

**MINUTES OF THE MEETING OF THE
LOUISVILLE METRO LAND DEVELOPMENT & TRANSPORTATION COMMITTEE**

March 23, 2017

A meeting of the Louisville Metro Land Development and Transportation Committee was held on March 23, 2017, at 1:00 p.m. at the Old Jail Building, 514 W Liberty Street, Louisville, KY 40202.

Committee Members present:

Marilyn Lewis, Chair
Robert Peterson, Vice Chair
Richard Carlson
Marshall Gazaway
Jeff Brown

Staff Members present:

Brian Davis, Planning Manager
Beth Jones, Planner II
Joel Dock, Planner I
Tammy Markert, Transportation Planning
John Carroll, Legal Counsel
James Carey, Legal Counsel
Kristen Loeser, Management Assistant

The following cases were heard:

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APPROVAL OF MINUTES

00:02:00 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on March 9, 2017.

The vote was as follows:

Yes: Carlson, Lewis, Gazaway, and Peterson

Absent: None

Abstain: Brown

No: None

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NUMBER 16ZONE1071

Project Name	Hwang's Martial Arts
Location	9017 Taylorsville Road
Owners	Dr. Mohammad A. Mian, Asia Mian
Applicant	Hwang's Martial Arts Inc.
Representative	Bardenwerper Talbott & Roberts PLLC
Project Area	1.11 acres/48,471 sq ft
Jurisdiction	Louisville Metro
Council District	18 – Marilyn Parker
Case Manager	Beth Jones, 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 Land Development and Transportation Committee meeting (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S 5th Street).

An audio/visual recording of the Land Development and 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.

Agency Testimony:

00:03:50 Beth Jones presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Nick Pregliasco, 1000 N Hurstbourne Pkwy., Louisville, KY 40223
Grand Master Jung Oh Hwang, 2813 N Hurstbourne Pkwy., Louisville, KY 40223
John Miller, 1387 S 4th Street, Louisville, KY, 40208

Summary of testimony of those in favor:

00:07:00 Nick Pregliasco spoke on behalf of the applicant. The applicant is proposing to construct a two-story structure for a martial arts studio and office space. A parking lot will be constructed along with landscape buffering and drainage improvements. A sidewalk waiver is being requested for Axminster drive. The exterior design will be similar to that of the applicant's other martial arts studio nearby. The City of Forest Hills is supportive of the sidewalk waiver, and this will be provided in writing at the Planning Commission meeting.

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CASE NUMBER 16ZONE1071

00:13:35 Grand Master Jung Oh Hwang responded to questions from the Commissioners. He stated that the hours of operation will be from 4:30 p.m. to 7:30 p.m. on weekdays and 10:00 a.m. to 12:00 p.m. on Saturdays. Mr. Pregliasco stated that the hours of operation for the additional office space will be determined before the Planning Commission meeting.

00:16:00 John Miller of Miller-Wihry Planners, Engineers, & Surveyors stated that the parking lot will be lit at night and there will be security lighting on the building. The studio will be on the ground floor; medical offices are anticipated for the second floor. There should not be an overlap in the demand for parking.

00:17:30 Mr. Pregliasco stated that a binding element can be provided at the Planning Commission meeting that will state the hours of operation.

The following spoke in opposition to the request:

John Abaray, 9205 Axminster Drive, Louisville, KY 40299

Summary of testimony of those in opposition:

00:19:00 John Abaray lives near the project site and feels this project will greatly increase traffic in an intersection that is already dangerous. He is concerned that drivers will use his driveway to turn around and access the site. He does not see the need for another martial arts studio since there is already one nearby and he thinks that this project is mainly being proposed for the additional office space.

00:24:25 By general consensus, the Committee scheduled Case Number 16ZONE1071 for the April 20, 2017 Planning Commission public hearing.

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NEW BUSINESS

CASE NUMBER 16ZONE1076

Project Name	1207 Moser Road
Location	1207 Moser Road
Owner	Lillie M. Lillard
Applicant	Elite Built Homes
Representative	Bardenwerper Talbott & Roberts PLLC
Project Area	50 acres
Jurisdiction	City of Douglass Hills
Council District	19 – Julie Denton
Case Manager	Beth Jones, 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 Land Development and Transportation Committee meeting (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S 5th Street).

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NOTE: Commissioner Peterson did not participate in this case.

Agency Testimony:

00:25:20 Beth Jones presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Nick Pregliasco, 1000 N Hurstbourne Pkwy., Louisville, KY 40223

Summary of testimony of those in favor:

00:29:40 Nick Pregliasco spoke on behalf of the applicant. The applicant is proposing a change in zoning from R-4 to R-5 at Moser Road and Linn Station Road mainly to allow Elite Homes to build a maintenance free community—slightly smaller, uniform lots that are maintained by the homeowners association.

