

**LOUISVILLE METRO
LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MEETING MINUTES
NOVEMBER 30, 2017**

A meeting of the Louisville Metro Land Development & Transportation Committee was held on November 30, 2017, at 1:00 p.m. at the Old Jail Building, located at 514 W Liberty Street, Louisville, KY 40202.

Commissioners present:

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

Staff members present:

Emily Liu, Director, Planning and Design Services
Brian Davis, Planning and Design Manager
Laura Mattingly, Planner II
Jay Lockett, Planner I
Tammy Markert, Transportation Planning
Paul Whitty, Legal Counsel
Travis Fiechter, Legal Counsel
Kristen Padron, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

00:08:28 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, that the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on November 9, 2017.

The vote was as follows:

Yes: Peterson, Lindsey, Carlson, Brown and Lewis

Absent: None

Abstain: None

No: None

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NEW BUSINESS

CASE NUMBER 17ZONE1052

Request: R-5A to OR-1
Project Name: Payne Street Office
Location: 1701 Payne Street
Owner: Lowes Investment Properties
Applicant: Chip Summers
Representative: Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander
Case Manager: Laura Mattingly, AICP, Planner II

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

An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:09:26 Laura Mattingly presented the case and read a letter in support from the Clifton Community Council (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Nick Pregliasco, 1000 N Hurstbourne Pkwy., Louisville, KY 40203

Summary of testimony of those in favor:

00:13:13 Nick Pregliasco spoke on behalf of the applicant who is requesting a change in zoning from R-5A to OR-1 on .62 acres and a detailed district development plan. The building is proposed to remain as it stands. There will be improvements to the alley, and the parking lot will be restriped.

00:17:45 Commissioner Brown commented that a binding element 4.d. should be added regarding work in the Payne Street right-of-way and alley right of way.

00:18:17 By general consensus, the Committee scheduled case number 17ZONE1052 for the December 21, 2017 Planning Commission public hearing.

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NEW BUSINESS

CASE NUMBER 17STREETS1013

Project Name: Denham Partial Closure
Location: A portion of Denham Road located northeast of the intersection of Denham Road and Drayton Drive
Owner(s): City of Louisville
Applicant: Constance C. Spalding, David and Pamela Murrer
Representative(s): Joel B. Latto, OPS Engineering, LLC
Jurisdiction: City of Louisville
Council District: 8 – Brandon Coan
Case Manager: Laura Mattingly, AICP, Planner II

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

An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:19:35 Laura Mattingly presented the case which needs to be scheduled for a public hearing date because a signature of approval has not been received from the Metro Parks department (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Joel Latto, 4530 Bishop Ln, Louisville, KY 40218

Summary of testimony of those in favor:

00:24:09 Joel Latto spoke on behalf of the applicant who is requesting a street/alley closure of a portion of Denham Road. The extra right-of-way is typical of some of the older subdivisions. The owner of the property at 21 Denham Road would like to add an addition to the home but cannot due to the property size.

00:26:15 By general consensus, the Committee scheduled case number 17STREETS1013 for the January 4, 2018 Planning Commission public hearing.

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NEW BUSINESS

CASE NUMBER 17DEVPLAN1189

Project Name: Bee Hive Homes
Location: 8401 La Grange Road
Owner(s): Flip Flop Land, LLC
Applicant: Flip Flop Land, LLC
Representative: Civil Design, Inc
Jurisdiction: City of Lyndon
Council District: 7 – Angela Leet
Case Manager: Laura Mattingly, AICP, Planner II

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

An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:27:15 Laura Mattingly presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Missy Legel, 3404 Stony Spring Circle, Louisville, KY 40220

Summary of testimony of those in favor:

00:29:42 Missy Legel spoke on behalf of the applicant who is requesting approval of a revised detailed district development plan. She stated that the new additions will contain four new bedrooms, and the number of parking spaces will be increased to meet parking lot requirements and ADA requirements. Two trees will be removed, but two new trees will be planted.

00:31:12 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds that LOJIC has not identified any hydric soils, karst terrain or steep slopes at this site. The proposal will be preserving the two large trees and meeting tree canopy requirements, and

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WHEREAS, the Committee further finds that Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan. Five-foot sidewalks along both frontages were provided with the original construction and there is a TARC stop at the corner of La Grange and Etawah, and

WHEREAS, the Committee further finds that there is no open space requirement with this plan and existing landscaping aides in maintaining the scenic view from La Grange Road, and

WHEREAS, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community, and

WHEREAS, the Committee further finds that the overall site design and land uses are remaining relatively the same and are compatible with the existing and future development of the area. Existing landscaping is in character with the surrounding homes and the additions will not alter the overall character of the site, 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 side yard setback variance which appeared justified and was approved by the Board of Zoning Adjustment, and

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

RESOLVED, that the Louisville Metro Land Development & Transportation Committee does hereby **RECOMMEND** to the City of Lyndon that the Revised Detailed District Development Plan 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 Lyndon, for review and approval; any changes/additions/alterations not so referred shall not be valid.

