

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

**March 27, 2014**

A meeting of the Land Development and Transportation Committee was held on, Thursday, March 27, 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  
Jeff Brown  
Vince Jarboe

**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  
Matthew Doyle, Planner I  
Christopher Brown, Planner II  
Chris Cestaro, Management Assistant (minutes)

The following matters were considered:



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**New Cases**

**CASE NO. 14SUBDIV1000 and  
CASE NO. 14DEVPLAN1022**

**NOTE: Although these cases were listed separately on the agenda, they were both heard and voted on together at today's meeting.**

**Case No:** 14SUBDIV1000 / 14DEVPLAN1022  
**Project Name:** Stony Farm Section 2  
**Location:** 8809-8832 Stara Way (Formerly 8500 Six Mile Lane)  
**Owner:** Stony Farms, LLC  
**Applicant:** Marian Development Group, LLC  
**Representative:** BTM Engineering, Inc.  
**Project Area/Size:** 3.77 acres  
**Existing Zoning District:** R5A, Residential Multi-Family District  
**Existing Form District:** N, Neighborhood  
**Jurisdiction:** City of Jeffersontown  
**Council District:** 11 – Kevin Kramer

**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. 5<sup>th</sup> Street.)

**Request:**  
Revised Detailed District Development Plan (RDDDP) and Revised Preliminary Subdivision Plan

**The following spoke on behalf of Case No. 14subdiv1000 AND Case No. 14DEVPLAN1022:**

Cliff Ashburner, Wyatt Tarrant & Combs, 500 West Jefferson Street Suite 2800, Louisville, KY 40202

Armistead and Linda Stewart, 3502 Gonewind Drive, Louisville, KY

John Addington, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

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Ken Crawford, 8832 Stony Falls Way, Louisville, KY

Bob Potts, 8709 Stony Falls Way, Louisville, KY

**DISCUSSION:**

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

In response to a question from Commissioner Brown, Mr. Doyle clarified that the applicant is proposing to create 16 residential lots and 1 open space lot (lots 87-103 on the proposed plan). Previously, the two lots fronting on Stara Way were approved for 34 patio home units, 10 of which will remain. The total number of dwelling units/lots for all of Stony Farm decreases from 227 to 219. He added that the lot size will meet the minimum requirements for R-5A zoning.

Cliff Ashburner, the applicant's representative, explained that the development went through an economic downturn and building halted. However, the applicant has purchased the development from the bank and is hoping to revive it. He said the applicant met with the residents of Villas of Stony Farms (the patio home section of the development) to discuss the change from condominiums to single-family homes in the area and an agreement was reached.

Linda and Armistead Stewart, residents of the development, introduced themselves and said that they are interested in the development.

Mr. Ashburner said the lots will be "folded in" to The Estates of Stony Farms and will follow the deed restrictions and size, style, and patterns of the other homes.

In response to a question from Commissioner Blake, Mr. Ashburner said the lots are comparable to some of the other lots but are not as deep.

John Addington, an applicant's representative, said the lots are, on average, about 55 x 60 feet wide

Mr. Stewart asked if binding elements would be changed. Mr. Ashburner explained the difference between deed restrictions and binding elements, and said the only binding element proposed to change was the one regarding density. He said that the homes proposed to be built on the subject lots will follow deed restrictions, which means they will be designed to the same standards as the

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homes that were built in the existing estate section. Mr. Stewart said the brick design seemed to be the most important element to many residents. Mr. Ashburner added that the applicant does not want to change anything, except for the villas becoming single-family homes.

There was discussion about how the single-family homes would differ from the patio homes.

In response to a question from Ms. Stewart, Mr. Ashburner pointed out a piece of the farm that will be developed eventually, but not at this time. He said the only plans are to develop the lots being discussed on the Section 2 property today.

Ken Crawford, a resident, gave a brief history of McBride's involvement with the development. He said there was some difficulty selling the development because no one wanted to buy it in its entirety. He said the patio home residents' association (about 60 people) voted unanimously to give up the other patio home properties to the home section. They have no objections to this plan.

Bob Potts, another resident, said there is a lot of open space around them, and he and other residents want the rest of the subdivision to be developed.

Commissioner Brown had one technical issue – he said a roundabout limited some driveway locations on two lots. He said Transportation Planning would like to approve prior to construction approval for building permits. He said this could be done with a note on the plan, or a note on the record plat.

