

**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE  
July 9, 2020**

A meeting of the Land Development and Transportation Committee was held on, July 9, 2020 at 1:00 p.m. via Cisco Webex Video Teleconferencing. On the recommendation of the Louisville Metro Department of Health and Wellness regarding congregate events and social distancing, the Land Development & Transportation Committee meeting set for today was held online.

**Committee Members present were:**

Marilyn Lewis, Chair  
Rob Peterson, Vice Chair  
Richard Carlson  
Jeffrey Brown  
Ruth Daniels

**Committee Members absent were:**

None

**Staff Members present were:**

Emily Liu, Planning and Design Director  
Joe Reverman, Planning and Design Assistant Director  
Brian Davis, Planning & Design Manager  
Julia Williams, Planning Supervisor  
Joel Dock, Planner II  
Dante St. Germain, Planner II  
Jay Lockett, Planner I  
Lacey Gabbard, Planner I  
Laura Ferguson, Legal Counsel  
Beth Stuber, Engineering Supervisor  
Rachel Dooley, Planning and Design Management Assistant

**Others present:**

None

The following matters were considered:

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**APPROVAL OF MINUTES**

**JUNE 25, 2020 LD&T COMMITTEE MEETING MINUTES**

00:05:13 On a motion by Commissioner Peterson, seconded by Commissioner Brown, the following resolution was adopted:

**RESOLVED**, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on June 25, 2020.

**The vote was as follows:**

**YES: Commissioners Brown, Peterson, Carlson, and Lewis**

**NO: No one**

**PRESENT NOT VOTING: Commissioner Daniels**

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**OLD BUSINESS**

**CASE NO. 20-AMEND-0001**

Request:	Binding Element Amendment (THIS CASE TO BE RESCHEDULED FOR DRC ON 7-15-20)
Project Name:	Short Term Rental
Location:	4739 S 3 <sup>rd</sup> Street
Owner:	Roderick Townsend
Applicant:	Roderick Townsend
Representative:	Roderick Townsend
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Lacey Gabbard, AICP, 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.)

**Discussion**

00:07:08 Lacey Gabbard asked Committee Members to forward this case to the July 19, 2020 Development Review Committee meeting.

**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 July 15, 2020 Development Review Committee public hearing via Cisco Webex online.**

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**NEW BUSINESS**

**CASE NO. 20-MPLAT-0064**

Request: Minor Plat with Substandard Lots in a Traditional Form District  
Project Name: Vine Street Minor Plat  
Location: 995 Vine Street  
Owner: Creek Alley Properties, LLC  
Applicant: Creek Valley Properties, LLC  
Representative: Max Onan  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
**Case Manager: Julia Williams, AICP, Planning & Design 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.)

**Agency Testimony:**

00:08:15 Julia Williams presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Ms. Williams stated the applicant wishes to create 2 substandard lots in a Traditional Form District.

00:11:24 Commissioner Brown asked for the status of the right of way waiver as it would affect the lot size. Julia Williams replied this site is being created as a substandard lot and Beth Stuber would be able to answer the waiver question. Beth Stuber stated the waiver has not been approved yet.

00:12:34 Commissioner Lewis asked for the size of the right of way. Julia Williams detailed the existing right of way on Brent Street. Ms. Williams noted if the lot were to dedicate its own right of way it would extend into property of the lot itself, creating a smaller lot.

00:14:05 Commissioner Carlson asked for the pavement width of Brent Street and if there were would be parking on site for the resident. Julia Williams stated the applicant can detail residential parking and Brent Street is 22 feet wide.

**The following spoke in favor of this request:**

Fred Levein, 2310 Dorothy Avenue, Suite B, Louisville, Kentucky, 40205

**Summary of testimony of those in favor:**

00:15:15 Fred Levein, representing the applicant, presented the proposed site via LOJIC. Mr. Levein noted the outbuilding concrete structures and the elevations of the

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proposed lot. Fred referenced to the proposed elevations of the site and stated residential parking is not allowed on Brent Street, so the applicant has proposed to have parking on site within the proposed home (see recording for detailed presentation.)

00:17:56 Commissioner Lewis asked where the entrance of the home will be. Fred Levein replied there will be an entrance through the garage of the home and another on the side of the home at ground level. There will be no entrances to the home facing the street.

00:18:45 Commissioner Carlson asked if there will be any retaining wall issues due to leveling the drive to Brent Street. Fred Levein replied the neighborhood does not have set standard for retaining walls on Brent street.

00:19:51 Commissioner Daniels asked if the entrance within the garage will go into the home. Fred Levein replied there will be a stairway entrance into the home from inside the garage.

00:20:13 Commissioner Peterson asked if the distance set back will allow for cars to park on the driveway full time. Fred Levein replied the resident will have to park in the drive since there is no parking allowed on Brent Street.

**The following spoke in opposition to this request:  
No one.**

**Deliberation**

00:21:24 Committee deliberation (see recording for detailed presentation.) Joe Reveman asked why the variance for this site would be heard at the Board of Zoning Adjustment meeting. Julia Williams replied the variance will be heard at BOZA to approve the residential site design standards, the proposed side yard setback compliance, and infill setbacks.

