

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
June 25, 2020**

A meeting of the Land Development and Transportation Committee was held on, June 25, 2020 at 1:00 p.m. online via Webex.

Committee Members present were:

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

Committee Members absent were:

No one.

Staff Members present were:

Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning Manager
Julia Williams, Planning & Design Supervisor
Joel Dock, Planner II
Dante St. Germain, Planner II
Laura Ferguson, Legal Counsel
Chris Cestaro, Management Assistant (minutes)

Others present:

Beth Stuber, Louisville Metro Transportation

The following matters were considered:

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APPROVAL OF MINUTES

JUNE 11, 2020 LD&T COMMITTEE MEETING MINUTES

00:04:32 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted.

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on June 11, 2020.

The vote was as follows:

YES: Commissioners Carlson, Brown, Peterson, and Lewis.
ABSTAINING: Commissioner Daniels.

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NEW BUSINESS

CASE NO. 20-WAIVER-0041

Request: Pedestrian and Vehicular Connection Waivers
Project Name: Carlton Roofing
Location: 4521 Bishop Lane
Owner: JES Commercial Properties
Applicant: JES Commercial Properties
Representative: Mindel Scott - Curtis Mucci
Jurisdiction: Louisville Metro
Council District: 10 - Pat Mulvihill
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:

00:05:35 Julia Williams presented the case on behalf of Molly Clark and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:10:24 In response to a question from Commissioner Brown, Ms. Williams discussed vehicular connection requirements in the Suburban Workplace form district, as opposed to other form districts (see recording for detailed discussion.)

The following spoke in favor of this request:

Curtis Mucci, Mincel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in favor:

00:11:28 Curtis Mucci, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

Deliberation

00:17:37 Commissioners' deliberation.

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CASE NO. 20-WAIVER-0041

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 #1 of Land Development Code section 5.9.2.1.b.ii which requires that abutting non-residential uses shall provide vehicular and pedestrian circulation between their sites through parking lots or alley connections, hard surface walkways and similar measures.

Waiver #2 of Land Development Code section 5.9.2.A.1.b.i which requires pedestrian connection to public right of way.

00:19:03 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted.

(Waiver #1) WHEREAS, the Louisville Metro Land Development & Transportation Committee finds that the adjacent property owners are all industrial related uses as well as many are secure sites not open to the public. Adjacent property owners will more than likely not want to connect to other private secure industrial sites; and

WHEREAS, the Committee further finds that Guideline 1 policy 4 calls for proposals to ensure that new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. The development being proposed is a secured facility that is not accessible to other surrounding industrial uses. This is compatible with surrounding developments. Guideline 19 policy 1 calls for locating activity centers in appropriate areas in all form districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure. This development will be located next to other secured industrial facilities and will not have a negative impact on adjacent industrial developments; and

WHEREAS, the Committee further finds that the roofing company cannot be expected to access other secure sites that are not open to the public nor related to their company or type of industry; 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 land because other private industrial companies are not open to allowing traffic or access through their secure sites that are not open to the public; and

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(Waiver #2) WHEREAS, the Committee further finds that between the fencing of existing surrounding industrial lots and the existing 40 foot access easement, there is not much room for pedestrian access. The proposed development is not open to the public. The surrounding industrial developments are also not open to the public; and

WHEREAS, the Committee further finds that Guideline 4 policy 8 encourages that industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites. This proposed development is located in an already industrial area with an existing private access easement that is accessed by other industrial uses. Locating the proposed development at this site allows for the company to continue to operate away from residential uses. Guideline 13 policy 17 calls for the mitigation of adverse impacts of noise from proposed development on existing communities. With this proposal being in an already industrial area, that is vacant, this avoids the possibility of development having to relocate near a residential community; and

WHEREAS, the Committee further finds that the waiver of the regulation to provide pedestrian access to adjacent ROW is the minimum necessary to afford relief to the applicant because the proposed development will not be open to the public as well as the site is a secure site with fencing around it; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land and unnecessary hardship because the property is not open to the public and the private 40 foot access easement that connects to Bishop Lane is not wide enough to include a sidewalk. Currently the surrounding developments use the private access easement for parallel street parking; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested **Waiver #1** of Land Development Code section 5.9.2.1.b.ii which requires that abutting non-residential uses shall provide vehicular and pedestrian circulation between their sites through parking lots or alley connections, hard surface walkways and similar measures; and the requested **Waiver #2** of Land Development Code section 5.9.2.A.1.b.i which requires pedestrian connection to public right of way.

The vote was as follows:

YES: Commissioners Carlson, Brown, Peterson, Daniels, and Lewis.
NO: No one.

