

MINUTES OF THE MEETING

OF THE

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE

August 11, 2016

A meeting of the Land Development and Transportation Committee was held on Thursday, August 11, 2016, at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Committee Members present:

Vince Jarboe, Chair

Jeff Brown

Donnie Blake

Committee Members absent:

Marilyn Lewis, Vice Chair

Clifford Turner

Staff Members present:

Brian Davis, Planning Manager

Julia Williams, Planner Supervisor

Brian Mabry, Planning Supervisor

Beth Jones, Planner II

Laura Mattingly, Planner I

John Carroll, Legal Counsel

Mark Dutrow, Engineer II

Tammy Markert, Transportation Planning

Tony Kelly, MSD

Kristen Loeser, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

Approval of the July 28, 2016 LD&T Committee Meeting Minutes

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

RESOLVED, that the Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on July 28, 2016.

The vote was as follows:

YES: Blake, Brown, and Jarboe

ABSENT: Turner and Lewis

ABSTAIN: None

NO: None

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NEW BUSINESS

CASE NUMBER 16ZONE1020

Request: Set a Planning Commission Night Hearing date – Case No. 16ZONE1020
Project Name: Taylorsville Road Apartments
Location: 11404, 11312, and 11314 Taylorsville Road
Owner: BBB Investments LLC; Mannoxx LLC
Applicant: Teri Delsignore
Representative: Mindel Scott and Assoc.; Bardenwerper Talbott & Roberts PLLC
Jurisdiction: Louisville Metro
Council District: 20-Stuart Benson
Case Manager: Julia Williams, RLA, AICP, Planning Supervisor

Due to technical difficulties, there is no audio/visual recording of the Land Development & Transportation Committee meeting related to this case.

Agency Testimony:

Julia Williams presented the case.

Committee Members' deliberation

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

RESOLVED, that the Louisville Metro Land Development and Transportation Committee does hereby **SCHEDULE** Case Number 16ZONE1020 to be heard at the September 19, 2016 Planning Commission Night Hearing.

The vote was as follows:

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

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NEW BUSINESS

CASE NUMBER 16SUBDIV1011

Request:	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. & Indianfields 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 Manger

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).

Due to technical difficulties, there is no audio/visual recording of the Land Development & Transportation Committee meeting related to this case.

Agency Testimony:

Brian Davis presented the case.

The following spoke in favor of the request:

Bill Bardenwerper, 1000 N Hurstbourne Pkwy., 2nd Floor, Louisville, KY 40223
David Mindell, 5151 Jefferson Blvd, Louisville, KY 40219

Summary of testimony of those in favor:

Bill Bardenwerper spoke on behalf of the applicant and showed a PowerPoint presentation. The plan was slightly revised after discussions with adjoining property owners and interested parties. The total number of proposed lots decreased from 241 to 237, and the plan includes no more than 25 percent of the lots less than 6,000 square feet and has at least 20 percent of lots greater than 9,000 square feet.

David Mindell also commented on the site plan regarding this case.

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Committee Members' deliberation

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

RESOLVED, that the Louisville Metro Land Development and Transportation Committee, in Case Number 16SUBDIV1011, does hereby **APPROVE** the Preliminary Subdivision Plan to create 237 buildable lots on 101.4 acres and the Floyds Fork Development Review Overlay Plan, **ON CONDITION** that Note #20 be removed from the plan, based on the Staff Report and testimony heard today and **SUBJECT** to the following Conditions of Approval:

CONDITIONS OF APPROVAL

1. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
2. 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.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

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d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All conditions of approval requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

5. The applicant, developer, or property owner shall provide copies of these conditions of approval 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.

6. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.

a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.

b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of TCPAs etc.) and other issues required by these conditions of approval.

c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.

7. 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.

8. 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.

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9. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the drip line of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

10. 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.

11. 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.

12. 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.

13. 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 larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.

14. 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.