**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. 20-MPLAT-0064**

00:25:48 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution, based on the Standard of Review and Staff analysis and evidence and testimony heard today, was adopted:

**RESOLVED**, that the Land Development & Transportation Committee does hereby **APPROVE** the substandard Minor Subdivision in a Traditional Neighborhood form district in accordance with LDC 7.1.85.

**The vote was as follows:**

**YES: Commissioners Carlson, Brown, Peterson, and Lewis.**

**NO: No one.**

**PRESENT NOT VOTING: Commissioner Daniels.**

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**CASE NO. 20-DDP-0026**

Request: Revised Detailed District Development Plan with Waiver Requests  
Project Name: The Station at Middletown Apartments  
Location: 12965 Shelbyville Rd  
Owner: J. Layson Hagan, Middletown Partners, LLC  
Applicant: J. Layson Hagan, Middletown Partners, LLC  
Representative: Jon Henney, Gresham Smith  
Jurisdiction: Middletown  
Council District: 19 – Anthony Piagentini  
**Case Manager: Lacey Gabbard, AICP, 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:**

00:27:39 Lacey Gabbard presented the case via Power Point PDF slide show (see recording for detailed presentation.) Ms. Gabbard detailed noted the changes made to the previous approved plan, the addition of a retaining wall, 19-DDP-0024.

**The following spoke in favor of this request:**

Jon Henney, 110 West Main Street, Suite 201, Louisville, Kentucky 40202

**Summary of testimony of those in favor:**

00:33:02 Jon Henney, representing the applicant, presented a Power Point PDF slide show (see recording for detailed presentation.) Mr. Henney detailed the development plan revisions to relocate the maintenance building, slight rotation of building 1, slight changes to building square footage, and the addition of retaining walls. Jon Henney detailed the landscape waivers for the retaining walls (see recording for detailed presentation.)

00:41:40 Commissioner Brown asked for the minimum height and maximum height of the retaining walls. Jon Henney replied the minimum height would be zero feet and the maximum height would be approximately 10 feet. Commissioner Brown asked if the applicant have renderings of the proposed retaining walls. Jon Henney replied they do not have renderings of the retaining walls at this time, but the materials would have a standard stone finish. Commissioner Brown asked for more detail regarding the proposed fence from 20-WAIVER-0048. Jon Henney described the fence as “horse fence” in place of the 6-foot screen between the parking lots.

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**Deliberation**

00:43:43      Commissioners Deliberation (see recording for detailed presentation.)

**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.**

**#1      Waiver from Land Development Code section 10.2.9 to not provide a required 6' screen within the 5' landscape buffer area between the proposed apartment parking and the existing Target parking (20-WAIVER-0048)**

**# 2      Waiver from Land Development Code section 10.2.4.B.1 to allow a variable height retaining wall in portions of the property perimeter buffer (20-WAIVER-0044)**

00:46:14      On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted

**(#1 Waiver) WHEREAS**, the Land Development & Transportation Committee finds the waiver will not adversely affect adjacent property owners since both the subject site and the Target site to the east are C-2 zoned properties, and the 5-foot landscape buffer area is located between two parking lots interior to Middletown Station. Since the proposed development on the subject site is residential and the neighboring C-2 zoned property to the east is commercially used, the less intense residential use will not adversely affect the adjacent property; and

**WHEREAS**, the Land Development & Transportation Committee further finds Land Use & Development Goal 1, Policy 5 says to allow a mixture of densities as long as their designs are compatible. When incompatible developments unavoidably occur adjacent to one another impacts are to be mitigated. Appropriate transitions are to be provided between uses that are substantially different in scale and intensity or density of development. Examples include vegetative buffers of variable designs, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.

The applicant proposes parking along the east perimeter of the subject site, which will provide additional separation between the proposed residential structures and the



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commercial parcel to the east. The subject site is internal to the Middletown Station development, and is a less intense use than proposed in the originally approved plan, 9-82-78; and

**WHEREAS**, the Land Development & Transportation Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since both the subject site and the adjacent C-2 zoned site to the east are interior to Middletown Station. Additionally, the required 5-foot buffer and tree requirements will still be provided; and

**WHEREAS**, the 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 or would create an unnecessary hardship on the applicant since the buffer area is internal to Middletown Station, and the 6 foot screen would only screen parked cars from other parked cars; and

**(#2 Waiver) WHEREAS**, the Land Development & Transportation Committee further finds the waiver will not adversely affect adjacent property owners since the retaining wall, which varies in height from 0 feet to 10 feet, will be separated from the sidewalk by at least five feet of green space and landscaping; and

**WHEREAS**, the Land Development & Transportation Committee further finds Land Use & Development Goal 1, Policy 4 says the proposal ensures new development and redevelopment are compatible with the scale and design of nearby existing development and with the desired pattern of development within the Form District.