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NEW BUSINESS

CASE NO. 20-MPLAT-0058

Request: Minor Plat with Waiver of Section 7.8.60.B.4 for Collector Level Roadway Access
Project Name: Minor Plat for Martin Koester
Location: 14811 Rehl Road
Owner: Daryl and Lisa Elder
Applicant: Daryl and Lisa Elder
Representative: Cardinal Surveying
Jurisdiction: Louisville Metro
Council District: 20 - Stuart Benson
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:

00:20:28 Julia Williams presented the case on behalf of Molly Clark and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:23:31 Commissioner Brown asked if the plan had been reviewed for sight distance. Ms. Williams referred that question to the applicant.

The following spoke in favor of this request:

Kathy Matheny, Cardinal Surveying, 9009 Preston Highway, Louisville, KY 40219

Summary of testimony of those in favor:

00:24:12 Kathy Matheny, the applicant's representative, said Metro Transportation Planning did review this plan. They were going to sight the driveway and were going to go to the site to look at the road. She said her client is the buyer of this tract and so has not yet purchased it; however, the exact location for the driveway is subject to Public Works' approval. Addressing Commissioner Brown, Ms. Matheny said there is adequate sight distance.

00:26:12 Beth Stuber, with Metro Transportation Planning, stated that Transportation Planning has not yet gone out to the site and has not yet approved the plan.

00:26:35 In response to a question from Commissioner Lewis, Ms. Matheny clarified that a condition the buyer has, before completing the purchase of the property, was getting Public Works'/Transportation's approval of the proposed location of the driveway.

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NEW BUSINESS

CASE NO. 20-MPLAT-0058

00:27:36 In response to a question from Commissioner Carlson, Commissioner Brown said he did not think it was necessary for the Committee to impose a Condition of Approval for the driveway location because that condition would have to be met before a Construction Permit would be issued.

The following spoke in opposition to this request:

No one spoke.

Deliberation

00:28:46 Commissioners' 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.

00:29:34 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.

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver will not adversely affect adjacent property owners as access will serve single-family residences and traffic will be the minimum necessary to serve them; and

WHEREAS, the Committee further finds that Guideline 1, Policy 4 strives ensure new development and redevelopment are compatible with scale and site design of nearby existing development with the desired pattern of development within the Form district. The waiver will not violate specific guidelines of Cornerstone 2040 as the proposed subdivision will accommodate single-family residences and traffic will be the minimum necessary to serve them. The communities abutting S English Station and Rehl Road are currently low-density single family zoning; 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. The new proposed lot would be difficult to connect to the existing driveway on the other proposed tract since the house is almost directly behind it; and

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CASE NO. 20-MPLAT-0058

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 because Transportation Planning has preliminarily approved the proposed additional single-family access on this primary collector level roadway. The lots resulting from the subdivision conform to the zoning and form district regulations applicable to the property; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested waiver of Land Development Code (LDC) section 7.8.60.B.4 to allow individual single-family driveway access to a collector level roadway.

The vote was as follows:

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

NO: No one.

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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:

00:30:38 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:34:43 In response to a question from Commissioner Brown, Ms. Williams discussed the ROW dedication and said Beth Stuber, with Metro Transportation Planning, or the applicant can address more fully address that. She added that it does not appear that Planning & Design Services has received a final answer on whether Metro needs that additional ROW or not.

00:36:04 Commissioner Brown asked why this lot had not been split in half, like the lot next to it. Ms. Williams said she believed the lot was configured the way it is to accommodate a small accessory/service structure in the rear. The applicant can address this.

The following spoke in favor of this request:

Max Onan, 4206 Grand Court, Crestwood Kentucky

Summary of testimony of those in favor:

00:36:58 Max Onan, the applicant's representative, addressed Commissioner Brown's question about the property configuration (see recording for detailed presentation.)

00:38:20 Commissioner Peterson discussed the small concrete building.

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NEW BUSINESS

CASE NO. 20-MPLAT-0064

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

Deliberation

00:39:43 Commissioners' deliberation.

Commissioner Brown felt that this lot should be configured like the adjacent lot, making two equal size lots and maintaining a development pattern. He also requested a condition that there be no garage or driveway access from the front, because this is a "challenging area." The Commissioners discussed the lot patterns.

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.

Deliberation

00:39:48 Commissioners' deliberation.

00:43:16 A motion was made by Commissioner Peterson, seconded by Commissioner Daniels, to approve the request. During the Commissioner discussion, the driveway issue was raised as well as the finding requested by staff and the condition of approval requested by Commissioner Brown (see recording.) Commissioner Peterson said he would like to hear from the applicant if difficulty to restrict the driveway.

00:45:33 The Committee agreed to come out of business session to hear from Mr. Onan about driveway access. Mr. Onan said the applicant wants to have access to park for the homes that are being built there, and had plans to bring the driveway "under the building." Ms. Williams said it was her understanding that the applicant wants to construct a carriage-house-type structure – this would have a garage underneath (ground floor) and a residential unit above (second floor.) Commissioner Brown and Ms Williams discussed front setbacks. Commissioner Brown explained why he feels that the lot is too small to accommodate a garage and a driveway (see recording.)