00:35:25 By general consensus, the Committee scheduled Case Number 16ZONE1076 for the April 20, 2017 Planning Commission public hearing.

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NEW BUSINESS

CASE NUMBER 16ZONE1075

Request:	Change in zoning from RR to R-4
Project Name:	Creek View, Section 3
Location:	11700 Mary Morley Drive
Owner:	Premier Land Development Co.
Applicant:	Premier Land Development Co.
Representative:	Mindel, Scott, and Associates
Jurisdiction:	Louisville Metro
Council District:	22 - Robin Engel
Case Manager:	Joel Dock, 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 Land Development and Transportation Committee meeting (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S 5th Street).

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Agency Testimony:

00:36:45 Joel Dock presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Kathy Linares, 5151 Jefferson Blvd, Suite 101, Louisville, KY 40219

Summary of testimony of those in favor:

00:39:20 Kathy Linares spoke on behalf of the applicant. She stated that this is a change in zoning from RR to R-4 with a conservation subdivision plan and responded to questions from the Commissioners.

The following spoke neither for nor against the request:

Ken Richardson, 8501 Pine Valley Trail, Louisville, KY 40229

Summary of testimony of neutral parties:

00:46:40 Neighbor Ken Richardson stated that the Mary Morley Drive easement runs along his property, and he and his wife would like it to be deeded back to them if

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CASE NUMBER 16ZONE1075

the change in zoning is approved. Ms. Linares said that the applicant has agreed to this request. The Commissioners agreed this can be listed as a binding element.

00:49:35 By general consensus, the Committee scheduled Case Number 16ZONE1076 for the April 20, 2017 Planning Commission public hearing.

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NEW BUSINESS

CASE NUMBER 17WAIVER1003

Project Name:	809 Market Street
Location:	809 E. Market Street
Owner(s):	Shelby Market Properties, LLC
Applicant:	LMS Design – Lindsey Stoughton
Representative(s):	LMS Design – Lindsey Stoughton
Project Area/Size:	N/A
Existing Zoning District:	EZ-1, Enterprise Zoning District
Existing Form District:	TMC, Traditional Marketplace Corridor
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Joel P. Dock, 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 Land Development and Transportation Committee meeting (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S 5th Street).

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Agency Testimony:

00:50:55 Joel Dock presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Lindsey Stoughton, 816 Franklin St., Louisville, KY 40206

Summary of testimony of those in favor:

01:00:35 Lindsey Stoughton with LMS Design spoke on behalf of the applicant and stated that the property is landlocked, so there is no way to construct or access a parking lot. She also stated that additional surface parking lots are not permitted per the Nulu Overlay District Site Planning and Parking Guidelines. She reviewed bicycle parking requirements from the site plan and stated bar hours of operation are from 4:00 p.m. to 4:00 a.m.

01:09:25 Tammy Markert stated that Transportation Planning has not yet seen a traffic study and would like to review it. Commissioner Carlson recommended that the case be continued so that Transportation Planning can review the traffic study.

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CASE NUMBER 17WAIVER1003

Commissioner Brown agreed and addressed other concerns that need to be worked out as well.

01:15:20 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, that the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** Case Number 17WAIVER1003 to the April 6, 2017 Planning Commission meeting.

The vote was as follows:

Yes: Carlson, Lewis, Gazaway, Brown, and Peterson

Absent: None

Abstain: None

No: None

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NEW BUSINESS

CASE NUMBER 17DEVPLAN1002

Project Name:	Poplar Logistics
Location:	5360 Rangeland Road
Owner(s):	Adventure Development Co.
Applicant:	Duane Realty & Development
Representative(s):	Mindel, Scott, & Associates
Project Area/Size:	26.06 acres
Existing Zoning District:	M-2, Industrial/R-4, Single-family Res.
Existing Form District:	SW, Suburban Workplace/N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	2– Barbara Shanklin
Case Manager:	Joel P. Dock, 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 Land Development and Transportation Committee meeting (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S 5th Street).

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Agency Testimony:

01:17:00 Joel Dock presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Nick Pregliasco, 1000 N Hurstbourne Pkwy., Louisville, KY 40223
Bob Duane, 91 Warrior Road, Louisville, KY 40207

Summary of testimony of those in favor:

01:24:15 Nick Pregliasco spoke on behalf of the applicant and stated this is a request for a Revised Detailed District Development Plan for a warehouse facility with a waiver for an outdoor amenity area. The property has been consolidated to two lots, and proposed structural square footage has been decreased. The applicant will also be swapping a portion of the subject property with a portion of the neighboring church's property.