The subject site is interior to Middletown Station, in the Suburban Marketplace Corridor form district. The proposed retaining walls are located along a private roadway (also interior to Middletown Station) to the south of the subject site, and partially along Aiken Road along the southwest corner of the subject site. Aside from the portion that borders Aiken Road, the retaining walls are located interior to the subject site. Though there do not appear to be other retaining walls within the general vicinity, it is not uncommon for commercial centers such as Middletown Station to feature retaining walls; and

**WHEREAS**, the Land Development & Transportation Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since they are not proposing to eliminate the landscape buffer, but to allow the retaining wall to encroach into portions of the buffer. The retaining wall will also provide screening, and landscaping requirements will still be met; and

**WHEREAS**, the Land Development & Transportation Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the

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reasonable use of the land or would create an unnecessary hardship on the applicant because the retaining wall is necessary due to the presence of a gas easement, which limits grading capabilities on the subject site ; now, therefore be it,

**RESOLVED**, that the Land Development & Transportation Committee does hereby **RECOMMEND** that the City of Middletown **APPROVE** the waiver from Land Development Code section 10.2.9 to not provide a required 6' screen within the 5' landscape buffer area between the proposed apartment parking and the existing Target parking (20-WAIVER-0048) **AND** the waiver from Land Development Code section 10.2.4.B.1 to allow a variable height retaining wall in portions of the property perimeter buffer (20-WAIVER-0044).

**The vote was as follows:**

**YES: Commissioners Brown, Daniels, Carlson, Peterson and Lewis**

**NO: No one.**

**Revised Detailed District Development Plan**

00:47:53 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted

**(#1 Waiver) WHEREAS**, the Land Development & Transportation Committee finds 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

**WHEREAS**, the Land Development & Transportation Committee further finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Public Works and MSD have provided preliminary approvals; and

**WHEREAS**, the Land Development & Transportation Committee further finds there are no Outdoor Amenity Area requirements with this proposal; and

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**WHEREAS**, the Land Development & Transportation Committee further finds 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 Land Development & Transportation Committee further finds 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 Land Development & Transportation Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it,

**RESOLVED**, that the Land Development & Transportation Committee does hereby **RECOMMEND** that the City of Middletown **APPROVE** the Revised Detailed District Development Plan **SUBJECT** to the following binding elements:

**General Plan Binding Elements**

1. The following uses permitted in a C-2 district will not be allowed in any phase of Middletown Station Center:
  - (a) Bowling Alleys
  - (b) Ice Storage Houses
  - (c) Funeral Homes
  - (d) Veterinary Hospitals
  - (e) Automobile Garages and used Car Sales Area, except as part of a new automobile sales agency. (f) Dance Halls
  - (g) Kennels
  - (h) Monument Sales
  - (i) Plumbing and Heating Shops
  - (j) Refrigerated Lockers
  - (k) Sign Painting
  - (l) Skating Rinks
  - (m) Storage Garages
  - (n) Trade Schools
  - (o) Upholstery and Furniture Repair Shops

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2. The development shall not exceed 730,245 of gross floor area. (Tract A to have 537,981 sf retail and 1,738 non-retail; Tract B to have 36,040 sf retail; Tract B to have 5,875 sf of restaurant and 16,525 sf of retail in a single 22,400 sf building, and Tract D to have 17,500 sf office. The remaining square footage is taken up by outlots.) Prior to the submittal of any detailed plan for tracts A, B and D, an updated traffic study shall be submitted at the direction of Planning and Design staff.
3. The only permitted development identification signs shall be located as shown on the approved general district development plan. The primary entrance sign shall not exceed 255 square feet in area per side and 40 feet in height. The secondary entrance signs (2) shall not exceed 71 square feet in area per side and 10 feet in height. No sign shall have more than two sides.
4. The size and location of any proposed freestanding sign must be approved by the Planning Commission and the City of Middletown. The Planning Commission or the City of Middletown may require that the signs be smaller than would otherwise be permitted by the Zoning District regulations.
5. There shall be no direct vehicular access from outlots to Shelbyville Road.
6. There shall be no further creation of outlots along Shelbyville Road. Outlots are subject to all original binding elements.
7. 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.
8. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
9. 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 Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.

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- b. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
  - 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.
  - 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.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
12. 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.
13. The materials and design of the proposed Wal-Mart shall be substantially the same as depicted in the rendering as presented at the November 29, 2006 Development Review Committee meeting. The materials and design of the proposed Target shall be substantially the same as depicted in the rendering as presented at the June 18, 2008 Development Review Committee meeting.
14. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

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15. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
16. The developer shall contribute up to 50% of the cost of signal installation at Aiken Rd and N. English Station Rd., not to exceed \$35,000. This shall be paid within 30 days of the request by the Director of Metro Public Works. The request shall be made to the developer when Metro Public Works obtains the balance of the cost of installation, no sooner than construction plan approval of the Target building.

**Site Plan Binding Elements**

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

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 designee and the City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:

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- a. The development plan must receive full construction approval from Develop Louisville, 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 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.
  - 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 prior to obtaining a building permit.
  - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. 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 or designee and the City of Middletown.
6. 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.