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CASE NO. 20-MPLAT-0064

00:49:40 Joseph Reverman, Assistant Director of Louisville Metro Planning & Design Services, said that, if the applicant wants a front-facing garage, they would require a waiver from form district design standards.

00:49:41 After discussion with the Commissioners and staff, Mr. Onan agreed to a continuance.

00:54:00 Commissioner Peterson withdrew his motion for approval.

00:54:20 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **July 9, 2020** Land Development and Transportation Committee meeting to allow the applicant to obtain information requested by the Committee members at today's hearing, including but not limited to the length of the driveway, any changes to the proposed lot size, and whether or not any ROW dedication has been made.

The vote was as follows:

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

NO: No one.

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NEW BUSINESS

CASE NO. 20-DDP-0021

Request: Revised Detailed District Development Plan with sidewalk, pedestrian connection and landscape waivers
Project Name: Ormsby II Parking Garage
Location: 10350 Ormsby Park Place
Owner: Ormsby Louisville II, LLC
Applicant: Ormsby Louisville II, LLC
Representative: Gresham Smith
Jurisdiction: City of Lyndon
Council District: 18 - Marilyn Parker
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:

00:55:02 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:05:10 In response to a question from Commissioner Brown, Mr. Dock said that the City of Lyndon does have a fee-in-lieu option; however, the City has not adopted the new sidewalk ordinance, so they do not have off-site construction abilities.

The following spoke in favor of this request:

Erin Hathaway and Jon Henney, Gresham Smith and Partners, 111 West Main Street, Louisville, KY 40202

Summary of testimony of those in favor:

01:05:46 Erin Hathaway, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:15:34 In response to a question from Commissioner Brown, Ms. Hathaway said the crosswalk across Dorsey Lane is a marked crosswalk but not controlled (not stop signs, beacons, etc.) She said it is located further down into a development with not much vehicular traffic. There are stop signs coming out of those developments.

01:16:19 In response to a question from Commissioner Daniels, Ms. Hathaway said she was not sure if the office buildings shown are fully occupied. She said the reason that the parking structure is being requested is because a tenant is moving in and has requested additional parking for the use.

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01:17:13 Jon Henney, another applicant's representative, said that, in responding to staff comments, the applicant was asked to make pedestrian connections from both Hurstbourne and Ormsby Station. The proposed connection into the site from Ormsby Station would begin at the crosswalk Commissioner Brown asked about earlier. Using an aerial photo of the site from Ms. Hathaway's presentation, he pointed out the proposed location and asked how the pedestrian connections could affect landscape islands. Mr. Dock said the walkways can go through proposed ILA's (see recording for detailed discussion.)

01:20:48 Mr. Henney also responded to Commissioner Daniels' earlier question about occupancy (see recording.)

The following spoke in opposition to this request:

No one spoke.

Deliberation

01:22:04 Commissioners' deliberation.

01:31:02 After some discussion, Commissioner Brown asked Mr. Dock if a Traffic Impact Study would have been required for this, even though the applicant is not adding office square footage, just because of the number of parking spaces being requested. Mark Dutrow, representing Metro Transportation Planning, explained why the applicant was not required to do a traffic impact study. Mr. Dock also discussed LDC requirements with the Commissioners (see recording.)

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 #1 - Waiver of Land Development Code (LDC – City of Lyndon), section 5.8.1.B to not provide public sidewalks along Dorsey Lane

Waiver #2 - Waiver of LDC, section 5.8.1.B to not provide public sidewalks along Ormsby Station Road and Ormsby Park Place

Waiver #3 - Waiver of LDC, section 5.9.2.A.1.b to not provide pedestrian connection to Dorsey Lane

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Waiver #4 - Waiver of LDC, section 10.2.12 to exceed the maximum distance between interior landscape areas (ILA) within the current parking lot

Waiver #1

01:36:26 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver will adversely affect adjacent property owners as Louisville Metro is the owner of adjacent property and was transferred this land for the purpose of constructing a greenway trail from AB Tom Sawyer Park to Dorsey Lane. The exclusion of a sidewalk at this location restricts pedestrian connectivity to/from Hurstbourne Parkway with the proposed greenway trail. Granting the waiver further adversely affects adjacent property owners as the first phase of construction for the greenway trail from AB Sawyer Park across Hurstbourne Parkway and terminating in the area of Forest Bridge Road is currently in construction planning phase and the terminus of the proposed greenway trail at Dorsey Lane will connect to any future public walks; and

WHEREAS, the Committee further finds that the waiver will violate specific guidelines of Plan 2040. Land Use & Development Goal 1, Policy 1.3 promotes sidewalks along the streets of all developments. Land Use & Development Goal 1, Policy 1 states that in order to promote healthy lifestyles and reduce congestion, new development and redevelopment should provide for the movement of pedestrians, bicyclists and transit users, where appropriate. Land Use & Development Goal 3, Policy 5 states that developments should be evaluated for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. The granting of the waiver would violate these stated land use and development policies as the exclusion of a sidewalk at this location restricts pedestrian connectivity and safe access to/from Hurstbourne Parkway with the proposed greenway trail.

