

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
February 26, 2015**

A meeting of the Land Development and Transportation Committee was held on, February 26, 2015 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Vince Jarboe, Chair
Jeff Brown
Clifford Turner
Donnie Blake

Committee Members absent were:

Carrie Butler

Staff Members present were:

Julia Williams, Planner II
Matthew R. Doyle, Planner I
Tammy Markert, Transportation Planning
Jonathan Baker, Legal Counsel
Pamela M. Brashear, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

FEBRUARY 26, 2015 LD&T COMMITTEE MEETING MINUTES

On a motion by Commissioner Turner, seconded by Commissioner Blake, the following resolution was adopted.

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on February 26, 2015.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe and Turner

NO: No one

NOT PRESENT FOR THIS CASE: Commissioner Butler

ABSTAINING: No one

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 15STREETS1000

Request: Street name change from Tatton Drive to Piton Way
Project Name: Tatton Drive Name Change
Location: North side of Tatton Drive at the intersection with Ellerslie Drive
Owner: Louisville Metro
Applicant: Ball Homes Inc.
Representative: Mindel, Scott and Associates; Bardenwerper, Talbott and Roberts PLLC
Jurisdiction: Louisville Metro
Council District: 19 – Julie Denton
Case Manager: Julia Williams, AICP, Planner II

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

Agency Testimony:

00:02:09 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kathy Linares, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky.

Summary of testimony of those in favor:

00:04:57 Ms. Linares stated that Metro Safe suggested the name change. It won't affect any existing homes.

Deliberation

00:05:30 Planning Commission deliberation.

An audio/visual recording of the Land Development & 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.

On a motion by Commissioner Blake, seconded by Commissioner Turner, the following resolution was adopted.

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NEW BUSINESS

CASE NO. 15STREETS1000

RESOLVED, that the Louisville Metro Planning Commission does hereby place Case No. 15STREETS1000 on the Consent Agenda for the March 5, 2015 Planning Commission public hearing based on the staff report and the testimony heard today.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe and Turner

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner Butler

ABSTAINING: No one

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NEW BUSINESS

CASE NO. 15SUBDIV1000

Project Name: Locust Creek Section 10B
Location: Sturbridge Circle
Owners: Creek Capitol, Inc.
Applicant: Creek Partners, LLC
Representative(s): Sabak, Wilson & Lingo, Inc.
Project Area/Size: 7.59 ac.
Existing Zoning District: R-4, Single Family Residential
Existing Form District: N, Neighborhood
Jurisdiction: Louisville Metro
Council District: 19 – Julie Denton
Case Manager: Matthew R. Doyle, Planner I

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

Agency Testimony:

00:06:38 Mr. Doyle discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kelli Jones, Sabak, Wilson and Lingo, Inc., 608 South 3rd Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:09:24 Ms. Jones said they want to preserve the intermittent stream. "The reason we're asking for a setback variance is to reduce the impacts to the stream."

Ms. Jones stated, "On the plan, I referenced the incorrect Land Development Code section for the sidewalk waiver. It's actually LDC 5.8.1.B."

Deliberation

00:15:18 Planning Commission deliberation.

An audio/visual recording of the Land Development & 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.

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NEW BUSINESS

CASE NO. 15SUBDIV1000

On a motion by Commissioner Blake, seconded by Commissioner Turner, the following resolution was adopted.

WHEREAS, The waiver will not adversely affect adjacent property owners since all proposed buildable lots will have sidewalks to the extent required by the Land Development Code and adequate pedestrian connectivity will be provided where appropriate; and

WHEREAS, Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver will not violate specific guidelines of Cornerstone 2020 as all proposed buildable lots will have sidewalks to the extent required by the Land Development Code and adequate pedestrian connectivity will be provided where appropriate; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since all proposed buildable lots will have sidewalks to the extent required by the Land Development Code and adequate pedestrian connectivity will be provided where appropriate; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land since all proposed buildable lots will have sidewalks to the extent required by the Land Development Code and adequate pedestrian connectivity will be provided where appropriate.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the sidewalk waiver, for Case No. 15SUBDIV1000, based on the staff report and the testimony heard today.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe and Turner

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner Butler

ABSTAINING: No one

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NEW BUSINESS

CASE NO. 15SUBDIV1000

On a motion by Commissioner Blake, seconded by Commissioner Turner, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Major Preliminary Subdivision Plan to create 13 buildable lots, the Conditions of Approval found on pages 6 and 7 of the staff report; also, the sidewalk will terminate in an ADA accessible handicap ramp, for Case No. 15SUBDIV1000 and **SUBJECT** to the following Conditions of Approval:

Existing Conditions of Approval

1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur.
2. 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 in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 - c. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
3. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
4. The applicant shall submit a plan for approval by the Planning Commission staffs landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by the Planning Commission staffs landscape architect if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan showing existing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).

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- c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or MSD topography.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
5. 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 dripline 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."
6. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities.
7. A geotechnical study shall be required for the draining and filling of any existing ponds on the site.
8. The subdivision shall contain a total of no more than 577 buildable lots (470 for the Standard R-4 Subdivision, 67 for the Innovative Subdivision on lot 474 characterized by "The Villas", and 40 for the Innovative Subdivision on lot 475 characterized by "Patio Homes").
9. The developer shall agree to add turn lanes on the north side of Shelbyville Road at the two entrances into the development as requested by the Kentucky Transportation Cabinet Department of Highways.
10. Prior to recording the record plat, a landscape plan must be submitted and approved by the Division of Planning and Development Services Landscape Architect for screening and buffering along Shelbyville Road in - compliance with the parkway policy.

Proposed Additional Conditions of Approval

11. 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 Transportation Planning Review and the Metropolitan Sewer District.

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- b. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - c. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved preliminary subdivision plan.
 - d. A street name change for the northern portion of Sturbridge Circle shall be approved.
12. 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 PDS inspector or enforcement officer upon request.
13. Prior to any site disturbance permit being issued and prior to any clearing, grading, or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
14. 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.
15. 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.
16. 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.
17. 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.
18. Trees will be preserved and/or provided on site as required by Chapter 10, Part 1 of the Land Development Code. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.

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CASE NO. 15SUBDIV1000

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe and Turner

NO: No one

NOT PRESENT AND NOT VOTING: Commissioner Butler

ABSTAINING: No one

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 14ZONE1037

Case No: 14zone1037
Request: Change in Zoning from OR-2/C-2 to C-1
Project Name: Taylor Boulevard Commercial
Location: 4152-4178 Taylor Boulevard
Owner: Erma M Shrader Estate, HS Robinson, James
Ray Logsdon, Louisville Rentals LLC
Applicant: 9420 LLC
Representative: Miller Wihry
Jurisdiction: Louisville Metro
Council District: 15-Marianne Butler
Case Manager: Julia Williams, AICP, Planner II

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

Agency Testimony:

00:18:11 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

John Miller, 1387 South 4th Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:22:37 Mr. Miller said this is a redevelopment project. The applicant wants to create 3 lots so they can sell them. The center lot will be pushed to the back with one access on Taylor Blvd.

An audio/visual recording of the Land Development & 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.

The Committee by general consensus placed this case on the April 2, 2015 Planning Commission public hearing at the Old Jail Building.

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ADJOURNMENT

The meeting adjourned at approximately 1:28 p.m.



Chair



Planning Director