

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
September 14, 2017**

A meeting of the Land Development and Transportation Committee was held on, September 14, 2017 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Marilyn Lewis, Chair
Jeff Brown
Richard Carlson

Committee Members absent were:

Rob Peterson, Vice-Chair
Ramona Lindsey

Staff Members present were:

Brian Davis, Planning and Design Manager
Julia Williams, Planning Supervisor
Laura Mattingly, Planner II
Joel Dock, Planner II
Jay Lockett, Planner I
Paul Whitty, Legal Counsel
Tony Kelly, MSD
Jeremeih Shaw, Transportation Planning
Tammy Markert, Transportation Planning
Pamela M. Brashear, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

AUGUST 24, 2017 LD&T COMMITTEE MEETING MINUTES

On a motion by Commissioner Carlson, 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 August 24, 2017.

The vote was as follows:

YES: Commissioners Brown, Carlson and Lewis

NOT PRESENT FOR THIS CASE: Commissioners Lindsey and Peterson

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NEW BUSINESS

CASE NO. 17STREETS1020

Case No: 17STREETS1020
Project Name: Morat Avenue Apartments
Location: Beta Avenue
Owner(s): City of Louisville
Applicant: Continental Properties Company, Inc
Representative(s): Bardenwerper, Talbott, and Roberts, PLLC
Jurisdiction: Louisville Metro
Council District: 18 – Marilyn Parker
Case Manager: Laura Mattingly, AICP, Planner II

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

Agency Testimony:

00:14:19 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bill Bardenwer, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:16:05 Mr. Bardenwerper gave a power point presentation. The proposal is in the city of Lyndon.

Deliberation

00:18:01 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.

The Committee by general consensus scheduled this case for the October 19, 2017 public hearing at the Old Jail Building.

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NEW BUSINESS

CASE NO. 17STREETS1023

Case No: 17STREETS1023
Project Name: Holiday Towers Boulevard Name Change
Location: Holiday Towers Boulevard
Owner(s): Louisville Metro
Applicant: V Enterprises
Jurisdiction: Louisville Metro
Council District: 21 – Dan Johnson
Case Manager: Jay Lockett, Planner I

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

Agency Testimony:

00:19:13 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Michael S. Evans, 6625 Colonial Avenue, Evansville, Ky. 47725

Summary of testimony of those in favor:

00:23:30 Mr. Evans stated the proposed street name came from Planning Commission staff and EMS.

Mr. Evans remarked, "I'm not sure why Signature wasn't expanded. I assume because it's a private access easement and this is a dedicated right-of-way."

27:16 Commissioner Brown stated, "The applicant understands they'll have to pay for the changing of all the street name signs and whatever else needs to be done within the public right-of-way?" Mr. Evans said yes.

28:13 Mr. Lockett confirmed notice was sent out to all adjoining property owners (14 days notification).

Deliberation

00:28:07 Planning Commission deliberation.

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CASE NO. 17STREETS1023

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 Consent Agenda for the September 21, 2017 public hearing at the Old Jail Building.

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NEW BUSINESS

CASE NO. 17DEVPLAN1111

Case No: 17DEVPLAN111
Project Name: Spring River
Location: 2303 River Road
Owner(s): HHO Springs River, LLC
Applicant: HHO Springs River, LLC
Representative(s): Mindel, Scott & Associates, Inc.
Project Area/Size: 4.37 acres
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander
Case Manager: Joel P. Dock, 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:

00:29:27 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kent Gootee, Mindel, Scott and Associates, Inc., 5151 Jefferson Boulevard, Suite 101, Louisville, Ky. 40219

Summary of testimony of those in favor:

00:33:32 Mr. Gootee stated it's a good location for a coffee shop. The preference is to build the sidewalk once the grading is completed, but if not, will pay into the fund.

Deliberation

00:35:50 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.

Amendment to General Plan Binding Elements

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NEW BUSINESS

CASE NO. 17DEVPLAN1111

On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted.