**The vote was as follows:**

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**YES: Commissioners Brown, Carlson, Peterson and Lewis**

**NO: No one.**

**NOT PRESENT AND NOT VOTING: Commissioners Daniels**



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**NEW BUSINESS**

**CASE NO. 20-CAT3-0007**

Request: Category 3 Development Plan with approval of Outdoor Amenity Area design  
Project Name: Pond Station Rd Industrial  
Location: 3101 Pond Station Rd  
Owner: IDI Logistics  
Applicant: IDI Logistics  
Representative: The Kleingers Group  
Jurisdiction: Louisville Metro  
Council District: 14 – Cindi Fowler  
**Case Manager: Jay Lockett, AICP, 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.)

**Agency Testimony:**

00:49:57 Jay Lockett presented the case via Power Point PDF slide show (see staff report and recording for detailed presentation.) Mr. Lockett detailed the proposed development plan and the proposed amenity plan.

00:51:32 Commissioner Brown asked due the size of this development plan did the applicant provide a traffic impact study for trip generation. Jay Lockett replied the preliminary plan was approved by transportation planning. Beth Stuber replied she can confirm this with Mark in transportation.

00:53:18 Commissioner Carlson and Jay Lockett discussed the zoning of nearby properties and the adjacent rail road tracks.

**The following spoke in favor of this request:**

Patrick Warnement 1100 Envoy Circle, Louisville, Kentucky, 40299

**Summary of testimony of those in favor:**

00:54:28 Patrick Warnement, representing the applicant, stated they were not asked to get a traffic study and he is present for questions.

00:55:59 Beth Stuber stated there was not a traffic study conducted so she cannot provide traffic generation numbers at this time. Commissioner Brown noted in the

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threshold table any buildings over 75,000 square feet would trigger with part 10 of the traffic impact requirement. Beth Stuber replied this was reviewed as a Category 3 plan.

00:56:59 Commissioners, Joe Reverman discussed considering continuing this case to a later meeting to consider previous impact studies for this area. Beth Stuber stated the applicant's traffic engineer sent in peak rate trip of 88 p.m. peak hour trips for this warehouse. Patrick Warnement stated if the trip generation is under 100 they are not normally required to provide a traffic study. Commissioner Brown detailed the Land Development Code requirements for traffic studies (see recording for detailed presentation.)

**Deliberation**

01:02:46 Commissioner Deliberation (see recording for detailed presentation.)

**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.**

01:03:38 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the Staff Analysis and testimony heard today was adopted.

**RESOLVED**, that the Land Development & Transportation Committee does hereby **CONTINUE** this case to the July 23, 2020 Land Development and Transportation Committee meeting.

**The vote was as follows:**

**YES: Commissioners Daniels, Peterson, Brown, Carlson, and Lewis.**

**NO: No one.**

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**NEW BUSINESS**

**CASE NO. 20-DDP-0011**

Request: Revised Detailed District Development Plan, Revised Preliminary Subdivision Plan & Waiver  
Project Name: The Woods of Farnsley Moorman  
Location: 6700 Woods Mill Drive  
Owner: Matthew Corcoran, Corcoran Home Building & Remodeling  
Applicant: Matthew Corcoran, Corcoran Home Building & Remodeling  
Representative: Ann Richard, RLA, Land Design and Development Inc.  
Jurisdiction: Louisville Metro  
Council District: 14 – Cindi Fowler  
**Case Manager: Lacey Gabbard, AICP, 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.)

**Agency Testimony:**

01:05:29 Lacey Gabbard presented the case via Power Point slide show (see staff report and recording for detailed presentation.)

01:09:03 Commissioner Carlson asked how much back yard space will be left for residents to use after taking the waiver into consideration. Lacey Gabbard replied the applicant's representative can answer this question.

**The following spoke in favor of this request:**

Kevin Young, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

**Summary of testimony of those in favor:**

01:10:07 Kevin Young, representing the applicant, presented a Power Point PDF slide show (see recording for detailed presentation.) Mr. Young detailed the drainage easement overlap exhibit, the requested waiver is a way to ensure homeowners can maintain open space.

01:14:09 Commissioner Carlson asked if the amount of space in the back yard for residents the same with the waiver. Kevin Young stated the size of the yards have not been changed due to the waiver. They have extended the property line past the

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drainage easement to allow the homeowners to maintain the area. Kevin Young detailed the drainage easement line.

**Deliberation**

01:17:35      Commissioner Deliberation (see recording for detailed presentation.)

**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.**

**Waiver of Land Development Code 7.3.30.E to permit more than 15% of a rear yard to occupy a drainage easement (20-WAIVER-0028)**

01:18:35      On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

**WHEREAS**, the Land Development & Transportation Committee finds the waiver will not adversely affect adjacent property owners as the rear yards overlap with easements that will only affect the property owners of the new lots; and

**WHEREAS**, the Land Development & Transportation Committee further finds the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 does not address drainage easements, and addresses yard requirements only as buffers between incompatible uses. The adjacent uses are not incompatible with the proposed use; and

**WHEREAS**, the Land Development & Transportation Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the overlap is made necessary by a easements to the rear of the new lots, which is the appropriate place for easements; and

**WHEREAS**, the 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 or would create an unnecessary hardship on the applicant

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by requiring the applicant to move the easement or extend the rear yards, either of which would reduce the usability of the property; now, therefore be it

**RESOLVED**, that the Land Development & Transportation Committee does hereby **APPROVE** the waiver of Land Development Code 7.3.30.E to permit more than 15% of a rear yard to occupy a drainage easement (20-WAIVER-0028).

