. Light levels due to lighting on the subject site shall not exceed two-foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter.
9. 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.
10. 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 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.
11. 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 Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).~~ **The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works 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

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be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

c. Property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 **for Lot 1 and Chapter 10 for Lot 2** prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

d. **A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.**

12. If a building permit is not issued within one year 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 is approved or an extension is granted by the Planning Commission.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
15. 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.

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16. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to commencement of any clearing, grading, or construction activities.
17. 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.
18. The dumpster shall not be emptied between the hours of 10 PM and 8 AM.
19. The materials and design of proposed structures shall be substantially the same as depicted in the photos as presented at the June 1, 2000, Planning Commission meeting.
20. Landscaping shall be substantially the same as the conceptual landscape plan submitted to LD&T on May 11, 2000.

The vote was as follows:

YES: Commissioners Blake, Jarboe, and Brown.

NO: No one.

NOT PRESENT: Commissioner Turner.

ABSTAINING: No one.

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CASE NO. 14DEVPLAN1034

Project Name: Multi-Family Housing
Location: 2998-2032 Frankfort Avenue & 113 N. Bellaire Avenue
Owner: Windhorst Investments, LTD and Ready Electric
Applicant: Milhaus Development
Representative: Glenn Price, Frost Brown Todd LLC
Jurisdiction: Louisville Metro
Council District: 9 – Tina Ward Pugh

Case Manager: **Latondra Yates, Planner II**

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

Request:
Parking Waiver - Waiver of Table 9.1.2.A. of the Land Development Code (LDC) to not provide the minimum required parking. The request is a reduction from 126 to 115 spaces.

The following spoke on behalf of Case No. 14DEVPLAN1034:
Glenn Price Jr., Frost Brown Todd LLC, 400 West Market Street Suite 3200, Louisville, KY 40202

Jonas Wilson, Frost Brown Todd LLC, 400 West Market Street Suite 3200, Louisville, KY 40202

Greg Martin, Milhaus Development, 530 East Ohio Street, Indianapolis, IN 46204

Councilwoman Tina Ward-Pugh, 601 West Jefferson Street, Louisville, KY 40202

Mike O'Leary, 1963 Payne Street, Louisville, KY 40206

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Scott Nussbaum, 2036 Frankfort Ave Louisville, KY 40206

Judy Champion, 2023 Frankfort Avenue, Louisville, KY 40206

Phil Samuel, 3 Angora Court, Louisville, KY 40206

DISCUSSION:

Latondra Yates presented the case (see staff report for detailed presentation.) Ms. Yates explained that there was an error on the agenda, and that this case is for a parking waiver only. This waiver is related to a Category 3 Plan.

She said that the Board of Zoning Adjustment (BOZA) approved a variance to not provide a private yard; a waiver to allow parking in the principle structure area, several landscape waivers, and the Category 3 Plan, which are all contingent upon the action taken today on the parking waiver being presented. This case was also reviewed by the Architectural Review Committee which met on April 23, 2014. The case was heard at BOZA on April 21, 2014.

Ms. Yates said staff received comments from an interested party who was concerned about the required landscaping and parking not being provided. Staff also received a letter of opposition yesterday from an adjacent property owner.

During Ms. Yates presentation, she received a petition of opposition from other adjoining property owners and interested parties.

Glenn Price, the applicant's representative, briefly explained about the applicant's company (Milhaus Development.) He also discussed BOZA's vote to approve the variance and waiver which, he said, is important to the understanding of the case.

He discussed the parking requirements of an Urban Core property and what the applicant is providing, as well as the "multi-modal nature" of the development. He said the waiver request "is so small, that it allows staff to grant the approval." He added that a parking study is not required for the waiver to be granted.

Greg Martin, an applicant's representative, explained some of the parking needs for some of their other mixed use developments and compared them to this development. He showed a graph which explains that, during the day, the parking demands go down to 30%-40% of provided parking spaces. The biggest

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demand is during the evening hours, when most of the businesses in the area are closed. He described two of their projects in downtown Indianapolis with similar parking ratios.

