

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

October 9, 2014

A meeting of the Land Development and Transportation Committee was held on Thursday, October 9, at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Committee Members present were:

Donnie Blake, Chairman
Vince Jarboe, Vice-Chair
Jeff Brown
Clifford Turner
Carrie Butler

Committee Members absent were:

No one.

Staff Members present were:

John Carroll, Legal Counsel
Joseph Reverman, Planning Supervisor
Jessica Wethington, Public Information Specialist
Christopher Brown, Planner II
David Wagner, Planner II
Tammy Markert, Transportation Planning
Chris Cestaro, Management Assistant (minutes)

The following matters were considered:

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Approval of Minutes

September 25, 2014 LD&T Committee Meeting Minutes

On a motion by Commissioner Turner, seconded 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, September 25, 2014.

The vote was as follows:

YES: Commissioners Jarboe, Brown, and Turner.

NO: No one.

NOT PRESENT: Commissioner Butler.

ABSTAINING: Commissioner Blake.

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New Cases

Case No. 14PARK1005

Request: Parking Waiver to reduce the number of required parking spaces from 51 to 44

Project Name: No Where Bar
Location: 1133 Bardstown Road
Owner: Lee J. Soper
Applicant: Dave Mattingly, Unity LLC
Representative: Berry-Prindle Architects
Jurisdiction: Louisville Metro
Council District: 8 – Tom Owen

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.)

Agency Testimony:

00:02:20: Christopher Brown presented the case (see recording and staff report for detailed presentation.)

00:05:00 In response to a question from John Carroll, legal counsel for the Planning Commission, Mr. Brown clarified “grandfathered [parking] spaces” which were referred to in the staff report.

00:06:19 In response to a question from Commissioner Butler, Mr. Brown explained that a parking waiver stays with the use on the site, not necessarily the site itself. He added that this request did not have to go through the Overlay process.

The following spoke in favor of Case No. 14PARK1005:

Barbara Gilbert, Berry-Prindle Architects, 810 Baxter Avenue, Louisville, KY 40204 (applicant’s representative)

Dave Mattingly, 1012 Cherokee Road, Louisville, KY 40204 (applicant)

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Summary of testimony of those in favor:

00:09:59 Barbara Gilbert, the applicant's representative, said she did not have anything to add to Mr. Brown's presentation but was available for any questions.

00:11:18 In response to a question from Commissioner Brown, Dave Mattingly discussed proposed new landscape islands. **Commissioner Brown requested a Condition of Approval stating that the proposed landscape islands be constructed prior to plan transmittal.**

The following spoke in opposition to Case No. 14PARK1005:

Greg Hofer, 1140 Bardstown Road, Louisville, KY 40204

Summary of testimony of those in opposition:

00:12:43 Greg Hofer owns a business across the street, said his coffee shop is open until midnight on Fridays and Saturdays. He said he has 45 private spaces across the street, and has had trouble parking in his own lot after hours because it is full of bar patrons. He stated that bar patrons break glass, litter, and generally trash his lot; when he called the bar owners, he was told that the bar has no control over what their patrons do. He has put up signs stating that non-patrons will be towed; they have had no effect.

00:16:24 Commissioner Brown discussed State statute which allows a private business owner to close off his lot.

The following spoke neither for nor against:

No one spoke.

DISCUSSION:

00:17:16 Commissioners' deliberation.

00:18:01 Commissioner Brown asked Mr. Mattingly about trash removal for his business.

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Parking Waiver

On a motion by Commissioner Jarboe, seconded 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. Guideline 7 Policy 10 states that parking requirements should take into account the density and relative proximity of residences to businesses in the market area, the availability and use of alternative modes of transportation, and the character and pattern of the form district. Additional considerations including hours of operation and opportunities for shared parking may be factored on a site by site basis. On-site parking standards should reflect the availability of on-street and public parking. Parking standards should include the minimum and maximum number of spaces required based on the land use and pattern of development in the area. The subject site is located in an urban neighborhood that has good availability of alternative modes of transportation including transit use, pedestrian accessibility and existing bicycling routes on nearby road corridors. The joint parking agreement and availability of parking on street throughout the surrounding area will accommodate the expansion of the business. For these reasons, the parking waiver is in compliance with the Comprehensive Plan; and

WHEREAS, the Committee further finds that the applicant has provided on street parking spaces along the property frontage and obtained as many spaces as possible through the use of joint parking agreements in the area and on their site. For these reasons, the applicant has made a good faith effort to provide as many parking spaces as possible on the site; and

WHEREAS, the Committee further finds that the applicant has reached a shared parking agreement with the adjacent property owner and combined with the on-site and on street parking the requested parking waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use; and

WHEREAS, the Committee further finds that there are sufficient parking spaces on site and on street within the area available to accommodate the parking space demand created by the proposed uses on the subject site. For these reasons,