Each of these options furthers the mobility goals of Louisville Metro to promote healthy lifestyles and multi-modal transportation options, as well as safe pedestrian connectivity within the immediate vicinity or council district; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as new development and redevelopment should provide for the safe movement of pedestrians, bicyclists and transit users, where appropriate and the location of the required sidewalk is an

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appropriate location for pedestrian connectivity to the Greenway Trail proposed by Louisville Metro Government; now therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **DENY** the requested Waiver of Land Development Code (LDC – City of Lyndon), section 5.8.1.B to not provide public sidewalks along Dorsey Lane.

The vote was as follows:

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

NO: No one.

PRESENT BUT NOT VOTING DUE TO TECHNICAL ISSUES: Commissioner Daniels.

Waiver #2

01:37:38 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on testimony heard today, was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that not providing the public sidewalks along Ormsby Station Road and Ormsby Park Place will adversely affect the adjacent property owners by not providing the pedestrian connection between the existing transit route on Hurstbourne Parkway and the Greenway Trail that exists along the subject site and to the east and for the future improvements to be incorporated in the Louisville Loop project; and

WHEREAS, the Commission further finds that this also violates Guidelines of Plan 2040 for the Land Use and Development Goal 1 Policy 1.3 and for Goal 1 Policy 1 that would promote healthy lifestyles and reduce traffic congestion; and

WHEREAS, the Committee further finds that this is not the minimum necessary to afford relief to the applicant as a sidewalk connection could be provided within the existing public right-of-way; now therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **DENY** the requested Waiver of LDC, section 5.8.1.B to not provide public sidewalks along Ormsby Station Road and Ormsby Park Place.

The vote was as follows:

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YES: Commissioners Carlson, Brown, Peterson, Daniels, and Lewis.
NO: No one.

Waiver #3 AND Waiver #4

01:39:41 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

(Waiver #3) WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver will not adversely affect adjacent property owners as the subject property maintains adequate connectivity to primary streets serving the development site; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Plan 2040. Land Use & Development Goal 1, Policy 1 states that in order to promote healthy lifestyles and reduce congestion, new development and redevelopment should provide for the movement of pedestrians, bicyclists and transit users, where appropriate. Adequate connectivity to primary streets serving the development to promote the movement of pedestrians and transit users will be provided; 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 connectivity to serve pedestrians from primary streets, specifically those using transit is provided; and

WHEREAS, the Committee further finds that the strict application of the regulation would deprive the applicant of the reasonable use of the land as the request does not violate specific provisions of Plan 2040; and

(Waiver #4) WHEREAS, the Committee further finds that the waiver will not adversely affect adjacent property owners as the subject property maintains a tree canopy around the exterior of its property and this canopy provides considerable surface parking lot coverage similar to an ILA; and

WHEREAS the Committee further finds that the waiver will not violate specific guidelines of Plan 2040 as tree canopy requirements will be met and the impact of existing canopy overhanging the surface lot provide similar coverage; 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 installation of ILA would

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decrease parking the total number of spaces, which the applicant has indicated to be in high demand on the subject property; and

WHEREAS, the Committee further finds that the strict application of the regulation would deprive the applicant of the reasonable use of the land as existing exterior parking lot coverage provides a similar coverage area to what would be required for the required ILA and the minimum tree canopy requirements are being met; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested Waiver of LDC, section 5.9.2.A.1.b to not provide pedestrian connection to Dorsey Lane; **AND** the requested Waiver of LDC, section 10.2.12 to exceed the maximum distance between interior landscape areas (ILA) within the current parking lot.

The vote was as follows:

YES: Commissioners Carlson, Brown, Peterson, Daniels, and Lewis.
NO: No one.

Revised Detailed District Development Plan and Binding Elements

01:40:39 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the proposed revision does not negatively impact environmental features adjacent to the development site, including the greenway and streams; and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community has been generally provided, except for the sidewalk waiver request on Dorsey Lane. That request did not appear to be adequately justified by staff. Pedestrian connections have been provided to primary streets to provide access to pedestrians and transit users; and

WHEREAS, the Committee further finds that provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development is provided as internal courts are provided and the site is adjacent to a greenway; and

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WHEREAS, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan; and

WHEREAS, the Committee further finds that the proposal appears to be substantially similar in design to existing buildings on site. The proposal will consist of painted concrete to match current buildings; and