Mr. Price said that BOZA granted a waiver of the ILAs in the parking area and also a private yard area requirement. Both should maximize off-street parking; also, the removal of the private yard area should "mirror" the properties adjacent to this one. He said that, on April 23, 2014, this project received approval from the ARC (Architectural Review Committee) which oversees development in historic areas. He again emphasized that this site will have pedestrian, bicycle, and public transit access, as well as vehicular access. He described the public transit access in more detail, and said this development will also have a "bicycle storage room" with the capacity to store 50 bicycles. It was noted that there are no dedicated bicycle lanes on Frankfort Avenue.

Mr. Price showed a diagram which color-codes public parking availability along Frankfort Avenue. He also discussed Metro PARC enforcement procedures of the "2-hour limit" parking spaces along the street.

Commissioner Jarboe asked how the parking needs of developments in Indianapolis relate to the parking needs along Frankfort Avenue. Mr. Martin said these are apartment units that Milhaus owns and manages and explained how their parking circumstances relate to this project. Jonas Wilson, also with Frost Brown Todd, said the Indianapolis developments are similar to this one.

Councilwoman Tina Ward-Pugh said that, as the community grows, there will be more density in Urban Core areas, in already-built environments. She said she feels the parking waiver being requested is relatively minor in comparison to "the overwhelming positives" that this project will bring to the area. She said she had heard concerns about losing parking, which she said are not correct. She discussed parking issues in the neighborhood and said she is concerned about finding new/more parking spaces. She said that, when Ready Electric bought their new building and moved out 4 or 5 years ago, she said she had approached them about having public parking. The City has been leasing this space; however, there has never been an expectation that this would be long-term public parking. She explained that there are businesses in the area that are pleased about the apartment units and the new customers they will bring. She discussed what some other cities are doing about increased densities in their urban cores (building up; and removing parking spaces and parking garages to

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encourage pedestrian/bicycle/public transit use.) She said this is “a very important development and [she] supports it in its entirety.”

Mr. Price discussed the leased parking situation. He said the Clifton ARC did not address the parking waiver issue, but they did approve the design of the development.

Mike O’Leary, a Clifton resident and a member of the Clifton Architectural Review Committee, said the Committee decided 5-2 in support of the project. He said he was confused/concerned because the staff report does not support the parking waiver. However, as a neighbor, he said he wants to speak today in support of the project. He said having a waiver for 10-11 parking spaces “is perfectly acceptable”, especially in light of the public transit that is available.

Ms. Yates said that the document that Mr. O’Leary was referring to is an e-mail that she had sent to Becky Gorman, who was the staff case manager for the Architectural Review case. She said it is not uncommon or inappropriate for staff members who are working on different pieces of these cases to communicate and share information, with each other and with affected boards and committees. She said it was not intended as part of the decision made by the ARC on April 23, 2014. It was intended as contextual information. Commissioner Blake said, and the other Committee members agreed, that he did not see this as having any bearing on the LD&T Committee’s decision today.

Scott Nussbaum said he owns three properties along Frankfort Avenue which include one that is adjacent to the subject site. He said the neighborhood has steadily lost parking spaces, including when Metro re-striped the street. He said parking in the 2-hour spaces is not enforced – neighbors have to call PARC to get someone to come out. He said he has only seen them tow a car once. He said the drawing showing where parking is and is not is inaccurate. He said two spaces have been taken away within the last year and two others were lost to a “historic trough” in front of Reader’s Corner (used to be Henderson’s/) He said the leased parking lot was “desperately needed” and showed pictures of cars parked there at different times of the day. He said the business owners want development there, but were hoping that some public parking would be incorporated into the development – there was not. He said Clifton Lofts assured business owners that about 20 spaces behind their development would be public parking; about two months later, a sign went up stating that the parking was for residents only and threatening to tow any non-residents.

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Mr. Nussbaum said the proposal is for 93 units, but there is no mention of the fact that some of these will be two-bedroom units. Many of these will be split between two different roommates, who will have separate cars and jobs. He said 93 apartments does not mean that there will only be one vehicle associated with each unit.

He said he gave Ms. Yates a petition that was signed by every merchant except one in the 2000 block of Frankfort Avenue stating their opposition to "variances" (he may have meant parking waivers?) He described some of the needs of his business and why having his customers park far away is detrimental.