WHEREAS, the amendment to binding elements, principally to allow for future signage in compliance with the Land Development Code has minimal impact on natural resources as all signage will be located within the limits of the property; and

WHEREAS, the amendments will not impact the safe movement of pedestrians or vehicular traffic as future development will be reviewed for compliance with all applicable regulations; and

WHEREAS, the amendments will not impact provisions for open space; and

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

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the proposed amendments, principally the amendment to sign binding element #6 does not allow for signage that is not compatible with the area or the form district as any future signage will be required to be in conformance with the Land Development Code; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the plan is in conformance with the comprehensive plan and Land Development Code as an additional non-residential use is being incorporated into an existing development within the suburban workplace form district along an arterial level roadway and signage for businesses is permitted in accordance with the Chapter 8 of the Land development Code. No waivers or variances have been requested. Additionally, all other minor changes are consistent with applicable regulations and policies.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 17DEVPLAN1111, an amendment to the General District Development Plan binding elements listed in the staff report beginning on page 12 based on the staff report and information provided today.

Binding Elements (General Plan 9-16-97)

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning

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CASE NO. 17DEVPLAN1111

District Regulations. No further development shall occur without prior approval from the Planning Commission and City of Louisville.

2. Prior to development of each site or phase of this project, a detailed district development plan shall be submitted to the Planning Commission for approval. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
 - a. screening, buffering, landscaping, tree preservation
 - b. density, floor area, size and height of buildings
 - c. points of access and site layout with respect to on-site circulation
 - d. land uses
 - e. signage
 - f. loading berths
 - g. parking
 - h. sidewalks/bike paths
 - i. site design elements relating to alternative transportation modes
 - j. outdoor lighting
 - k. minor subdivision plat approval
 - l. air pollution
 - m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection
 - n. dumpsters
3. There shall be no medical offices or other uses requiring a parking ratio greater than one space per 400 square feet of floor area unless parking can meet the requirement of the proposed use.
4. There shall be no direct vehicular access to River Road.
5. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants, balloons, or banners shall be permitted on the site.
6. There shall be no outdoor storage on the site.
7. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.

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8. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their 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.
9. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
10. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements 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), outdoor entertainment, or outdoor PA system permitted on the site.
12. The applicant shall dedicate right-of-way adjacent to River Road on Site 1 pursuant to a recorded Dedication Agreement mutually acceptable to the parties in a form substantially as set forth in Exhibit A attached hereto.
13. The applicant shall construct on Site 1 the 10-foot wide bicycle/pedestrian trail in the 100 -foot conservation easement along the north side of River Road within six months after the extent and location of the required dedication of right-of-way to River Road is determined by the Kentucky Transportation Cabinet. The location of the bicycle/pedestrian trail shall be as directed by the Metro Parks Department.

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14. The applicant shall install on Site 1 the planting material required by Article 12 and the Parkway standards in the 30-foot parkway buffer area in the 100-foot conservation easement along the north side of River Road within six months after the extent and location of the required dedication of right-of-way to River Road is determined by the Kentucky Transportation Cabinet. The location of the 30-foot parkway buffer area shall be as directed by the Planning Commission staff landscape architect.
15. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

The vote was as follows:

YES: Commissioners Brown, Carlson and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Peterson

Revised Detailed District Development Plan

On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted.

WHEREAS, the development does not appear to impact the conservation of natural resources as the one-hundred foot greenbelt easement along the frontage of the property will remain and landscaping and tree canopy will be provided as required by the Land Development Code; and

WHEREAS, the provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community have been provided as sidewalk connection through the out-lot has been provided and existing drive lanes and parking facilities are being utilized; and

WHEREAS, open space is being preserved in the form of an existing one-hundred foot greenbelt easement along the frontage; and

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

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WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the overall site design of the project is compatible with the site design of the existing office buildings on the site and integrates the existing parking facilities and pedestrian ways into the use; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the plan is in conformance with the comprehensive plan and Land Development Code as an additional non-residential use is being incorporated into an existing development within the suburban workplace form district along an arterial level roadway. The safe movement of pedestrians and vehicular traffic is provided and the development is compatible with the area and the standards for design of the form district. No waivers or variances have been requested to allow for the proposed development.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 17DVEPLAN1111, a Revised Detailed District Development Plan for a 3,250 square foot coffee shop along with the proposed binding elements beginning on page 15 of the staff report based on the staff report and information heard today.