WHEREAS, the Committee further finds that the development plan generally conforms to the Comprehensive Plan and Land Development Code, now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Lyndon that the Revised Detailed District Development Plan be **APPROVED**, with consideration given to the additional impact to traffic that the additional 235 new parking spaces will have on the surrounding roadway network and **ON CONDITION** that the applicant update the Development Plan to include sidewalks along Dorsey Lane, Ormsby Station Road, and Ormsby Parkway, and **SUBJECT** to the following Binding Elements:

CASE NO. 17502

DOCKET NO. 9-106-97

1. The development shall be in accordance with the approved district development plan. Any changes/additions/alterations of any binding element(s) shall require notice to the Old Dorsey Place Homeowners Association and Owl Creek Community Association via their registered agents thirty (30) days in advance of any Planning Commission meeting (i.e. LD&T) at which any such change/addition/alteration is considered, and any such change/addition/alteration shall be referred by the Planning Commission to the City of Lyndon for approval, and any changes/additions/alterations not so referred shall not be valid.

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

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- h. sidewalks
- 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

At the time of detailed district development plan approval, a rendering of buildings proposed for construction on a site shall be submitted to the Planning Commission for review and approval as to consistency with the use, design and locational guidelines of these binding elements and general district development plan.

3. The density of the R-7 multi-family development shall not exceed 9.5 dwelling units per acre (186 units on 19.55 acres). 44 of these units shall be developed as patio homes and 142 shall be developed as apartments. No more than 50% of the apartment units shall be one bedroom units. One bedroom apartments will be a minimum of 700 square feet in size. Each of the other units (two and three bedroom) shall be a minimum of 1000 square feet in size.

4. The commercial/office component of the development shall not exceed the following square feet of gross floor area:

- a. 300,000 square feet of office space two six-story buildings (150,000 per building)
- b. 60,000 square feet of office space in one four-story building
- c. One three-story 100 room hotel
- d. 15,000 square feet business/office services center
- e. one 150 bed assisted living facility
- f. 1,100 square foot on two outparcels for restaurants
- g. 3,000 on one outparcel for a bank

The following are prohibited uses of the property: adult entertainment; automobile parking areas, public and private; gas stations; automobile service stations with service bays for repair; automobile part stores that have service bays for parts installation and/or for automobile repair; automobile sales agencies; automobile rental agencies; car washes; clubs, private, non-profit or proprietary; community residences; garage or yard sales; laundries or launderettes, self-service; towers (radio, TV cellular, receiving or transmitting); and all uses of the property (except assisted living facilities, homes for the elderly and nursing homes) that require a conditional use permit in addition to appropriate zoning.

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5. The highest peak roof elevation for any apartment building shall not exceed the highest peak roof elevation of the adjoining patio homes.
6. Freestanding signage shall be monument style with uniform brick foundations and uniform tops. No freestanding sign shall exceed seven feet in height and 63 square feet in area. Only two four freestanding signs shall be permitted along Hurstbourne Parkway - at the designated entrances to the Forest Green development, for Lots 9A and 9B along Hurstbourne Pkwy., and one additional sign along Dorsey Ln. as shown on the Revised Detailed District Development Plan presented to the Development Review Committee July 18, 2012. All other freestanding signs shall be located along the interior access road (Forest Green Parkway). All freestanding signs shall obtain prior approval from the Planning Commission.
7. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
8. There shall be no outdoor storage on the site.
9. Outdoor lighting shall be designed to be similar in height, style and intensity to that approved at the Woodlawn Center at Hubbards Lane and Westport Road. 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, except that, at the back side of the berm at the rear of the main shopping center, lighting levels shall not exceed one foot candle.
10. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention ditches/large swales, etc.);
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps; and
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.

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CASE NO. 20-DDP-0021

11. A note shall be placed on the preliminary plan, construction plan and the record plat that construction fencing shall be erected prior to any grading or construction activities to prevent compaction of root systems of trees to be preserved and to prevent any disturbance of Greenway areas. The fencing shall enclose the area beneath the dripline of the tree canopy and, where necessary, to prevent any disturbance to Greenway areas and shall remain in place until all construction is completed. No parking, material storage or construction activities shall be permitted within the fenced area.

12. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District Design Manual and the USDA National Resources Conservation Service recommendations. The plan shall be submitted to Friends of Beargrass Creek for review and comment at the time of submittal to MSD. Documentation of MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities. Developer shall actively inspect and enforce plan implementation and maintenance and keep streets free of mud.

13. The developer and its assigns shall mitigate stormwater- runoff from impervious surfaces using accepted Best Management Practices ("BMPs") to the extent reasonable and practical in accordance with the accompanying letter from Gresham Smith & partners. Plans for storm water management shall be submitted to Friends of Beargrass Creek for review and comment at the time of submittal to MSD.

14. 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 the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).

b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) in accordance with the parkway policy, "Section Study at Lots 1,4 and 7" and as described in Article 12 prior to requesting a building permit. Within the parkway buffer along the frontage of Lots 2 through 10, the owner/developer shall install a berm of no less than 3 feet in height and varying between 3 and 5 feet in height. Such plan shall include enhanced screening along the rear of the main retail enter in accordance with the concept plan presented at the public hearing, which shall include a berm with a staggered double row of evergreen trees as approved by the Planning Commission, and shall be implemented prior to occupancy of the site and shall be maintained thereafter.