Judy Champion, a business owner across the street from Mr. Nussbaum, said their businesses are "destination" businesses. She said the Ms. Ward-Pugh's statements about "weaning Americans from cars" won't happen for the next 20 years, at least. She said losing two spaces in front of her store was difficult, but the public parking had helped considerably. She said the proposed waiver of 13 spaces was the only public parking left on Frankfort Avenue. She said that, although fewer people may be using those spaces during the day, once the retail shops close, the four restaurants open up during the evening hours. They rely very heavily on street parking.

Phil Samuel said that, on Monday, BOZA did not get into the details of parking. He said Frankfort Avenue is not good for bicycling. He said he opposes the parking waiver because the Clifton Neighborhood Plan states that new developments are required to have adequate parking. He took issue with the term "minor" to describe the waiver, and said that there are so few spaces now that any loss is not considered "minor". He said that, prior to the public lease of parking on the subject site, there had been a "parking deficit" in the area and removing those parking spaces will magnify the previous problem, for residents and business owners. He added that there is no way to predict what kind/s of transportation future residents will use.

Ms. Yates clarified that a parking waiver of this percentage can only be staff approved if it is noticed for the appropriate number of days and staff receives no opposition. If there is opposition, the case has to be noticed and docketed for a hearing, which this has been.

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Mr. Nussbaum asked about a section of the Code (Chapter 9 Part 1 Section 3) which deals with waivers to reduce required parking. He said that section states, "Adjacent or nearby properties will not be adversely affected." He said his businesses will be strongly adversely affected. He said none of his clients come on the bus, nor do Ms. Champion's.

Ms. Champion questioned whether some of the new tenants would even use the provided parking, since the street parking is more available to them.

Mr. Price said that Mr. Nussbaum and Ms. Champion are wrong about the parking waiver affecting their businesses. He said both of these businesses were operating before Ready Electric leased the parking to Metro for public parking. He said 93 units of more customers will help businesses, not adversely impact them. He added that there are no opportunities in the immediate area for shared parking; this was raised in Ms. Yates' staff report. Mr. Price said the proposal *does* comply with the Comprehensive Plan Guidelines that are listed in the back of the staff report.

Mr. Nussbaum agreed that nearby businesses did not have that parking lot before their businesses went into operation; however, there were "constant problems" with customer parking before that lot was leased for public parking. He said there are no alleys near his business, nor is there additional sidestreet parking.

Commissioner Brown said that Metro is in the process of refreshing/restoring parking from Mellwood out past the Water Company and "are going to squeeze every last space we can get" along the streets. He said Metro is also working in conjunction with TARC to eliminate underutilized stops to add parking spaces. He added that this property is already zoned for this density; this is not a rezoning case. He said the ratios in the Land Development Code are designed to cover a lot of different situations throughout the whole County; it may not be as appropriate here because there are good amenities for cycling and walking. He said Metro is in the process of adding bike lanes in this area to connect this area to downtown.

Commissioner Jarboe said he agreed with Councilwoman Ward-Pugh that reducing the number of units from 93 to 82 will not solve parking problems on Frankfort. He said that, if this was an entirely different business, there would still

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be something built here that would not be a parking lot and the issues would remain.

Mr. Nussbaum said he is concerned about that the calculations done to determine the parking needs. He said he feels those calculations are faulty, and also inaccurate because there is no note about how many of these units will be 2-bedroom. He also thinks the proposed density is too high.

In response to a question from Commissioner Jarboe, Mr. Martin said the parking area would be controlled with parking tags and would be for the use of residents only. Commissioner Jarboe asked if there was some compromise that could be reached with business owners to share the parking. Mr. Martin said that causes "disputes" because shared parking would have to be limited to certain hours.

Commissioner Brown added that the restoration/re-marking of parking spaces should be done within 2 months.

Parking Waiver - Waiver of Table 9.1.2.A. of the Land Development Code (LDC) to not provide the minimum required parking. The request is a reduction from 126 to 115 spaces.