15. Signature entrance/signage shall be limited to what is permitted within the Floyds Fork Overlay District as stated in Chapter 3 Part 1 of the Land Development Code.

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16. The landscape plan shall be approved by a Committee of the Planning Commission prior to issuance of a site disturbance permit.

17. Developer shall contribute \$240,000 to Public Works for a traffic signal and left turn lane at the intersection of Aiken Road and Bush Farm Road prior to issuance of the 60th building permit for the development. Construction plans for the design of intersection improvements and signal shall be required to be provided by the developer prior to the issuance of the Work Order for the first phase of the development. Metro Public Works has agreed as part of this condition of approval to request the SDC Oversight Committee to designate this intersection as a Road Project within Zone B so that any costs associated with signal improvements will be eligible for a SDC credit.

The vote was as follows:

YES: Blake, Brown, and Jarboe

ABSENT: Turner and Lewis

ABSTAIN: None

NO: None

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NEW BUSINESS

CASE NUMBER 16DEVPLAN1124

Case No: 16DEVPLAN1124
Project Name: Blankenbaker Center II
Location: 11820 Ransum Drive
Owner(s): Sukh Bains, Kentucky Property Investments
Applicant(s): John Miranda, Pinnacle Properties of Louisville
Representative(s): William Bardenwerper, Bardenwerper Talbott & Roberts, PLLC
Project Area/Size: 2.82 acres
Existing Zoning District: OR, Office Residential & C-1, Commercial
Existing Form District: Neighborhood
Jurisdiction: Middletown
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).

Due to technical difficulties, there is no audio/visual recording of the Land Development & Transportation Committee meeting related to this case.

Agency Testimony:

Laura Mattingly presented the case.

The following spoke in favor of the request:

Bill Bardenwerper, 1000 N Hurstbourne Pkwy., 2nd Floor, Louisville, KY 40223
Kathy Linares, 5151 Jefferson Blvd, Louisville, KY 40219
David Mindell, 5151 Jefferson Blvd, Louisville, KY 40219

Summary of testimony of those in favor:

Bill Bardenwerper spoke on behalf of the applicant and showed a PowerPoint presentation.

Kathy Linares also spoke regarding this case. It was pointed out that this proposal is very similar to the existing office condos to the north of this site. The previous

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CASE NUMBER 16DEVPLAN1124

proposed plan was shown to the Committee to show the reconfigurations that have taken place on the revised plan

David Mindell discussed the availability of nearby parking to the north. It was decided that the nearby parking should be shown on the development plan to avoid any confusion in the future.

Committee Members' deliberation

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 LOJIC does not indicate any environmental constraints on the site. Tree canopy requirements of the Land Development Code will be provided on the subject site by preserving 6.5% of the existing canopy and replanting the remaining requirement, and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided through the proposed vehicular crossover access and the proposed sidewalk network throughout the development and connecting to adjacent properties, and

WHEREAS, the Committee further finds that there is no open space requirement with this proposal, 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 land uses are compatible with the existing and future development of the area, as this area, being located near I-64, is a mix of office and commercial, as well as a mix of residential densities and other lower intensity uses, and

WHEREAS, the Committee further finds that this development conforms to the Land Development Code and the Comprehensive Plan as all requirements have been met,

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with the exception of a building height variance that will be heard by BOZA on August 15th, 2016; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission, in Case Number 16DEVPLAN1124, does hereby **RECOMMEND** to the City of Middletown that the Revised Detailed District Development Plan review for professional office development be **APPROVED, SUBJECT** to the following binding elements.

Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The C-2 portion of the site will be limited to only C-1 uses and Car Sales and Rental.
3. There will be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system.
4. The only permitted freestanding signs shall be located as shown on the development plan. No freestanding sign shall exceed 60 square feet in area per side and 6 feet in height. All illumination shall be internal. No sign shall have more than two sides. There shall be no off-premises signs.
5. No outdoor advertising signs, small freestanding signs, pennants, advertising balloons or banners shall be permitted on the site, other than the proposed free standing signage and the attached signage permitted by the Middletown Sign Ordinance. The City of Middletown must approve the final signage package, prior to construction, which signage package must show the placement, size scale and type of materials of the signs.
6. Construction fencing shall be erected at the edge of the area of development in accordance with the tree preservation plan prior to any grading or construction to protect the existing tree stands and their root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in the place until all construction is completed. No parking, material storage, or construction activities are permitted within the protected area.