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CASE NO. 20-DDP-0021

15. Responsibility for open space areas shall be divided between the Forest Garden Village Association (herein referred to as the "Homeowners Association", membership in which shall include all of the owners of lots in the innovative residential subdivision) and the Forest Green Development Association (herein referred to as the "Development Association", membership in which shall include all of the owners of all of the lots in the overall Forest Green development) and may also include a Forest Green Commercial Association (hereinafter referred to as the "Commercial Association", membership in which may include the owners of lots in the commercial portion of the Forest Green Development). The Homeowners Association shall have responsibility for maintenance of all areas of the Forest Green innovative subdivision which comprise the lots on which dwelling units are located as well as interior streets, and the Homeowners Association's maintenance obligation shall include signage, streets, street lighting, yards of individual dwellings and its and building exteriors. The Development Association shall have responsibility for maintenance of all areas of the Forest Green innovate subdivision, plus areas outside of said subdivision, which comprise areas denoted on the preliminary plan and development plan as reserved as "Open Space" areas and as "Greenways" areas, and the Development Association's maintenance obligations shall include tree and trail preservation and are of other planting and facilities within those Open Space and Greenways areas. The Commercial Association, if formed, will have responsibility for maintenance of all interior streets and public areas outside of the innovative subdivision that are not the responsibility of the Development Association or of an individual lot owner, and the Commercial Association's maintenance obligation will include entrance and street signage, street lighting, street repairs and landscaping along streets and at entrances.

16. Within the "Open Space" areas denoted on the Development Plan, the Developer or its assignee, including any builder other than Developer, shall not be permitted to remove any healthy shade tree of 4 inch or greater caliber. Open Space areas and building setbacks as denoted on the Preliminary Plans shall not be reduced on the record plat.

17. Within the "Greenways" areas denoted on the Development Plan, no development shall occur except as shown on the approved district development plan. Within these "Greenway" areas and within areas located outside of Greenways areas which, contain slopes greater than 15 percent inside Open Space areas, the Developer or its assignee shall not be permitted to engage in any land disturbing activities until such time as a plan, prepared generally in accordance with the Louisville and Jefferson County Multi-Objective Stream Corridor/Greenway Plan, which shall include provisions for preservation of vegetation, stream and slope protection and public usage of Greenway areas, has been approved by the Planning Commission. Such plan shall also be submitted to Friends of Beargrass Creek for review and comment at the time of submittal to applicable agencies. The plan for stream corridor preservation mandated by this binding element shall be implemented within six months of approval of said plan by

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the Planning Commission. No portion of the "Greenways" area shall be the subject of any future rezoning request. (A portion of the "Greenways" area is the subject of the present rezoning application.) Grading within the "greenways" area shall be limited to that necessary for pedestrian paths, vehicular and pedestrian stream crossings, with possible minor incursions into the "Greenways" in the vicinity of Lots 1, 2, and 3.

18. The level of quality and design and building materials shall be generally consistent with the renderings and photographs produced at the April 2, 1998 public hearing and at the March 18, 1999 Planning Commission review of the Revised District Development Plan. Buildings shall be constructed of brick except for minor accent treatments, and except that Lot 9 office buildings shall be constructed in accordance with the rendering produced at the March 18, 1999 Planning Commission meeting, which includes mostly glass, concrete, and stone.

19. Developer shall provide at its cost a deceleration (right-turn) lane heading north on Hurstbourne Parkway into the Old Dorsey Place Subdivision. Construction of the deceleration lane shall begin at approximately the same time as reconstruction of Dorsey Lane, or, in any event, no later than any occupancy permit is issued for the apartments and/or commercial use.

20. Drive-thru businesses shall be limited to Outlots 6, 7, 8. No more than one of those outlots shall be utilized for what is typically known as fast food restaurants.

21. Hours of operation (i.e, when customers are served) for businesses other than, groceries, pharmacies and hotels shall be limited to 6:00 a.m. until 12:00 midnight.

22. Construction activity shall be limited to Monday through Saturday, 7:00 a.m. to 7:00 pm. No construction activity (except on the interior of building) shall be permitted on Sundays or holidays. Heavy equipment operation shall be prohibited on weekend days. Construction traffic shall be prohibited from using neighborhood streets.

23. Cleaning of lots and waste pick up shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday. Waste receptacles shall be bricked on three sides and wood gated with all sides high enough to completely conceal interior receptacles.

24. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.

25. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy, unless specifically waived by the Planning Commission.