**The vote was as follows:**

**YES: Commissioners Daniels, Peterson, Brown, Carlson, and Lewis.**

**NO: No one.**

**Revised Detailed District Development Plan**

01:19:48 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the staff report and testimony heard today was adopted.

**WHEREAS**, the Land Development & Transportation Committee finds No changes to the site layout are proposed with this request. There do not appear to be any natural resources on the site, which is already partially developed; and

**WHEREAS**, the Land Development & Transportation Committee further finds there are no changes to existing vehicular or pedestrian circulation in and around the subject site associated with this request; and

**WHEREAS**, the Land Development & Transportation Committee further finds the total open space is being reduced from 134,518 square feet to 93,943 with the currently proposed plan. The required amount of open space is 74,641 square feet, so the current proposal meets the LDC requirement; and

**WHEREAS**, the Land Development & Transportation Committee further finds the subject site is already partially developed, and MSD has provided preliminary plan approval. New building permits for the proposed structures will be obtained. MSD reviews all building permits; and

**WHEREAS**, the Land Development & Transportation Committee further finds the currently proposed plan is very similar to the approved plan, 18DEVPLAN1193. The

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total number of proposed lots is reduced from 81 lots to 80, the total open space is reduced from 134,518 square feet to 93,943 square feet and the total provided parking is increasing from 225 spaces to 240 spaces. The overall site design is essentially the same as the currently approved plan; and

**WHEREAS**, the Land Development & Transportation Committee further finds the development plan conforms to applicable guidelines and policies of Plan 2040 and to requirements of the Land Development Code; now, therefore be it

**RESOLVED**, that the Land Development & Transportation Committee does hereby **APPROVE** the Revised Detailed District Development Plan **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. There shall be no direct vehicular access to Moorman Drive.
3. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
4. There shall be no outdoor storage on the site.
5. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
6. 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.
7. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:

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- a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review 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 permit for building or any clearing/grading activities. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. 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, except that grading/clearing and foundation only permits may be issued to ensure the accuracy of property lines as they relate to common side walls for residential units.
8. 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.
  9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line or permitted on the site.
  10. 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.
  11. If work is required within the easements causing removal or damage of landscaped materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
  12. The site shall be developed in accordance with the tree preservation areas delineated on the tree preservation/landscaping plan. Any modification of the tree preservation plan requested by the applicant may be approved by the designated

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DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.

13. The following note shall be provided within the deed restrictions for the subject site prior to recording of the record plat.
  - a. Tree Canopy Protection Areas (TCPAs) are individual trees and/or groupings of trees (trees may be existing or proposed) designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code (LDC), and are to be permanently protected. There shall be no disturbance or removal of any trees in the TCPAs identified in the tree preservation/landscape plan on file in the offices of the Planning Commission. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of preliminary plan approval. No further clearing, grading, construction or other land disturbing activity shall take place beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. 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 preliminary subdivision plan.
  
14. 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 WPAs, TCPAs and other issues required by these binding elements/conditions of approval.
  - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
  
15. 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 requirements.



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16. Moorman Road pavement width shall be widened to 12 feet from center adjacent to the subject property, and a 6-8 foot earthen shoulder shall be constructed along the frontage of the subject property, as required by the Director of Metro Public Works. These improvements shall be completed prior to requesting a certificate of occupancy for any structure on the subject property.

**The vote was as follows:**

**YES: Commissioners Daniels, Peterson, Brown, Carlson, and Lewis.**

**NO: No one.**

**Revised Preliminary Subdivision Plan**

01:20:32 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the staff report and testimony heard today was adopted.

**RESOLVED**, that the Land Development & Transportation Committee does hereby **APPROVE** the Revised Preliminary Subdivision Plan, 20-RSUB-0002.

**The vote was as follows:**

**YES: Commissioners Daniels, Peterson, Brown, Carlson, and Lewis.**

**NO: No one.**

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**NEW BUSINESS**

**CASE NO. 19-ZONE-0034**

Request: Change in form district from NFD to SMCDFD, change in zoning from R-4 to C-1, with Detailed District Development Plan and Binding Elements

Project Name: RaceTrac

Location: 11800 – 11908 E Orell Road, 11705 Dixie Highway

Owner: Herman & Karl Gohl, Catherine & Charles Grissett, Kathy Gibson

Applicant: RaceTrac Petroleum Inc.