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7. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:

- a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
- b. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
- c. The property owner/developer must obtain approval by the Planning Commission and the City of Middletown 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. There shall be no removal of the required landscaping without City Commission approval. In the event any tree or other landscaping is removed without written consent of the City, the City may require the owner/applicant to replace with a tree of similar size and age (when cut), or as approved by the City Commission. Any replacement tree or trees shall be such as are deemed adequate by the City to mitigate the impact.
- d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
- e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved before issuance of a building permit.
- f. The drainage construction plan must also be approved by the City of Middletown.
- g. The name, address and telephone number of the construction manager for the project must be disclosed to the City of Middletown.

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8. The Enterprise building shall be for the style and design shown on the renderings presented as further described at the January 10th, 2013 Planning Commission Public Hearing.

9. The materials and design of all proposed structures shall be approved by the Committee of the Planning Commission and the City of Middletown.

10. All road and parking areas must be constructed to the standard of public roadways required by Louisville Metro regulations. All cars must be parked in marked space and the connector road shall be kept free from parked cars.

11. If a building permit is not issued within two years of the date of the City of Middletown's approval herein, the property shall not be used in any manner unless a revised district development plan is approved by the City of Middletown or an extension is granted by the Planning Commission and the City of Middletown.

12. A certificated of occupancy must be received from the appropriate code enforcement department and the City of Middletown 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 and the City and the City of Middletown.

13. 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 the development of this 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 the compliance with these binding elements.

14. If work is required within that easement causing removal or damage of landscape materials, the property owner will be responsible for replacement of materials according to the approved landscape plan.

15. These binding elements may be amended as provided in the Zoning District Regulations upon approval by the City of Middletown.

16. Parking lots shall be curb and gutter and with catch basins directing drainage to the detention basin. A geotechnical report must be presented to the City of Middletown prior to commencement of construction work on the entrance road portion of these facilities.

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17. The overall site shall provide 150% of the normal detention requirements of MSD.
18. Exterior lighting shall be dimmed by 50% after hours of operation.
19. Perimeter fencing and landscaping shall be provided as shown on the colored-up site plan and as further described at the November 1, 2012 Planning Commission Public Hearing.
20. Car sales/rental hours of operation shall be limited to Monday-Friday, 8:00 am to 8:00 pm and Saturdays 8:00am to 6:00pm. The business shall be closed on Sunday.
21. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
22. No repairing of vehicles shall be conducted in the parking lot. No vehicle shall be located on the site for the purpose of being disassembled or "Parted out" to provide parts or the repair of another vehicle.
23. Dumpster shown on plan is the only dumpster allowed on the site and it shall be screened from view, kept secured and picked up.
24. No inoperable vehicles, nor vehicles with parts missing or removed, nor vehicle parts shall be located outside of the building on the site.
25. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency and the City of Middletown, for an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with the Land Development Code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted.
26. The approved construction plan for drainage and the drainage/detention structures must also be presented and approved by the City of Middletown, prior to and as a condition of any building permit application and/or for any Occupancy Permit and/or bond release. Additionally, the improvements shown on said construction plans must be fully complete prior to the application for Occupancy Permit and/or bond release. All occupancy permits must receive the prior approval of the City of Middletown. The Applicant, the Developer, the Owners (as well as their successors heirs and assigns), are all jointly and severally liable to construct and keep maintained all the detention and drainage facilities on the development plan and construction plans; and keep them maintained in a high status of functioning, without any limitation, until the end of the world.