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2. Use of the subject site shall be limited to assisted living residence. There shall be no other use of the property unless prior approval is obtained from the Planning Commission/ LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission/LD&T Committee may require a public hearing on the request to amend this binding element.
3. The density of the development shall not exceed 1.43 dwelling units per acre (one unit with 18 bedrooms on 0.51 acres).
4. There shall be no direct vehicular access to LaGrange Road. The existing access points are to be closed and access to the site be made from the new curb cuts as shown on the development plan.
5. Signs shall be in accordance with Chapter 8 or as presented at the public hearing (12 sq. ft. and no more than 6 ft. tall).
6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
7. 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.
8. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from *Develop Louisville 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

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9. 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.
10. 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.
11. 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.
12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 30, 2017 Land Development & Transportation meeting.
13. The applicant shall provide documentation showing that the development complies with all the regulations from *Chapter 4, Part 1, Section 3*, Lighting, prior to the issuance of a construction permit. These regulations include the following items: Mounting Height Limit, Luminaire Shielding, Canopy Lighting Level and Light Trespass
14. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
15. The site shall be developed in accordance with the tree preservation areas delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.

All plans setting out tree preservation areas must contain the following notes:

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1. Tree preservation areas (TPAs) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Tree in these areas may be removed during construction of homes or buildings on individual lots.
2. Dimension lines have been used on this plan to establish the general location of TPAs and represent minimum distances. The final boundary for each TPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
3. Tree protection fencing shall be erected around all TPAs prior to site disturbance (except as provided in these notes) 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 in a TPA, the fence shall be relocated to protect all remaining trees within that TPA. When a tree mass contains both WPAs and TPAs, fencing shall only be required at the outer most perimeter of that tree mass.
4. No parking, material storage, or construction activities are permitted within the TPAs beyond that allowed for preliminary site investigation work.
5. 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 12 feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at a height of four and one-half feet above ground level shall be removed without prior approval by DPDS.
16. No dumpsters allowed on the property.
17. Trash cans must be enclosed with a privacy fence or enclosed within the property.
18. No 24-hour lighting on the back or sides of the building and parking lot.
19. No regular deliveries.
20. Air conditioning units must have a landscape buffer.

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21. The residents of the assisted living residence shall have no more than three vehicles parked on the site.

The vote was as follows:

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

Absent: None

Abstain: None

No: None

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NEW BUSINESS

CASE NUMBER 17DEVPLAN1179

Project Name: J-Town Village Storage
Location: 9127 Galene Dr
Owner(s): Commercial Property Associates
Applicant: Commercial Property Associates
Jurisdiction: Jeffersontown
Council District: 11 – Kevin Kramer
Case Manager: Jay Lockett, Planner I

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

An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:23:15 Jay Lockett presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Michael Evans, 6625 Colonial Ave, Evansville, IN 47725

Summary of testimony of those in favor:

00:34:42 Michael Evans spoke on behalf of the applicant who is requesting a waiver from Land Development Code (Jeffersontown) section 5.7.1.B.3.a and table 10.2.2 to encroach into the required property perimeter landscape buffer area and a revised detailed district development plan. The demand for storage in this area has increased.

00:38:13 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

Revised Detailed District Development Plan

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

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

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

WHEREAS, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community, and

WHEREAS, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks, and

WHEREAS, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, with the exception of the requested waiver, and

Waiver

WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners since the existing 15 foot landscape buffer will remain, and

WHEREAS, the Committee further finds that Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of 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 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

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urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The adjacent property is Jeffersontown High School, and the area of this waiver is directly adjacent to the school athletic facilities. The existing 15 foot LBA has always provided adequate screening between the properties, and will remain, 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 since the existing 15 foot LBA will remain, 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 the existing buffer was installed according to the development code in force at the time, and this expansion would not significantly alter the intensity of the site, and

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

RESOLVED, that the Louisville Metro Land Development & Transportation Committee does hereby **RECOMMEND** to the City of Jeffersontown that **(1)** the Waiver from Land Development Code (Jeffersontown) section 5.7.1.B.3.a and table 10.2.2 to encroach into the required Property Perimeter Landscape Buffer Area and **(2)** the Revised Detailed District development Plan be **APPROVED, SUBJECT** to the following binding elements:

Binding Elements

1. The development will be in accordance with the approved district development plan. No further development will occur.
2. There will be no new curb cuts to Galene Drive.
3. The development shall not exceed 160,611 square feet for the C-2 zoning district and shall not exceed 58,300 square feet of floor area for the C-M zoning district.
4. Before a building permit is issued:
 - a. The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation.

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- b. The size and location of any proposed sign must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
- 5. 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.
- 6. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.
- 7. The above binding elements may be amended as provided for in the Zoning District Regulations.