**Revised Detailed District Development Plan (RDDDP) and Revised Preliminary Subdivision Plan**

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

**WHEREAS**, the Louisville Metro Land Development and Transportation Committee finds that all natural resources have been identified on the plan and the proposed development will comply with any applicable regulations in the Land Development Code with respect to the conservation of natural resources; 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 have been provided. Transportation Review has approved the preliminary development plan; and

**WHEREAS**, the Committee further finds that all open space and landscape buffer requirements are met on the site; and

**WHEREAS**, the Committee further finds that MSD 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; 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**, that the Land Development and Transportation Committee does hereby **APPROVE** the request for a Revised Detailed District Development Plan AND a Revised Preliminary Subdivision Plan, and subject to the following 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 and the City of Jeffersontown for review and approval.
2. ~~The density of the development shall not exceed overall 4.35 dwelling units per gross acre (227 units on 52.14 acres), which excludes the historic home property and sell-off to the adjoining church, which thus includes 5.74 dwelling units per gross acre gross acre (147 condominium~~

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~~units on 25.6 acres) on the R-5A section, and 3.05 dwelling units per gross acre (80 buildable lots on 26.2 acres) on the R-5 section.~~

2. The density of the development shall not exceed overall ~~4.35~~ **4.23** dwelling units per gross acre (~~227 219~~ units on ~~52.14~~ **51.72** acres), which excludes the historic home property and sell-off to the adjoining church, which thus includes ~~5.74~~ **5.38** dwelling units per gross acre gross acre (~~147 139~~ condominium units on ~~25.6~~ **25.86** acres) on the R-5A section, and 3.05 dwelling units per gross acre (80 buildable lots on 26.2 acres) on the R-5 section.
3. Except for for-sale/development, advertising signs permitted by the Land Development Code, no outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site, except a signature entrance.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Public Works, the Metropolitan Sewer District and the City of Jeffersontown.
6. If a clearing, grading, or site construction 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 and the City of Jeffersontown.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the

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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 of Jeffersontown.

8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
9. The 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.
10. The R-5A portion of the development and property shall be developed under a Horizontal Property Regime.
11. The structures shall appear substantially similar to the renderings submitted at the March 3, 2005 public hearing. All single family homes and condominium structures shall be faced on all four sides with brick and will also feature accent treatments and gable details of other possible build materials, such as vinyl.
12. The address number shall be displayed on all structures prior to requesting a certificate of occupancy for that structure. Street signs shall also be installed prior to the issuance of a certificate of occupancy.
13. The 40 foot setback area along Six Mile Lane shall include a meandering variable maximum 4-foot high beam with vinyl four board horse fence irrigated landscaping in conformance with the Land Development Code,



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which shall include a variety of shrubs plus deciduous and evergreen trees.

14. Out of the Tree Canopy planting requirements there shall be allocated at least one tree per in the front yard of every residential structure, except on corner lots which shall have at least one tree in the front yard and at least one tree in the street side yard.
15. Residential condominium structures shall be kept outside of the drip line of the existing trees on the west side of the proposed walking trail, running from Six Mile Lane to the historic home site.
16. A walking trail shall be constructed of asphalt or similar hard pack material all the way around the pond. Benches shall be installed along said walking trail.
17. As to the R-5 Standard Style Family Subdivision section of the plan, the easement open space shall be as stipulated; not within 75 feet of the property line or 125 feet from the residential homes to the east (plus or minus 5%).
18. The existing fence on the east side of the property (chain link with cedar post) shall be preserved, or if damaged, replaced, prior to the Issuance of any certificate of occupancy.
19. The applicants shall notice all abutting property owners prior to requesting any changes/ additions, or alterations to any binding element or the development plan from either the Planning Commission, any of its committees, or the City of Jeffersontown, Kentucky.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, and Jarboe.**

**NO: No one.**

**NOT PRESENT: Commissioner Turner.**

**ABSTAINING: No one.**

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**CASE NO. 13DEVPLAN1089**

<b>Project Name:</b>	Highland Latin School
<b>Location:</b>	10801 Shelbyville Road
<b>Owner:</b>	HLS, LLC
<b>Applicant:</b>	HLS, LLC
<b>Representative:</b>	Jacobi, Toombs & Lanz, Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	19 – Jerry Miller

**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. 5<sup>th</sup> Street.)

**Request:**

Revised Detailed District Development Plan with a sidewalk waiver, pedestrian connection waiver, and a landscape waiver.