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and the reasons stated above, adjacent or nearby properties will not be adversely affected; 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 and the requested reduction will accommodate the parking demand to be generated by the proposed use. Because there are sufficient parking spaces on the streets along the property frontages available and in the area along surrounding streets as well as a joint parking agreement, the requested reduction will accommodate the parking demand to be generated by the proposed use. The parking space demand created by the proposed uses on the subject site, the requirements found in table 9.1.2 of the Land Development Code, which mandate the number of parking spaces required to be provided off-street, do not accurately depict the parking needs of the proposed use due to the availability of alternative methods of transportation; and

WHEREAS, the Committee further finds that there are sufficient parking spaces within the area available at peak times for the expanded use to accommodate the parking space demand as well as the 30 spaces made available on the adjacent property through a shared parking agreement; 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 Parking Waiver to reduce the number of required parking spaces from 51 to 44, **ON CONDITION** that the applicant provides construction plans, bond and permit and completes the proposed landscape island work adjacent to the roadway prior to final interagency transmittal.

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The vote was as follows:

YES: Commissioners Blake, Jarboe, Brown, Turner, and Butler.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

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New Cases

CASE NO. 14ZONE1029

Request: Rezoning from R-7 to C-1 with a Variance, Land Development Code Waivers and a Detailed District Development Plan.

Project Name: Dollar General
Location: 1201 Dixie Highway
Owner: Hoagland Real Estate LLC
Applicant: Susan Cox Development, LLC
Representative: Cliff Ashburner, Wyatt Tarrant & Combs LLP
Jurisdiction: Louisville Metro
Council District: 6 – David James

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.)

Agency Testimony:

00:21:37 Christopher Brown presented the case (see recording and staff report for detailed presentation.)

The following spoke in favor of Case No. 14ZONE1029:

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

Summary of testimony of those in favor:

00:28:10 Cliff Ashburner, the applicant's representative, presented the applicant's request and showed a Power Point presentation. Tammy Markert, Louisville Metro Transportation Planning, discussed the width of the driveway. Mr. Ashburner clarified that most of the site has already been rezoned, and the applicant is asking for about a quarter of the site to be rezoned at this time. The proposed fencing will be wooden, similar to the fencing along the southern property line.

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CASE NO. 14ZONE1029

00:40:34 Commissioner Brown noted that some ROW dedication will be required for ADA-compliant sidewalks. Commissioner Brown discussed the need for sidewalks along Dixie Highway; he and Mr. Ashburner discussed reconfiguring the building plan.

00:44:15 Ms. Markert said there should be a 6-foot sidewalk and a 5-foot verge per the LDC. Commissioner Brown said the building will need to be re-positioned.

The following spoke in opposition to Case No. 14ZONE1029:

No one spoke.

The following spoke neither for nor against:

No one spoke.

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

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the October 23, 2014 Land Development and Transportation Committee meeting.

The vote was as follows:

YES: Commissioners Blake, Jarboe, Brown, Turner, and Butler.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.

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New Cases

CASE NO. 14ZONE1013

Request: Rezoning from R-5 to R-5A, Conditional Use Permit for a daycare, Detailed District Development Plan, Binding Elements, and Waivers.

Project Name: Twana Shanklin Daycare
Location: 4014 St. Francis Lane
Owner: Twana Shanklin
Applicant: Twana Shanklin
Representative: Twana Shanklin
Jurisdiction: Louisville Metro
Council District: 2 – Barbara Shanklin

Case Manager: **David B. Wagner, 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.)

Agency Testimony:

00:49:36 David Wagner presented the case and showed a Power Point presentation (see recording and staff report for detailed presentation.)

00:54:46 In response to concerns expressed by Commissioner Blake, Mr. Wagner explained about rezoning a piece of property in the middle of a residential block for a non-residential use .

00:55:32 In response to a question from Commissioner Jarboe, Mr. Wagner discussed plantings and screening for adjacent property owners.

00:55:58 In response to a question from Commissioner Turner, Mr. Wagner said there will be no maneuvering in the pick-up/drop-off area; it is a pull-in/back-out in the existing driveway of the dwelling.

The following spoke in favor of Case No. 14ZONE1013:

Twana Shanklin, 4014 St. Francis Lane, Louisville, KY 40218

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CASE NO. 14ZONE1013

Summary of testimony of those in favor:

00:58:05 Twana Shanklin, the applicant, said she has discussed the parking situation with the neighbors and said there were no concerns from them. She discussed the number of children/employees she is planning and said she believed that the children would be arriving/leaving at staggered hours, not all at once. Ms. Shanklin said she is planning to install a privacy fence in response to an adjacent property owners' concerns.

The following spoke in opposition to Case No. 14ZONE1013:

No one spoke.

The following spoke neither for nor against:

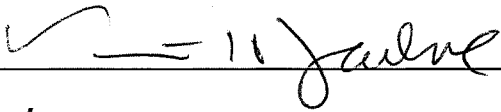
No one spoke.

The Committee by general consensus scheduled this case to be heard at the November 6, 2014 Planning Commission public hearing.

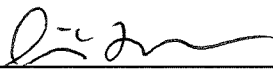
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The meeting adjourned at approximately 2:05 p.m.



Chairman



Division Director