On a motion by Commissioner Brown, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that The parking waiver is in compliance with the Comprehensive Plan because the applicant states that it conforms to all Guidelines and Policies of the Comprehensive Plan, including Compatibility Guideline 3 and Policy 3.24; Guideline 7 and Policy 7.10; and Guideline 8 and Policy 8.7; and

WHEREAS, the Committee further finds that the proposal meets the intents of Compatibility Guideline 3 because the applicant states that the proposal conforms to Compatibility Guideline and Policy 3.24 because the development provides for all but 15 of its required parking spaces either on-site or in abutting spaces along Frankfort Avenue. ; and

WHEREAS, the Committee further finds that the proposal conforms to Circulation Guideline 7 and Policy 7.10 because the applicant states

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that the development is providing sufficient parking pursuant to LDC requirements, taking into account the fact that the development has its access on Frankfort Avenue in an urban neighborhood; and

WHEREAS, the Committee further finds that the proposal conforms to Transportation Facility Guideline 8 and Policy 8.7 because the applicant states that an 8% parking waiver of (11 spaces) will have no impact on surrounding businesses, or on residents living in this urban neighborhood; and

WHEREAS, the Committee further finds that the applicant has made a good-faith effort to provide as many spaces as possible on the site because the applicant states that they have attempted to do so, on other property under the same ownership, or through joint use provisions; and

WHEREAS, the Committee further finds that on-site parking facilities have been maximized because the applicant states that the request for a waiver to not provide interior landscaping islands is evidence of such. The applicant further states that on-site parking availability has been "maxed out." There is no other property in the vicinity, whether available for joint use parking or otherwise, that is available to meet the parking requirement. The applicant has exercised good faith in maximizing the number of proposed parking spaces; and

WHEREAS, the Committee further finds that the requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use. Because the applicant states that parking spaces on-site have been maximized, the requested waiver is the smallest possible reduction of parking spaces; and

WHEREAS, the Committee further finds that adjacent or nearby properties will not be adversely affected because the applicant states that he parking requirements are imprecise at best and the regulations do not require a parking study; and

WHEREAS, the Committee further finds that the requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use because the applicant states that the requested reduction would accommodate the parking demand to be generated by the proposed use.

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WHEREAS, the Committee further finds that there is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand because the applicant states that available on-street parking serves the proposed use. The LDC allows the development to credit thirteen (13) on-street (Frankfort Avenue) abutting parking spaces to its number of required parking spaces. Most of the parking along Frankfort Avenue is open to the public. ; and

WHEREAS, the Committee further finds that the parking requirements stated in the Land Development Code may not be as appropriate for this neighborhood, given the character of this area and the access to alternative transportation; and

WHEREAS, the Committee further finds that, based on the evidence and testimony presented today and the applicant's justification, that most of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, that the Land Development and Transportation Committee does hereby **APPROVE** the proposed Waiver of Table 9.1.2.A. of the Land Development Code (LDC) to not provide the minimum required parking and to reduce the number of spaces from 126 to 115.

The vote was as follows:

YES: Commissioners Blake, Jarboe, and Brown.

NO: No one.

NOT PRESENT: Commissioner Turner.

ABSTAINING: No one.

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CASE NO. 13ZONE1016

Project Name:	Flynn Hook Property
Location:	4337 & 4403 Bardstown Road
Owner:	Salt River Development Company
Applicant:	Salt River Development Company
Representative:	Mindel Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Julia Williams, 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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Request:

A change in zoning from M-2 Industrial to C-2 Commercial, a Revised Detailed District Development Plan and General Development Plan, a building setback variance, and amendments to existing binding elements are being requested.

The following spoke on behalf of Case No. 13ZONE1016:

Steve Scott, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

DISCUSSION:

Julia Williams presented the case (see staff report for detailed presentation.) She explained that the existing binding elements deal mostly with truck and trailer sales on the property; the proposed changes to the binding elements remove those references and replace them with a new set (in the staff report) that relate more to what the proposed use on the property.

Steve Scott, the applicant's representative, said this is a down-zoning. The Family Dollar Store and the Tire Discounters, which are to the north of this site, were previously part of the Hook property. Ms. Williams added that the binding elements associated with the Family Dollar site were all eliminated and a new set of binding elements were approved for that site.

The Committee by general consensus scheduled Case No. 13ZONE1016 for the May 29, 2014 Planning Commission public hearing.