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27. The final elevations of the proposed building on the site must be submitted to the City of Middletown for approval prior to construction. Any changes in any of the drawing associated with this development must receive the prior approval of the City of Middletown prior to construction.

28. The Applicant, its successor and assigns, hereby consents and agrees that the City of Middletown has full right and authority to take any and all appropriate legal action against Applicant, its successor and assigns to enforce these binding elements and inspect the premises to determine compliance with the Binding Elements.

29. No outdoor storage of tires and parts on the site.

30. The detention basin on Phase 3; as well as everything shown on the development plan on Phases 1 and 2, as such Phases are delineated on the Phasing Plan Attachment (Exhibit One hereto), must be fully constructed, complete and function ign prior to the issuance of any certificate of occupancy for the Phases (for example, the Phase 1 work must be completed prior to the issuance of the Phase 1 Certificate of Occupancy and the Phase 2 work must be completed prior to the issuance of the Phase 2 Certificate of Occupancy). However, as part of the Phase 1 completion, the Phase 2 Area must be grade and seeded and thereafter cut and maintained to standard of City of Middletown Ordinances.

31. Further, as the landscaped areas, completion of Phase 1 landscaping, otherwise required prior to issuance of the Certificate of Occupancy, may be deferred by the City of Middletown until such time as reasonably practicable in the event of weather complications relating to installation of material and irrigation.

32. The Blankenbaker Parkway frontage portion of the site landscaping shall be irrigated.

33. Post construction review of all Phase 1 construction must be completed by a licensed professional engineer, independent of the engineering firm representing the applicants on the Detailed District Development Plan, certifying that all the Phase 1 construction has been completed in accordance with all plans. Such engineering review shall be certified by such engineer and presented to the City of Middletown for review and approval prior to issuance of a Phase 1 Certificate of Occupancy.

34. For five years following the adoption of this ordinance, annual inspection reports by a licensed professional shall be submitted to the City of Middletown by the property owner evidencing the then current condition of the vault detention basin and a time-line, if applicable , to complete any needed remediation of unacceptable conditions.

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35. Prior to the issuance of Phase 1 Certificate of Occupancy, a signed agreement shall be presented to the City of Middletown evidencing the assignment of responsibilities by and between property owners, in addition to the applicants in this case, whose properties are affected by this application's storm water management and drainage detention plan.

The vote was as follows:

YES: Blake, Brown, and Jarboe

ABSENT: Turner and Lewis

ABSTAIN: None

NO: None

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NEW BUSINESS

CASE NUMBER 16ZONE1000

Request: Change in zoning from R-7 to CR on approximately 1.89 acres
Project Name: The Village at West Jefferson
Location: 1225 and 1231 W. Jefferson Street
Owner: St. Peter's Evangelical Church, UCC
Applicant: MOLO Village CDC
Representative: Kovert Hawkins Architects
Jurisdiction: Louisville Metro
Council District: 4-David Tandy
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).

Due to technical difficulties, there is no audio/visual recording of the Land Development & Transportation Committee meeting related to this case.

Agency Testimony:

Julia Williams presented the case.

The following spoke in favor of the request:

Matt Gullo, 630 Walnut Street, Jeffersonville, IN 47130

Summary of testimony of those in favor:

Matt Gullo spoke on behalf of the applicant. He provided information regarding the shared parking between the sites and the church's hours of operation. He also discussed the architecture of the proposed structure.

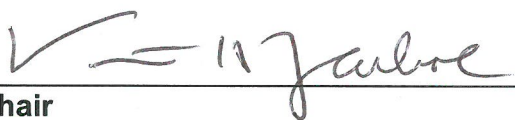
Committee Members' deliberation

By general consensus, the Louisville Metro Land Development and Transportation Committee does hereby **SCHEDULE** Case Number 16ZONE1000 to be heard at the September 1, 2016 meeting of the Planning Commission.


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ADJOURNMENT

The meeting adjourned at approximately 1:45 p.m.



Chair



Planning Director