**DISCUSSION:**

Christopher Brown said he received a request from the applicant earlier today to continue this case to the April 10, 2014 LD&T hearing.

In response to a question from Commissioner Brown, Mr. Brown said the request is to delete binding element #17 requiring a connection to be made, if there is ever a signal installed on Shelbyville Road, so that traffic would use the signalized intersection.

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

**RESOLVED**, the Louisville Metro Land Development and transportation Committee does hereby **CONTINUE** this case to the **April 10, 2014** Land Development and Transportation Committee meeting.

**The vote was as follows:**

**YES:** Commissioners Blake, Brown, and Jarboe.

**NO:** No one.

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**NOT PRESENT: Commissioner Turner.**

**ABSTAINING: No one.**

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**CASE NO. 13ZONE1026**

**Project Name:** Kentucky Gymnastics Academy  
**Location:** 13705 Aiken Road  
**Owner:** F & R Friedman, LLC  
**Applicant:** Kentucky Gymnastics Academy, Inc.  
**Representative:** Prism Engineering & Design Group, LLC  
**Jurisdiction:** Louisville Metro  
**Council District:** 19 – Jerry Miller

**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. 5<sup>th</sup> Street.)

**Request:**

Change in zoning from M-2 Industrial to C-M Commercial Manufacturing, landscape waivers, and a Detailed District Development Plan.

**The following spoke on behalf of Case No. 13ZONE1026:**

Jason Hall, Prism Engineering, 2300 Plantside Drive, Louisville, KY 40299

Shannon Wickell (sp), 405 Worthing Court, Louisville, KY 40245

Ingrid Bojenowski (sp), 29 Codwell Way, Louisville, KY 40220

Scott Harrington, Legislative Assistant to Councilman Jerry Miller, 601 West Jefferson Street, Louisville, KY 40202

**DISCUSSION:**

Christopher Brown presented the case (see staff report for detailed presentation and explanation of the requested landscape waivers.)

In response to a question from Commissioner Blake, Mr. Brown said the Conditional Use Permit, which was applied to a previous case, was to allow a commercial pet kennel on the site.

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Jason Hall, the applicant's representative, introduced the owner/operators of the business.

Shannon Wickell (sp), one of the owners/applicants, said she is in the process of going into a partnership with Ingrid Bojenowski, who has owned and operated the gym for 32 years. She explained that the gym population is outgrowing the current 8,000 square foot space, and also explained why the subject site is convenient for their clients.

Mr. Hall discussed drainage and said there is an existing detention basin on-site that would be utilized. He said they are coordinating with MSD on analyzing the basin for direct discharge. He said there are no sanitary sewers in the area; all of the individual lots use lagoon systems. He said they are coordinating with Mike Ballard of the Health Department to come up with an acceptable lagoon alternative.

Regarding traffic, Mr. Hall said there is one entrance with full circulation through the on-site parking lot. Commissioner Brown asked if the applicant had considered adding sidewalks, which could serve Lake Forest. Mr. Hall said that he had discussed this with Transportation Planning, and that this stretch of Aiken Road does not have sidewalks. He said the applicant could put in a sidewalk along the frontage. Commissioner Brown said that, although sidewalks are not required on this private road, sidewalk installation is supported in this form district, encouraging pedestrian accessibility. He said that, if this was a public road, it would be required.

Mr. Hall discussed the landscape waivers. He said the required landscaping will be provided, just on a smaller dimension of area. This is a less-intense use than M-2.

Scott Harrington, Legislative Assistant to Councilman Jerry Miller, said the Councilman supports the downzoning. He asked if the number of plantings would be met; Mr. Hall said yes. Mr. Harrington also asked if signage would be placed facing the Gene Snyder freeway. Ms. Wickell said the only signage would be on the building itself, and pointed out the location of the signage on the plan. She said it would be nothing different than what Pet Suites or Custom Pools has. Commissioner Blake added that signage would have to conform to Chapter 8 guidelines.

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In response to a question from Mr. Harrington, Mr. Hall said the lagoon system has been preliminarily approved.

**The Committee by general consensus scheduled Case No. 13ZONE1026 for the April 17, 2014 Planning Commission public hearing.**

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**CASE NO. 13ZONE1028**

<b>Project Name:</b>	Hotel Nulu
<b>Location:</b>	729 East Market Street
<b>Owner:</b>	Creation Gardens Inc.
<b>Applicant:</b>	Rob Webber
<b>Representative:</b>	Cliff Ashburner
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – David Tandy
<b>Case Manager:</b>	<b>Christopher Brown, Planner II</b>

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. 5<sup>th</sup> Street.)