Representative: Dinsmore & Shohl

Jurisdiction: Louisville Metro

Council District: 14 – Cindi Fowler

**Case Manager: Dante St. Germain, 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:**

01:21:50 Dante St. Germain presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Ms. Germain detailed the applicant's development plan for a new refilling and convenience store. Dante noted there have been interested party comments submitted to staff concerns about traffic and accidents at the intersection.

**The following spoke in favor of this request:**

Cliff Ashburner, 101 South Fifth Street, Suite 2500, Louisville, Kentucky, 40202  
Jon Henney, 111 West Main Street, Suite 201, Louisville, Kentucky, 40202  
Brian Chism, 2424 Airway Court, Bowling Green, Kentucky, 42103

**Summary of testimony of those in favor:**

01:25:14 Cliff Ashburner, representing the applicant, presented a Power Point pdf slide show (see recording for detailed presentation.) Mr. Ashburner detailed the subject property, street views, proposed plan, traffic studies. He noted the need for a right turn lane at the entrance on Dixie Highway. Cliff detailed Table 2. Peak Hour Level of Service table (see recording for detailed presentation.)

01:35:47 Commissioner Carlson asked if there have been any discussions about a masonry sound wall to be installed. Cliff Ashburner replied there was a request to build a concrete wall along the rear portion of the property, but he has concluded it is not

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**CASE NO. 19-ZONE-0034**

feasible. The proposed fenced will be solid and have screening. Mr. Ashburner stated he is willing to work with residents for additional screening. Commissioner Carlson asked how long the proposed landscaping would take to grow into what was presented in the slide show. Cliff Ashburner replied Jon Henney would be able to answer this question.

01:35:27 In response to Commissioner Carlson's questions, Jon Henny stated in the renderings there are existing trees along E. Orell that will be preserved, and they will be adding additional trees along the fence line. Commissioner Carlson asked if this site would provide a large fueling station for semi trucks. Jon Henney referenced the proposed plan. Commissioner Carlson and Jon Henney discussed the entrances and exits for the site. Commissioner Carlson asked there be a sound wall installed to help mitigate traffic noise from semi trucks.

01:40:24 Commissioner Lewis asked Cliff Ashburner if the Thornton's gas station across the street has the capacity for semi trucks fueling. Cliff Ashburner replied it does not. Commissioner Lewis asked if this site will be used for fueling semi trucks only, no over night parking. Cliff Ashburner replied yes.

01:43:36 Brian Chism stated he is in support of this rezoning case.

**The following spoke neither for nor against the request:**

Cindi Fowler, 601 W. Jefferson Street, Louisville, KY 40202

**Summary of testimony of those neither for nor against:**

01:44:08 Cindi Fowler stated this proposed development has created concerns with neighbors on East Orell and traffic noise. Ms. Fowler did request there be a brick wall along East Orell and that the developer consider to construct a wall to prevent traffic noise. Cindi Fowler asked Cliff Ashburner if there was a fee in leu on sidewalks. Cliff Ashburner replied there is a proposed fee in leu on the East Orell portion of the property which will be spent within this district. Cindi Fowler, Cliff Ashburner, and Commissioners discussed petitioning this case for a night hearing (see recording for detailed presentation.)

**The following spoke in opposition to this request:**

Stephen Puricelli, 6318 Winding Stream Drive, Louisville, Kentucky, 40272

Mist Pack, 6204 Winding Stream Drive, Louisville, Kentucky, 40272

Steven Porter, 2406 Tucker Station Road, Louisville, Kentucky, 40299

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**Summary of testimony of those in opposition:**

01:50:00 Stephen Puricelli stated he originally bought his property because this site was zoned as residential and this site is on a lower elevation to the surrounding neighborhoods. The adjacent neighborhoods can view into this site regardless if there is a 6 foot fence. Mr. Puricelli noted there is a separate diesel bay for semi truck drivers which will increase noise. This proposed development is not like the Thornton's gas station across the street.

01:53:39 Misty Pack stated the adjacent neighborhoods are new and would have not bought her property if the adjacent site was originally zoned as commercial. Ms. Pack expressed concerns with lighting, noise, smells, and the dangers of having a gas station in close proximity to family homes and the elementary school (see recording for detailed presentation.)

01:56:06 Steve Porter asked for the hours of operation and the purpose of the extra green space between the proposed buildings and Orell road. Mr. Porter stated there was a petition of opposition with over 800 signatures and the group who organized the opposition petition has not submitted a petition for a night hearing. Steve suggested to the Commission if there is a petition for a night hearing the meeting should held in this neighborhood (see recording for detailed presentation.)

01:58:06 Dante St. Germain stated the petition of opposition submitted by neighbors via Change.org does not qualify as a petition for a night hearing because there are no addresses for Planning and Design to verify. An electronic petition is acceptable for a night hearing, but it has to be from a platform that collects addresses not just city and state information (see recording for detailed presentation.)

**Rebuttal:**

01:59:43 Cliff Ashburner stated there is no limit for the hours operations outside of the store closing it's doors at a certain hour but still serving though a drive through. Mr. Ashburner noted the extra green space behind the building will be made up of additional screening, existing trees, and the screen fencing. Cliff detailed the zoning history of this site (see recording for detailed presentation.) He stated concerns with having a large gathering for an in person public night hearing.