Binding Elements (subject site in case 17DEVPLAN1111 only)

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. No further development shall occur without prior approval from the Planning Commission and City of Louisville.
2. There shall be no direct vehicular access to River Road.
3. No outdoor advertising signs (billboards), small freestanding (temporary) 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 so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
6. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their

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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:
 - 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. A minor subdivision plat 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.

8. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements 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), outdoor entertainment, or outdoor PA system permitted on the site.

10. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

The vote was as follows:

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YES: Commissioners Brown, Carlson and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Peterson

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NEW BUSINESS

CASE NO. 17SUBDIV1011

Case No: 17SUBDIV1011
Project Name: Johnson Road Conservation Subdivision
Location: 1313 Johnson Road
Owner(s): The Margaret Kleinert trust
Applicant: Inverness Homes
Jurisdiction: Louisville Metro
Council District: 19 – Julie Denton
Case Manager: Jay Luckett – 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:

00:39:26 Mr. Luckett 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, Suite 101, Louisville, Ky. 40219
David Mindel, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Suite 101, Louisville, Ky. 40219
Diane Zimmerman, 12803 High Meadows Pike, Prospect, Ky. 40059
Bob Krohngohl, 11305 Reed Hartman, Highway, Cincinnati, Ohio 45241

Summary of testimony of those in favor:

00:46:50 Ms. Linares gave a power point presentation. A portion of the property is in the Floyds Fork Overlay District. There's a 35 foot gas easement that runs through the property (about 5 lots). There's an existing pond and wetlands.

52:26 Mr. Mindel stated the traffic counts were done in the summer. "Late last week the Highway Dept. came back and wanted some additional numbers on the intersection at Johnson Rd. and Aiken. Those counts were done this past Tuesday and then those numbers were given to Diane."

53:47 Ms. Zimmerman summarized the new traffic study. "The development is supposed to be completed by 2025. In the year 2025, a right turn lane on Aiken to Johnson would be required. In the year 2035, a left turn lane from Johnson to Aiken

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CASE NO. 17SUBDIV1011

would be required. In the year 2025, the left turn lane is not required. It's not required at our buildout, but the 10 year plus buildout. I think at this point what we were going to propose is a binding element or requirement so that the left turn lane, as we get through this detail of when it's actually required, that it would not be necessarily at the beginning of the project."

The following spoke in opposition to this request:

Ann Neely, 1400 Bresslin Avenue, Louisville, Ky. 40245

Summary of testimony of those in opposition:

00:59:10 Ms. Neely is the president of the Summit's Home Owners Association. The main concerns are as follows: additional traffic on an already taxed infrastructure; separate traffic studies for each development; schools and education (overcrowded now); transition between the Summit and extension of Tautonvale Rd.; outdoor lighting; lights from cars and homes; high noise levels; odors; smoke; exhaust fumes; dust; dirt and storm water runoff. "Each of these issues will impact the residents of the Summit and perhaps a vegetation berm or landscape screen of some sort would be appropriate."

The following spoke neither for nor against the request:

Julie Denton, 2303 Braided Tail Court, Louisville, Ky. 40245
Debra Delor, 902 Flat Rock Road, Louisville, Ky. 40245

Summary of testimony of those neither for nor against:

01:03:20 Councilperson Denton said she's not against development. Johnson Rd. and Shelbyville Rd. traffic are way beyond capacity now.

Councilperson Denton requests placing this case on hold to work out some issues with the state.

01:08:23 Ms. Delor, Eastwood Village Council, stated these roads are rural roads serving past and future developments. "We have significant infrastructure issues." There is also a concern for sewers not being available for residential unless there's commercial properties nearby. EMS coverage needs to grow as well as development.

Rebuttal:

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01:22:17 Mr. Mindel stated this is an R-4 subdivision and they are following the Conservation Guidelines. The Highway Dept. is not interested in a traffic study for Shelbyville Rd. and Johnson Rd. This development will pay \$323,000 into the fund for future road improvements. To ask for more than this would be unfair.

01:43:23 Mr. Krohngohl said the population is growing and young people want new homes. The proposal is in compliance. "There are legitimate issues with the infrastructure but we're not going to solve those. We're going to do our share and pay into the system as we've done previously. We're going to agree to do road improvements that our site impacts." Don't single out this proposal to solve pre-existing conditions.