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26. 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 of the duties related to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

27. The developer shall furnish to representatives of the adjacent residents associations (Foxboro Manor, Old Dorsey Place, Owl Creek) the name and telephone number of a contact person for purposes of reporting possible violations of the approved district development plan. Provision shall be made for gaining access to the contact person over the weekend and after normal business hours.

28. The developer shall improve the Hurstbourne Parkway left-turn storage lanes, tapers, medians, and radii at the proposed development entrances as required per Jefferson County Public Works and Transportation (JCPW&T) and the Kentucky Transportation Cabinet (KTC).

29. The Developer shall improve Dorsey Lane to provide a minimum of 12 ft. from centerline pavement width 6 ft. shoulders and a sidewalk. Appropriate left-turn storage lanes and tapers shall be provided at the Hurstbourne Parkway intersection and at the patio homes (Forest Garden Drive). Utilities shall be relocated as necessary.

30. Prior to any construction approvals by JCPW&T, Hurstbourne Pkwy. & Dorsey Lane improvement construction plans, bonds, and encroachment permits must be obtained from JCPW&T and KTC.

The vote was as follows:

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

NO: No one.

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NEW BUSINESS

CASE NO. 20-ZONE-0041

Request: 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: John Talbott - 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:

01:49:19 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:53:42 In response to a question from Commissioner Carlson, Mr. Dock discussed a site to the north of this property that had been the subject of several development proposals over recent years (see recording.)

01:55:39 In response to a question from Commissioner Brown, Mr. Dock discussed a case involving a site closer to Cedar Creek Road. Commissioner Brown also asked if the State had a plan to add a third southbound lane from the highway ramp down to Cedar Creek. He asked if the applicant might have that State project number, and also if the State had reviewed this request (see recording for detailed discussion.) Mark Dutrow, with Metro Transportation Planning staff, said the State has not yet commented on this project.

The following spoke in favor of this request:

John Talbott, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

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

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NEW BUSINESS

CASE NO. 20-ZONE-0041

Russell Frederick, Hafer Architects and Engineers, 101 East Second Street,
Owensboro, KY 42303

Summary of testimony of those in favor:

01:57:51 John Talbott, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

02:02:43 Kevin Young, another applicant's representative, discussed more details of the site design (see recording.) He noted that the existing Bartley Drive is being reconfigured to be right-in/right-out. The new design for the applicant's project is being presented today after the neighborhood meeting, because the Bartley Drive residents' desire to be able to get to the new traffic signal. He also addressed Commissioner Brown's comments about Bartley Drive and addressed drainage (see recording for detailed presentation.)

02:05:23 Mr. Talbott resumed his presentation.

02:06:25 Russell Frederick, an applicant's representative, discussed the renderings (see recording.)

02:08:17 Commissioner Carlson asked about the lanes coming from Southpointe Commons and traffic patterns (specifically, how drivers exiting Southpointe Commons would turn into this development.) Mr. Young said that decision would be made by KYDOT but would be up to the applicant to restripe/etc.

02:10:49 Commissioner Brown asked if the State required a traffic impact study for changes to the signalized intersection. Mr. Young said they did not.

The following spoke in opposition to this request:

Jon Baker, Wyatt Tarrant & Combs, 400 West Market Street, Louisville, KY 40202

Summary of testimony of those in opposition:

02:11:36 Jon Baker spoke on behalf of Southpointe Partners LLC. He said his clients do not have a problem with the proposed use; their concerns are related to the intersection and its design (see recording for detailed presentation.) He noted some of KYDOT's comments about the intersection and the turning lanes. He asked that no public hearing date be set until some more data is available or more comments are provided by the State.

The following spoke neither for nor against the request:

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NEW BUSINESS

CASE NO. 20-ZONE-0041

Kim and Danny Winebrenner, 9602 Bartley Drive, Louisville, KY 40291

Summary of testimony of those neither for nor against:

02:15:53 Kim Winebrenner said her concern is having a median coming in, that the residents would not be able to make a left turn, and that was why they requested that the new building site be given access to the light. Danny Winebrenner said the fourth leg is concerning because it is so close to the freeway interchange. He said he and his wife are strongly in favor of this development because it is the best fit for their neighborhood, for safety and accessibility issues, and may also increase their property value because of the road improvements/light access. He said other Bartley Drive residents are also strongly in favor of this development (see recording for their discussion.) Mr. Winebrenner also asked if there are plans for a second tract – will it remain as a “park-like setting” or will it be developed? He also asked if there is a timeline for development.

Rebuttal

02:21:04 Mr. Talbott said this plan has been reviewed by KYDOT and Kevin Young is present to elaborate questions regarding the intersection, but these will have to be answered by KYDOT. Regarding the site to the south, he did not believe that there are tenants or plans for that site.

02:22:33 Commissioner Brown asked Mr. Dock if he had received comments from KYTC. Mr. Dock said he had not. Commissioner Brown said he felt there were technical issues on the site plan that should be addressed before the proposal goes to the Planning Commission.