02:05:13 Commissioner Lewis and Dante St. Germain discussed the process for the petition and scheduling of night hearings (see recording for detailed presentation.)

02:06:28 Cindi Fowler requested a proposed night hearing be in the evening and in her district for neighbors to attend to speak at the public hearing (see recording for detailed presentation.)

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**Deliberation**

02:08:53      Committee deliberation (see recording for detailed presentation.) 02:08:53  
Commissioners and Emily Liu discussed hosting in person meetings and hosting virtual meetings via WebEx to allow citizens to speak. Joe Reverman, Commissioners, Emily Liu, Cliff Ashburner, and Steve Porter discussed setting a date for a public hearing and the process for a night hearing petition (see recording for detailed presentation.)

**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 August 20, 2020 Planning Commission Hearing online via Cisco Webex.**

***Planning Commission recessed at approx. 3:35 p.m.***

***Planning Commission resumed at approx. 3:45 p.m.***

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**NEW BUSINESS**

**CASE NO. 20-ZONE-0041**

Request: Continued from June 25, 2020 LD&T meeting  
Change in Zoning from R-4 to C-1 with General and Detailed  
District Development Plan, landscape waiver, and maximum  
setback variances

Project Name: Liberty Financial

Location: 7600-7602 Bardstown Road and 9700 Bartley Drive

Owner: Gary and Susanne Jenkins; Susanne Jenkins Revocable  
Trust; and Gary Jenkins Revocable Trust

Applicant: Evansville Teachers Federal Credit Union

Representative: Bardenwerper, Talbott, and Roberts, PLLC

Jurisdiction: Louisville Metro

Council District: 22 – Robin Engel

**Case Manager: Joel P. Dock, 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:**

02:35:27 Joel Dock presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Mr. Dock detailed the requests for change in zoning, waiver, variance, and general and detailed district development plan. He noted the updated impact traffic study.

**The following spoke in favor of this request:**

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway 2nd Floor, Louisville, KY 40223

Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Diane Zimmerman, 12803 High Meadows Pike, Prospect, Kentucky, 40059

Cliff Ashburner, 101 South Fifth Street, Suite 2500, Louisville, Kentucky, 40202

**Summary of testimony of those in favor:**

02:37:48 Nick Pregliasco, representing the applicant, presented a Power Point pdf slide show (see recording for detailed presentation.) Mr. Pregliasco noted the changes to the plan from the previous Land Development and Transportation meeting to realign Bartley Drive with proposed raised medians. He detailed the updated traffic impact

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study for Bartley Drive and Bardstown Road. Nick Pregliasco stated Kevin Young is present to detail changes to the plan with KTC.

02:42:16 Kevin Young detailed discussions with KTC to realign Bartley Drive entrance onto Bardstown Road and the intersection of and Southpointe Boulevard (see recording for detailed presentation.) Mr. Young noted the proposed raised median on the left turn lane from Bardstown Road to Bartley Drive.

02:44:02 Nick Pregliasco presented the updated traffic impact study (see recording for detailed presentation.)

02:45:41 Commissioner Carlson asked for more detail in the traffic impact study for Table 2. Peak Hour Level of Service for the approach of Bardstown Road at Bartley/Southpointe. Nick Pregliasco stated Diane Zimmerman is present to answer questions regarding the traffic impact study.

02:46:39 Diane Zimmerman stated the table count is controlled by the signal timing and the amount of traffic. The values on the table can change if the Kentucky Transportation Cabinet opted to adjust the signal timing (see recording for detailed presentation.)

02:49:02 Commissioner Brown and Dianne Zimmerman discussed the right turn lane from Bardstown Road to Bartley Drive (see recording for detailed presentation.) Commissioner Brown and Dianne Zimmerman discussed the green time to allow pedestrians to cross the connecting side streets safely (see recording for detailed presentation.)

02:51:11 Commissioner Carlson and Kevin Young discussed the right turn lane being present on the development plan (see recording for detailed presentation.)

02:53:56 Cliff Ashburner, representing the adjacent property owner, noted discussions with the applicant and their support for this development (see recording for detailed presentation.)

**The following spoke in opposition to this request:**

Jon Baker, 400 West Market Street, Suite 2000, Louisville, Kentucky, Point

**Summary of testimony of those in opposition:**

02:54:23 Jon Baker, representing Southpointe Partners LLC, stated he would like to see more data to prove the connection of Bartley Drive to the intersection of

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Southpointe and Bardstown Road will work. He asked there be binding elements put into the development plan to follow the same process that Southpointe used for their development on the intersection (see recording for detailed presentation.)

**Rebuttal:**

02:58:13 Cliff Ashburner detailed the connection to Bardstown Road in relation to the Southpointe Commons and other nearby developments via the traffic impact study pdf (see recording for detailed presentation.) Mr. Ashburner stated Diane Zimmerman can elaborate if needed.