The vote was as follows:

Yes: Peterson, Lindsey, Carlson, Brown, and Lewis
Absent: None
Abstain: None
No: None

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NEW BUSINESS

CASE NUMBER 17DEVPLAN1187

Project Name: 8508 Thixton Ln
Location: 8508 Thixton Ln
Owner(s): Matthew Smith
Applicant: Matthew Smith
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
Case Manager: Jay Lockett, Planner I

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

An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:39:19 Jay Lockett presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Matthew Smith, 12213 Ridge Crest Rd, Louisville, KY 40243

Summary of testimony of those in favor:

00:41:23 Matthew Smith spoke on behalf of the applicant who is requesting approval of a Floyds Fork Development Overlay Review for a single family home and a waiver from Land Development Code section 7.8.60.B.4 to allow direct single family access to a Collector level road. He stated that he would incur hardship if he had to share access to the property because of the location of his orchard and hop yard.

Floyds Fork Development Overlay Review

00:43:10 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

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RESOLVED, that the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE** the Floyds Fork Development Overlay Review for a single family home.

The vote was as follows:

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

Absent: None

Abstain: None

No: None

Waiver

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

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds that the waiver will not adversely affect adjacent property owners as site distance does not appear to be an issue and the new access will not have a significant impact on surrounding homes, and

WHEREAS, the Committee further finds that Guideline 7, Circulation, which calls for the proposal's transportation facilities to be compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. This guideline is not violated with the waivers as the private access is compatible with surrounding uses and has little impact on adjacent homes, 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 create an unnecessary hardship on the applicant, as the existing shared access easement is on the far side of the active agricultural area. To create a driveway in that area would require a much longer linear distance to avoid disrupting active agricultural operations, representing an unreasonable cost burden for the applicant, and

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

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CASE NUMBER 17DEVPLAN1187

RESOLVED, that the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE** the Waiver from Land Development Code section 7.8.60.B.4 to allow direct single family access to a Collector level road.

The vote was as follows:

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

Absent: None

Abstain: None

No: None

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NEW BUSINESS

CASE NUMBER 17STREETS1025

Project Name:	Rama Rd Closure
Location:	Rama Rd, west of Venkata Way
Owner(s):	Louisville Metro
Applicant:	Rama Arla
Jurisdiction:	Louisville Metro
Council District:	16 – Scott Reed
Case Manager:	Jay Lockett, Planner I

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

An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:44:41 Jay Lockett presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Kathy Linares, 5151 Jefferson Blvd, Suite 101, Louisville, KY 40219

Summary of testimony of those in favor:

00:46:06 Kathy Linares spoke on behalf of the applicant who is requesting to close Rama Road as a public right-of-way and record it as a private access and public utility easement. She has spoken several times with the Louisville Water Company who stated they are fine with the proposal, and she is only waiting on signatures from them. There is a note on the plan that states they will work with the fire department if a gate is to remain on the property. The applicant wishes to obtain private access to the road for security reasons.

00:49:21 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Land Development & Transportation Committee does hereby **CONTINUE** case number 17STREETS1025 to the December 7, 2017 Planning Commission Consent Agenda.

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CASE NUMBER 17STREETS1025

The vote was as follows:

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

Absent: None

Abstain: None

No: None

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NEW BUSINESS

CASE NUMBER 17WAIVER1038

Project Name: Norton Security Booth
Location: 230 E Broadway
Owner(s): Norton Properties Inc
Applicant: Norton Properties Inc
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Jay Lockett, Planner I

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

An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:50:37 Jay Lockett presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Ann Richard, 1503 Washburn Ave, Louisville, KY 40222
Mark Spivey, 224 E Broadway, Suite 200, Louisville, KY 40202

Summary of testimony of those in favor:

00:52:19 Ann Richard spoke on behalf of the applicant who is requesting a waiver of Land Development Code section 5.5.5.B.1 to allow an accessory structure to be located in front of the principle structure and be constructed of different materials than the principle structure within the Downtown Form District. The applicant would like to install a security booth on the corner of the property, outside of the public right-of-way, to protect the security guard from the weather and to make the guard's presence more visible to the public.

00:54:25 Director of Norton Properties Mark Spivey stated that electricity will be trenched and an electrical permit will be requested.

00:55:16 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

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CASE NUMBER 17WAIVER1038

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds that the waiver will not adversely affect adjacent property owners, as it is very small and will help add security to the area. Pedestrian and vehicular circulation will not be impacted, and

WHEREAS, the Committee further finds that Guideline 3, Policies 1 and 2 call for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The structure is less than 20 SF and will not cause the site to be out of character with the area, and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, as the location in front of the primary structure is determined by security needs, and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would cause an unnecessary hardship on the applicant, as the security situation of the site could not be served by a booth located behind the primary structure, and

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

RESOLVED, that the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE** the Waiver of Land Development Code section 5.5.5.B.1 to allow an accessory structure to be located in front of the principle structure and be constructed of different materials than the principle structure within the Downtown Form District.

The vote was as follows:

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

Absent: None

Abstain: None

No: None

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
NOVEMBER 30, 2017

ADJOURNMENT

The meeting adjourned at approximately 2:00 p.m.


Chairman


Division Director