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CASE NO. 13ZONE1021

Project Name:	Riverport Phase 5
Location:	1364 & 14045 Dixie Highway; and 6501-6502, 6504, 6506, and 6512 Lewis Lane
Owner:	Station Development LLC
Applicant:	Station Development LLC
Representative:	Ashley Bartley, Qk4
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Christopher Brown, Planner II

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

Request:

A change in Form District from Neighborhood to Suburban Workplace and change in zoning from R-4 to M-2; Sidewalk Waiver, Landscape Waiver, and a Detailed District Development Plan are being requested.

The following spoke on behalf of Case No. 13ZONE1021:

David Reed, Qk4, 1046 East Chestnut Street, Louisville, KY 40204

Kathryn Knopf, 1411 Bohannon, Louisville, KY

Dale Reeder, 13801 Old Distillery Rd Louisville, KY 40272

Warren Rogers, 13600 Old Distillery Road, Louisville, KY 40272

DISCUSSION:

Christopher Brown presented the case (see staff report for detailed presentation.) He explained that the associated proposed closure of Lewis Lane is going through the process under a separate case number. He explained that the applicant will not be reducing the plantings/screening in the 50-foot buffer area, only asking if the buffer can overlap with some utility easements. The applicant will be providing a 50-foot cemetery buffer for an undisclosed cemetery, as well as a proposed 15-foot cemetery access easement. He added that binding elements that are applicable to other Riverport projects will also be applicable to

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this one. The binding elements can be revised to address any special needs that may arise as tenants come in to the lots.

The zoning change is proposed for the entire 162.124 acre lot.

In response to a question from Commissioner Brown, Mr. Brown said the road closure has been through the initial agency review.

David Reed, an applicant's representative, said this is a non-contiguous expansion; however, the applicant intends to use the same patterns and setbacks to try to duplicate the site in southwestern Jefferson County. He said the applicant hopes to bring some continuity of development and also good-paying jobs.

Regarding the use of the covenants, Mr. Reed said the applicant will use the existing binding elements which specify the types of buildings, building designs, large setbacks, etc. He said a "significant" berm and landscape buffer will be used next to adjoining residential properties. He said mixed use situations (residential near industrial) exist in other Riverport developments along Greenbelt Highway and Lower River Road. He said the existing residential properties next to this site will be protected. Regarding environmental permitting, he said Redwing Engineering has submitted to the Corps of Engineers and other multiple agencies the applicant's methods of addressing environmental concerns. Those issues are being reviewed by the relevant agencies. He said some approvals have already been received.

Commissioner Brown asked about the justification for the sidewalk waiver. Mr. Reed said that the Riverport parent facility development has found that, because the lots are so large, it really becomes a wasteful pattern to put in sidewalks on both sides of the roads. TARC routes that serve the Riverport area, and which would likely serve this area, have found that the single-side sidewalk plan works well. Because only four lots are being served here, and there is a contiguous sidewalk system that serves all of them, the waiver is seen as an efficient means of using resources and not wasting the concrete that would otherwise be required.

In response to a question from Commissioner Brown, Mr. Reed said the applicant has been coordinating their development efforts with Louisville & Paducah Railroad. There are three existing crossings (see development plan.)

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He said that the applicant has agreed with P&D Railroad that two secondary crossings will be closed, and a new one will be opened at Watson Lane.

Commissioner Jarboe said Phase 5 seems to be more intense and expressed concern about its impact on adjacent residential properties. Mr. Reed said the impact on neighbors is unknown at this time because they do not know yet who the occupants will be or what the use will be. He said Riverport built around existing neighborhoods and have always tried to be responsible and be mindful of the residents.

Mr. Brown said he received a phone call from Kathryn Knopf who said she had concerns about how the sewer infrastructure will be addressed here, and also issues about the potential uses.

Dale Reeder, a nearby resident, said he was concerned about the buffers. He is also concerned about the uses – he asked if this site is zoned for warehouses only, or if more intense manufacturing could come in here in the future. He said there had been rumors for years about a chicken processing plant. Commissioner Blake told Mr. Reeder that there is a list of uses that are permitted in the M-2 zoning category – this might put some rumors to rest. Mr. Brown said he would send him that information and also answer any questions he might have.

Regarding the site plan, Mr. Reeder said he has lived at his address for 66 years, and had never heard the term “Weaver’s Run”. It’s always been “Long Pond”.