**Request:**

A change in zoning from M-2 Industrial to C-2 Commercial, Variances and a Revised Detailed District Development Plan are being requested.

**The following spoke on behalf of Case No. 13ZONE1028:**

Cliff Ashburner, Wyatt Tarrant & Combs, 500 West Jefferson Street Suite 2800, Louisville, KY 40202

Rob Webber, Creation Gardens Inc., 725 East Market Street, Louisville, KY 40202

Darrin Lanneck (sp), Kersey & Kersey Architects, 839 East Gray Street, Louisville, KY 40204

Carrie Read, CARMAN, 639 East Jefferson Street Unit 102, Louisville, KY 40202

**DISCUSSION:**

Christopher Brown presented the case (see staff report for detailed presentation.) He said this property was at one time a funeral home that had been re-purposed. He explained the variance requests in more detail, and said the proposed building height will be 78 feet; he added that the applicant could build up to 60 feet under the Building Incentives in the Land Development Code.

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Mr. Brown gave a brief history of the proposals for this property.

He said the Nulu Business Association has sent a letter of support for this proposal (on file) and elevations have been submitted that meet the LDC. Mr. Brown showed the elevations.

In response to a question from Commissioner Brown, Mr. Brown confirmed that there is a 12-foot of ROW along the alley. He added that a similar variance was approved for the Creation Gardens project, although it was for a smaller building.

Cliff Ashburner, the applicant's representative, discussed the variance request in more detail. He pointed out the area where an access point has been maintained where the building has been set back.

In response to a question from Commissioner Jarboe, Mr. Ashburner said the drive alley is behind it is Billy Goat Strut. Mr. Ashburner pointed out a service welding yard across the street.

Rob Webber, the applicant, said the garage height is 2 ½ floors. Darrin Lanneck (sp), the architect, said the parking decks are staggered so that each deck is 5 feet higher than the other as they ramp up. He said the view from the alley will be three stacked decks; however, there will be no access to the garage from the alley. He said it will be easier to get cars in from the main street. He pointed out that the building screens the garage from the main street view.

Mr. Webber said CARMAN had been working on this site for almost a decade, for various projects and design services.

Carrie Read briefly pointed out how the site was designed to work with the streetscape. She pointed out some of the features of the plan.

Commissioner Brown asked under what conditions the 60-foot height would be allowed. Mr. Brown said that was allowed under different site incentives under Chapter 5 of the Land Development Code.

John Carroll, legal counsel for the Planning Commission, asked about proposed Buildings A-D – if all buildings would be separate on this lot. Mr. Ashburner said Building "A" is the hotel, Building "B" is the existing office building, "C" is the restaurant building and "D" is the parking garage. Mr. Brown and Ms. Read said



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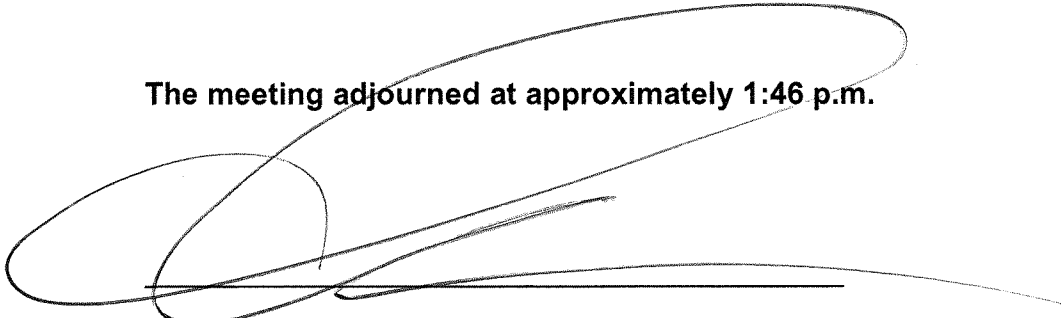
the lot is consolidated; the zoning request is to "clean up" the zoning border lines. There will be public parking available in the garage.

**The Committee by general consensus scheduled Case No. 13ZONE1028 for the April 17, 2014 Planning Commission public hearing.**

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**The meeting adjourned at approximately 1:46 p.m.**

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

***Chairman***

A smaller, more fluid handwritten signature in black ink, positioned above a solid horizontal line.

***Division Director***