01:48:26 Commissioner Brown remarked, "We have no other subdivisions with only access to Johnson Rd. This is one of the first ones' we've seen as everything else has always had double frontages. They are generating 300 trips in the peak hours, so it is certainly well within our discretion to ask for a traffic impact study and that's something they have failed to provide at this point."

Deliberation

01:51:37 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 Carlson, seconded by Commissioner Brown, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** Case No. 17SUBDIV1011 until the next LD&T meeting, September 28, 2017 to allow the applicant time to provide additional traffic study information for consideration and possible proposed improvements to mitigate the impact the subdivision may have on the road network.

The vote was as follows:

YES: Commissioners Brown, Carlson and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Peterson

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NEW BUSINESS

CASE NO. 17SUBDIV1013

Case No: 17SUBDIV1013
Project Name: Twin Lakes at Floyd's Fork
Location: 15528 Aiken Road
Owner(s): Estates of Floyds Fork Creek, Inc.
Applicant: Elite Built Homes, LLC.
Representative(s): Bardenwerper, Talbott & Roberts, PLLC
Project Area/Size: 68.2 acres
Jurisdiction: Louisville Metro
Council District: 19 – Julie Denton
Case Manager: Joel P. Dock, 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:

01:53:21 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bill Bardenwerper, Bardenwerper, Talbott and Roberts, 1000 Hurstbourne Parkway, Louisville, Ky. 40223
Kathy Linares, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Suite 101, Louisville, Ky. 40219

Summary of testimony of those in favor:

01:57:14 Mr. Bardenwerper gave a power point presentation.

02:02:32 Ms. Linares discussed the enhanced landscape plan. Also, the applicant agrees to connect the sidewalks and eliminate the 5 foot open space as shown in the power point presentation.

Deliberation

02:13:54 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

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CASE NO. 17SUBDIV1013

website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 17SUBDIV1013, the Revised Conservation Subdivision Plan within Floyds Fork Development Review Overlay District (FFRO) for 137 single family residential lots with 28 acres of conservation area **ON CONDITION** that the subdivision plan is revised to eliminate the 5 foot open space to the rear of lots 33-39, 56-66, 40-43 and 55; **ON CONDITION** that the rear lot lines of lots 40-43 be extended to the boundary of the subdivision; also, **ON CONDITION** that the developer should use best efforts to preserve the trees behind lots 31 and 32 at the landscape plan review stage based on the staff report and testimony heard today, **SUBJECT** to the following conditions of approval as provided on pages 8 and 9 of the staff report, except strikethrough staff's number 13 and accept the applicants' proposed condition related to the sidewalk because they provided an exhibit showing that sidewalk; and add number 14, requiring a restrictive conservation easement be placed on the rear of lots 40-43 and 55 at the time of recording:

Conditions of Approval

1. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
2. 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.
3. 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 Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting

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CASE NO. 17SUBDIV1013

- a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. 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.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
4. 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.
 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.
 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.
 7. 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, TPAs 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.
 8. 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 requirement.

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9. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
10. A long-term encroachment permit and license agreement with Louisville Metro is required for the signature entrance to be located in the right-of-way.
11. The developer/applicant shall coordinate with the developer of the property to the north along Old Aiken Rd. to fully connect sidewalks with the conceptual trailhead to provide safe pedestrian access as depicted at the 9/14/17 LD&T hearing.
12. A restrictive conservation easement (no build/preservation area) shall be placed along the rear of lots 40-43 and 55 at the time of recording.

The vote was as follows:

YES: Commissioners Brown, Carlson and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Peterson

Sidewalk Waiver

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners as the adjacent owner on the North side of Old Aiken Road has proposed sidewalks and the applicant has agreed to coordinate with the developer of the adjacent subdivision to fully connect and integrate sidewalks between the two developments to provide for the safe movement of pedestrians to/from the trailhead at the Western edge of Old Aiken Road or to Aiken Road; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the waiver will not violate specific guidelines of cornerstone 2020 as the safe movement of pedestrians will be provided through the connection and integration of the sidewalk along the North side of Old Aiken Road, and Old Aiken Road is not an integral part of the roadway network in the area as it does not provide connection to adjacent developments; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the extent of the waiver is the minimum necessary to afford relief to the applicant as a sidewalk along the Southside of Old Aiken Road would not provide primary access