Warren Rogers, a nearby resident, asked where the water runoff from the berm was going to go. He also asked if there were plans for sidewalks along Dixie Highway. He said other businesses along Dixie Highway have had to install sidewalks. He also asked for specifics about the land scape waiver.

Mr. Reed addressed the question about water runoff first. He said there will be a drainage ditch system along the Riverport side of the berm, which will transport water towards the south part of the property and drain it into Weaver Run. This will keep the water away from the adjoining residential properties. He said the landscape waiver has been requested to allow a drainage easement for the development of that drainage system next to the berm. Mr. Rogers asked about the water flow on the other side of the berm. Mr. Reed said there should be no

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more, and maybe less, than the water flow that is there now. He said he would be willing to sit down and discuss the specifics of that drainage with Mr. Rogers.

In response to a question from Ms. Knopf, Mr. Reed said the drainage would come out near the end of Lewis Lane.

Mr. Reed addressed Mr. Rogers' question about sidewalks along Dixie Highway. He said that Riverport is meeting its obligations by constructing sidewalks along the frontages of the three parcels of Riverport property along the Dixie Highway frontages.

Ms. Knopf asked if the proposed landscaping will be similar to the other Riverport property. Mr. Reeder asked why the applicant is rezoning this land instead of using the land they already have. Larry Fall, an applicant's representative, said the largest lot at the current Riverport location is 24 acres. He said this site will be used for larger-lot businesses.

Mr. Reeder asked why the applicant did not "tap in" to the sewers that are already there (from the highway)? Mr. Reed said that, right now, the sewers are proposed along Weaver Run and outside Mr. Reeder's fence line (in between the creek and Mr. Reeder's fence line.) He explained that the current sewers are not deep or large enough to handle the development that is proposed.

Mr. Reeder asked if there is an emergency exit planned that does not cross the railroad tracks, in the event of a derailment. Mr. Reed said there are two exits planned, one at Lewis Lane and one at Watson. Mr. Reeder said they both cross railroad tracks. Mr. Reed said there isn't one, and added that this project has been presented with these exits in these locations. Commissioner Brown said this might be something the Fire Department might ask for, but it is not a Land Development Code requirement.

The Committee by general consensus scheduled Case No. 13ZONE1021 for the June 19, 2014 Planning Commission public hearing.

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CASE NO. 14ZONE1001

Project Name:	1373 Lexington Road
Location:	1373 Lexington Road
Owner:	6202 Six Mile Lane LLC
Applicant:	Cityscape Residential
Representative:	Land Design & Development Wyatt Tarrant & Combs
Jurisdiction:	Louisville Metro
Council District:	9 – Tina Ward Pugh
Case Manager:	Julia Williams, 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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Request:

A change in zoning from M-3 Industrial to R-8A Multi-Family Residential; a Revised District Development Plan, a building height Variance, Landscape Waivers, and a Waiver to permit parking in front of the principle structure are being requested.

The following spoke on behalf of Case No. 14ZONE1001:

Deborah Bilitski, Wyatt Tarrant & Combs, 500 West Jefferson Street Suite 2800, Louisville, KY 40202

Kelli Lawrence, Cityscape Residential, 8335 Keystone Crossing, Suite 106, Indianapolis, IN 46240

Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY

Councilwoman Tina Ward-Pugh, 600 West Jefferson Street, Louisville, KY 40202

Lisa Santos, 1318 Hull Street, Louisville, KY 40204

Ray Schumann (sp), 200 Storey Commons Suite 200, Louisville, KY 40206

John Grantz, 1386 Lexington Road, Louisville, KY 40206

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DISCUSSION:

Julia Williams presented the case (see staff report for detailed presentation.) She said the Irish Hill Neighborhood Plan is applicable to the site. No specific recommendation for the site was included in that plan; however, it is a goal to encourage the downsizing of industrial activities and corresponding re-development of industrial districts to uses more compatible with the neighborhood's residential core.

She discussed remediation of brownfields sites along Lexington Road.

In response to a question from Commissioner Blake, Ms. Williams said there was a proposal awhile back for storage on an adjacent site, not on this site.

Ms. Williams said she had not received any comments from interested parties at the time the staff report came out; however, yesterday she received an e-mail from the Irish Hill Neighborhood Association expressing some of their concerns. She handed out copies of the e-mail to the Committee members.