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NEW BUSINESS

CASE NUMBER 17DEVPLAN1002

01:45:33 Applicant Bob Duane asked the Commissioners about enforcement of hours of operation if a binding element is added. He is unsure at this time who the future tenants will be.

01:47:11 Assistant Planning Director Joe Reverman stated that there is a Land Development Code requirement that limits the loading, unloading, and idling of heavy trucks between the hours of 10:00 p.m. and 7:00 a.m.

01:49:19 On a motion by Commissioner Carlson, seconded by Vice Chair Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver will not adversely affect adjacent property owners as the development is in an area of industrial development and the outdoor amenity is for the benefit of employees only, and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 4, Policy 1 calls for open space that is designed to meet outdoor recreation, natural resource protection, aesthetic, cultural and educational or public, health and safety needs. The outdoor amenity area is intended for the use of employees only and is based on the office square footage only as a reflection of employment needs, and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the outdoor amenity would be restricted to employees only, and

WHEREAS, the Committee further finds that 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 as the outdoor amenity is being reduced to reflect office use and employment; now, therefore be it

RESOLVED, that the Louisville Metro Land Development and Transportation Committee, in Case Number 17DEVPLAN1002, does hereby **APPROVE** the waiver of Land Development Code (LDC), section 5.12.2.A.1 to reduce outdoor amenity area based on the Staff Report and testimony heard today.

The vote was as follows:

Yes: Carlson, Lewis, Gazaway, Brown, and Peterson

Absent: None

Abstain: None

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CASE NUMBER 17DEVPLAN1002

No: None

01:50:10 On a motion by Commissioner Carlson, seconded by Vice Chair Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the proposal does not appear to have any adverse impact on any environmental features or historic resources. Redwing engineering determined that the potential wetlands that can be observed using LOJIC data and one additional wetland previously noted by the development plan engineer near the West site of the North building on Lot 1 are non-jurisdictional, isolated with no connection to other waters or tributary systems, and not regulated by the Army Corps of engineers, and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Connection to the public roads and sidewalks is provided, and

WHEREAS, the Committee further finds that 10% of the total square footage of the office spaces will be provided in an outdoor amenity and two detention areas will remain pervious, and

WHEREAS, the Committee further finds that 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 Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area as the proposed warehouse is similar in design and scale to surrounding uses, and

WHEREAS, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan as Guideline 6, Policy 1 recommends limiting land uses in workplace districts only to those land uses necessary to meet the needs of the industrial subdivision or workplace district and their employees. Guideline 6, Policy 4 encourages industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs. The proposed plan is located within an industrial area of the workplace form district with infrastructure in place to accommodate transportation needs; now, therefore be it

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CASE NUMBER 17DEVPLAN1002

RESOLVED, that the Louisville Metro Land Development and Transportation Committee, in Case Number 17DEVPLAN1002, does hereby **APPROVE** the Revised Detailed District Development Plan based on the Staff Report and testimony heard today and **SUBJECT** to the following binding elements:

Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 425,275 square feet of gross floor area.
3. Signs shall be in accordance with Chapter 8.
4. 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.
 - 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.
5. Enhanced buffering along the west boundary of the development site shall be provided through increased landscaping around detention basin areas, as well as to fill-in the area between the detention basin areas to adequately screen adjacent residential properties from industrial uses on the development site.
6. A sanitary sewer easement shall be provided by the applicant to the adjacent BBQ restaurant.

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7. 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.
8. Any proposed use at the development site that generates hazardous materials shall be limited to a Small Quantity Generator or a Conditionally Exempt Small Quantity Generator as those terms are defined by the United States Environmental Protection Agency or any successor thereto.
9. The applicant shall provide an 8' double-sided wooden fence with interior polyethylene noise foam along the east property line of 4877 Charlotte Drive.
10. One tree shall be planted within 15 feet of the building, for each 50 feet of façade length along Shepherdsville Road. Trees may be clustered, but distance between trees shall not exceed 100 feet. Tree species shall be selected as to not block visibility of existing billboards from Shepherdsville Road and will equal or exceed the height of the adjacent building at maturity. An example of species to be planted would be 'Slender Silhouette' Sweetgum or any other "columnar" type species. This requirement shall be in addition to trees required in parking lot interior landscape areas.

The vote was as follows:

Yes: Carlson, Lewis, Gazaway, Brown, and Peterson
Absent: None
Abstain: None
No: None

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ADJOURNMENT

The meeting adjourned at approximately 2:50 p.m.

Chairman

Division Director