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NEW BUSINESS

CASE NO. 17SUBDIV1013

to residences in the proposed subdivision from Aiken Road and additional provisions for the safe movement of pedestrians will be made.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 17SUBDIV1013, the sidewalk waiver to omit the sidewalk along the south side of Old Aiken Rd. based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Carlson and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Peterson

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NEW BUSINESS

CASE NO. 17SUBDIV1017

Case No: 17SUBDIV1017
Project Name: Willowgate Suvdivision, Section 4
Location: 905 North Pope Lick Road
Owner(s): Donnely Hagan Development, LLC
Applicant: Donnely Hagan Development, LLC
Representative(s): Land Design and Development, Inc.
Project Area/Size: 6.3 acres
Jurisdiction: City of Middletown
Council District: 19 – Julie Denton
Case Manager: Joel P. Dock, 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:

02:18:50 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

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

Summary of testimony of those in favor:

02:20:25 Mr. Young gave a power point presentation. The existing pond is being utilized for detention. The proposed development will have a cul-de-sac.

Deliberation

02:25:25 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 Carlson, seconded by Commissioner Brown, the following resolution was adopted.

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NEW BUSINESS

CASE NO. 17SUBDIV1017

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 17SUBDIV1017, a Major Preliminary Subdivision Plan based on the staff report and testimony heard today, **SUBJECT** to the following Conditions of Approval:

Conditions of Approval

1. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
2. 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.
3. 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 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
4. 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 conditions of approval requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. 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.

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NEW BUSINESS

CASE NO. 17SUBDIV1017

- 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, TPAs 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.
6. 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 requirement.
7. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

The vote was as follows:

YES: Commissioners Brown, Carlson and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Lindsey and Peterson

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 16zone1037

Case No: 16ZONE1037
Project Name: Fairground's Run
Location: 9213 Fairground Road
Owner(s): Brian and Heather Wacker
Applicant: Superior Builders Inc.
Jurisdiction: Louisville Metro
Council District: 22-Robin Engel
Case Manager: Julia Williams, RLA, AICP, Planning 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:

02:28:05 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Chris Crumpton, Bluestone Engineers, PLLC, 3703 Taylorsville Road, Suite 205, Louisville, Ky. 40220
Brian Wacker, Superior Builders, 9300 Bates Road, Louisville, Ky. 40228

Summary of testimony of those in favor:

02:31:01 Mr. Crumpton gave a power point presentation. The proposal is for 33 units. "We are granting additional right-of-way along Fairground to allow for more greenspace up front as well as plantings. We've got setbacks all the way around and an added setback on the back side (will be heavily planted). There are trees on the back portion of the site now and we will be removing a number of those, but saving as many as possible along that perimeter to keep the existing buffer. Sanitary sewers are served from the northwest subdivision. We're bringing them up to our site to serve the units and also to stub in order to provide future service to the houses that don't have service currently. The detention basin is located on the west side of the site. The site has 25% open space which is well beyond what is needed. The units are garden homes and in high demand. This is a good infill site for this development."

2:35:58 Mr. Wacker stated these type of homes are in high demand. Hopefully it will target a lot of older folks who may be downsizing.

The following spoke in opposition to this request:

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NEW BUSINESS

CASE NO. 16zone1037

David Fink, 9311 Fairground Road, Louisville, Ky. 40291
Lynn Rickel, 9216 Fairground Road, Louisville, Ky. 40291

Summary of testimony of those in opposition:

02:36:49 Mr. Fink handed out his comments to the commissioners. The phrase 'existing pattern of development' is mentioned quite often in the Land Development Code and the proposal does not fit the criteria.

Mr. Fink has submitted a petition, of opposition, into the record. There were many procedural errors; a few being improper notification, deed and justification letter. Increase in traffic is a major concern. A boundary dispute is pending.

02:47:36 Ms. Bickel stated her main concern is the traffic – accidents, long waits, bad driving habits of motorists.

Ms. Bickel suggests requiring the applicant to decrease the number of homes, widen the roads or reset the timing for the lights.

Deliberation

02:55:18 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.

The Committee by general consensus scheduled this case for the October 19, 2017 public hearing at the Old Jail Building.


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ADJOURNMENT

The meeting adjourned at approximately 3:58 p.m.



Chair



Planning Director