Regarding the "Technical Review" section of the staff report, she said the waiver justification has been submitted. Both the existing binding elements (which refer to the previous industrial use on the site) and the proposed binding elements are included in the staff report.

Deborah Bilitski, the applicant's representative, gave a brief history of the site. It was the old Progress Rail site; the site to the west is the old River Metals site. The building on the property will be removed and replaced with multi-family housing.

Kelli Lawrence, an applicant's representative, briefly described the company and some of the amenities planned for this project.

Ms. Bilitski said there has been much neighborhood outreach. She said that Beargrass Creek binds the site and the applicant is trying to stay away from the creek. This means that some building are pushing into other areas of the site. She said it is very important to the neighborhood and the applicant to preserve the creek and keep a large buffer between it and the construction. She said

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there will be parking underneath the structures. She said the landscape waiver will be updated and fully presented at the public hearing.

Kevin Young, an applicant's representative, discussed some of the features of the design and the site. He reiterated that this property is in a flood zone; one of the driving forces of this development is to get entirely out of the environmentally sensitive area. No portion of the development is in the setback area – this is per the Land Development Code and also MSD. He said one of the waiver requests would combine the interior landscape areas to provide green infrastructure, mostly due to the project's proximity to Beargrass Creek. The interior landscape areas would be used to filter stormwater.

Mr. Young said Volksdoctor is an industrial use; therefore the applicant would like to place trees and a fence to protect their future residents from that use.

Using the elevations, Ms. Bilitski and Ms. Lawrence discussed streetscape and sidewalk improvements.

Councilwoman Tina Ward-Pugh said this is the kind of development that is needed in an urban services district for infill. She discussed the streetscape along Lexington Road and the importance of attracting development along this corridor.

Lisa Santos, representing the Irish Hill Neighborhood Association, said Cityscape had met with them in advance of filing to discuss the proposed project. She said the Association supports the rezoning, and has no issue with the request for the increase of building height or parking near the street as long as it is properly screened. However, the Association does object to the proposed encroachment into the LBA. They would prefer that the applicant reduce the building size to require fewer parking spaces or apply for a parking waiver. They also object to the waiver to permit greater distance between ILAs – they would suggest planting large trees in the middle of the parking lot to provide more shade and reduce heat.

Ms. Santos asked if the applicant was increasing the required 25-foot buffer from the stream, or just maintaining it. Ms. Bilitski said the buffer is actually larger in some areas. Ms. Santos also asked if the applicant was exceeding the tree canopy requirements. Mr. Young said the applicant is not asking to reduce it, and that he would show Ms. Santos his calculations for tree canopy. Ms. Bilitski

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said the whole area along the creek is going to be preserved as tree canopy, which will probably mean that the applicant will end up increasing the tree canopy.

Ms. Santos said Irish Hill is the recipient of a very large underground storage basin adjacent to the creek, and encourages all new development to manage their own water on their own property. She said the Association wants the development to retain 100% of all stormwater runoff.

The Association wants MSD and/or staff to review the outfalls from the bio-swales. This is especially important in this neighborhood, since they have about two miles of creek within the neighborhood boundaries. Erosion is also an issue.

The Association requested that only native species be used for the landscaping.

Ms. Santos said no comment from Metro Public Works was found on file regarding the location of this project on a major thoroughfare and its proximity to an intersection. She said the Association is interested in any infrastructure improvements that can be made on or around the site in conjunction with Metro Public Works. Slowing speeders on Lexington Road and handling parking are primary concerns.

Regarding the tree canopy, Ms. Williams said that, due to the density, this particular site does not require a tree canopy. Therefore, any tree that gets put on the site would be "exceeding" a tree canopy requirement. Mr. Young said he would still provide Ms. Santos with that information.

Ray Schumann (sp), a resident across the street, said he strongly approves of the proposal.

John Grantz, a nearby business owner across the street, said he supports the development.

The Committee by general consensus scheduled Case No. 14ZONE1001 for the May 29, 2014 Planning Commission public hearing.

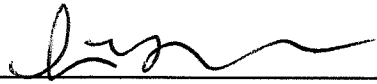
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The meeting adjourned at approximately 3:15 p.m.

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Chairman

A handwritten signature in black ink, appearing to read "J. J. J.", written over a horizontal line.

Division Director