**Deliberation**

03:01:34 Committee deliberation (see recording for detailed presentation.) Emily Liu and Joel Dock detailed the public materials submitting process to Planning and Design (see recording for detailed presentation)

**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 August 06, 2020 Planning Commission Hearing online via Cisco Webex.**



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**NEW BUSINESS**

**CASE NO. 20-ZONE-0020**

Request: Change-in-Zoning from R-4, single-family residential to R-5, single-family; R-6, multi-family; and OR-1, office-residential with detailed district development plan and variances

Project Name: Hurstbourne Commons

Location: 8127 Watterson Trail

Owner: John A. Paddock

Applicant: RJ Thieneman

Representative: Dinsmore & Shohl, LLP

Jurisdiction: Louisville Metro

Council District: 11 – Kevin Kramer

**Case Manager: Joel P. Dock, 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:**

03:07:55 Joel Dock presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Mr. Dock detailed the uses for Tract 1 & 2 (OR-1), Tract 3 (R-6), and Tract 4 (R-5). Joel noted there has been a petition for a night hearing for this case.

**The following spoke in favor of this request:**

Cliff Ashburner, 101 South Fifth Street, Suite 2500, Louisville, Kentucky, 40202

Diane Zimmerman, 12803 High Meadows Pike, Prospect, Kentucky, 40059

Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

**Summary of testimony of those in favor:**

03:13:48 Cliff Ashburner, representing the applicant, presented a Power Point pdf slide show (see recording for detailed presentation.) Mr. Ashburner detailed the layout for tracts 1-4, connections to various roads, neighborhood meetings, and the traffic impact study.

03:28:43 Commissioner Carlson and Diane Zimmerman discussed the traffic study (see recording for detailed presentation.)

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03:30:15 Commissioner Daniels asked how many units will be in the proposed apartments. Kevin Young stated there will be 24 in the three-story apartment buildings and 8 units in the townhomes.

**The following spoke in opposition to this request:**

Nancy Willenbrink, 810 Stoney Run Court, Louisville, Kentucky, 40220

Cheryl Bryant, 3811 Ridgehurst Court, Louisville, Kentucky 40299

David Loran, 7308 Whitfield Drive, Louisville, Kentucky, 40218

Karen Garrett, 7707 Brownwood Drive, Louisville, Kentucky, 40218

**Summary of testimony of those in opposition:**

03:35:35 Nancy Willenbrink stated she is concerned with the left-hand turn from the apartments onto Hurstbourne Lane, the traffic studies, the amount of proposed units, and volume of traffic this proposed development would generate (see recording for detailed presentation.)

03:43:21 Cheryl Bryant stated she is against this development due to the amount of units proposed, there will be increased through traffic on multiple roads that will connect to this development, and that this site is not ready for a public hearing (see recording for detailed presentation.)

03:49:07 David Loran stated he is opposed to the zoning change for tract 2, OR-1, any commercial office uses for the development, the height variance. He expressed concerns to the elimination of wildlife and tree canopy. Mr. Loran suggested more single-family housing than apartment units to reduce the amount of buildings, traffic, and density of people (see recording for detailed presentation.)

03:55:58 Karen Garrett stated concerns with the loss of wildlife, loss of tree canopies, the proposed traffic patterns, and the amount of proposed units which will increase traffic (see recording for detailed presentation.) Ms. Garrett is opposed to the three-story apartment buildings and density of the apartments.

03:59:47 Nancy Willenbrink stated this development will drastically change the character of the area. Ms. Willenbrink expressed concerns with the gas line through the proposed apartment units being disturbed (see recording for detailed presentation.)

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**Rebuttal:**

04:03:41 Cliff Ashburner stated the inability of making a left turn on Hurstbourne Lane can be mitigated using the Meijer parking lot entrance intersection light. Mr. Ashburner detailed speed humps on other developments, the rezoning to OR-1, and vacant properties in the area (see recording for detailed presentation.)

04:08:53 Commissioner Carlson asked if the developer would be willing to fund additional speed humps in areas that would be used for cut-through traffic. Cliff Ashburner stated they will discuss this with Public Works. Commissioner Carlson asked for clarification on the Meijer access point. Cliff Ashburner replied they are working on the proposed access location and design with Meijer, it will be designed to public standards for through traffic (see recording for detailed presentation.)

04:10:29 Commissioners, Brian Davis, and Joel Dock discussed the chat bar within Webex to be included into the record (see recording for detailed presentation.)

**Deliberation**

04:10:35 Committee 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.**

04:25:11 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the Staff Analysis and testimony heard today was adopted.

**RESOLVED**, that the Land Development & Transportation Committee does hereby **CONTINUE** this case to the July 23, 2020 Land Development and Transportation Committee meeting to discuss only the time, date, place, and format for the public hearing case.

**The vote was as follows:**

**YES: Commissioners Daniels, Peterson, Brown, Carlson, and Lewis.**

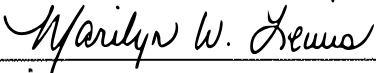
**NO: No one.**

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LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES  
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ADJOURNMENT

The meeting adjourned at approximately 5:38 p.m.

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Planning Director