02:24:15 Mr. Young said he had been in contact with KYDOT and has a series of emails that involve “multiple” KYDOT staff. He added that he has plans that incorporated their comments. He discussed the fourth lane and said all KYDOT comments have been incorporated into the applicant’s proposed site plan.

Deliberation:

02:26:07 Commissioner Brown said the plans in front of the Committee today are dated June 4, 2020 and have outstanding issues in the State ROW. He described his concerns in detail and asked that Transportation issues be resolved before setting a public hearing date (see recording.)

02:27:20 Danny Winebrenner and Commissioner Brown discussed a previous development (Bardstown Pavilion site plan) and its road access.

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CASE NO. 20-ZONE-0041

02:38:07 Mr. Baker requested that if the applicant or anyone else has any information where KYDOT has weighed in, that this information be made public. Also, he requested that any analysis of the traffic signal should include traffic data that takes Bates Elementary School traffic into account. The school traffic will be "heavily reliant" on that signal.

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.

02:41:29 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the July 9, 2020 Land Development and Transportation Committee meeting to allow the applicant to consult the Kentucky Department of Transportation to address the Committee's comments.

The vote was as follows:

YES: Commissioners Carlson, Brown, Peterson, Daniels, and Lewis.
NO: No one.

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NEW BUSINESS

CASE NO. 20-ZONE-0005

Request: Change in zoning from R-4 to R-5, with District Development Plan/Preliminary Subdivision Plan and Binding Elements
Project Name: Villages of Heritage Creek
Location: 10001 Cedar Creek Road
Owner: Virgil and Frankie Slaughter
Applicant: Grand Communities LTD.
Representative: Mindel Scott and Assoc.; Bardenwerper Talbott and Roberts PLLC.
Jurisdiction: Louisville Metro
Council District: 22- Robin Ebge
Case Manager: Julia Williams, 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:

02:42:11 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of this request:

John Talbott, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Hillary Laffin, Fischer Homes, 3940 Olympic Boulevard, Erlanger, Kentucky 41018

David Mindel and Nathan Wright, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Larry Wheeler, Mayor of the City of Heritage Creek, 8700 Justice Way, Louisville, KY 40229

Summary of testimony of those in favor:

02:44:29 John Talbott, the applicant's representative, presented the case and showed a Power Point presentation (see recording for detailed presentation)

02:48:20 Nathan Wright, an applicant's representative, presented more details about the site plan using an aerial photo (see recording.) He noted that there is a proposed left-turn lane on Cedar Creek Road.

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NEW BUSINESS

CASE NO. 20-ZONE-0005

02:50:42 Mr. Talbott resumed his presentation.

02:52:38 Larry Wheeler, Mayor of the City of Heritage Creek, said Heritage Creek is in support because there is an understanding that residents will be able to annex it.

02:53:30 Commissioner Carlson asked if the homes along Cedar Creek will face in to the subdivision, so that the back sides of the homes will face out onto Cedar Creek. Mr. Wright said yes; however, Cedar Creek Road is a Scenic Corridor, so landscaping will be installed per Scenic Corridor standards. Commissioner Carlson asked for more details about the screening and buffering along Cedar Creek Road. Mr. Wright added that, if annexation takes place, matching fencing will be installed to match the existing fencing in Heritage Creek

02:55:25 Commissioner Brown asked why the access was not aligned with Loyal Drive, on the west side of Cedar Creek. Mr. Wright said that, originally, the access was located there; however, the cost of moving existing utilities here made the applicant decide to move that access (see recording.) In response to a question from Commissioner Brown, Mr. Wright said no comments have yet been received from KYDOT. Commissioner Brown added that he wanted a definitive answer as to whether this site will be annexed into Heritage Creek or not. Mr. Talbott said there is an intent to do that.

The following spoke in opposition to this request:

Daryl Pope, 8817 Wisdom Lane, Louisville, KY 40229

Catherine Bohannon, 504 Splendid Point, Louisville, KY 40229

Summary of testimony of those in opposition:

03:00:18 Daryl Pope said property to the west has been / is currently being developed, and said Cedar Creek to the Snyder Freeway is underdeveloped, narrow, and already congested. Accidents occur. There is currently another development in progress on Cedar Creek, and he feels that Cedar Creek Road is already over its traffic capacity.

03:03:12 Catherine Bohannon said she and her husband are not opposed to the development as whole, but to the proposed apartments. The access road into Heritage Creek is paid for by homeowners through the HOA; how will the existing traffic affect how much homeowners are going to pay to maintain the roads? In response to a

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NEW BUSINESS

CASE NO. 20-ZONE-0005

question from Ms. Bohannon, Commissioner Lewis said the case being heard today is only for a subdivision, not apartments.

03:04:42 Mr. Wright reiterated that the plan is to annex this development into Heritage Creek. When that happens, the homeowners here will also be paying Heritage Creek taxes for road maintenance.

03:05:13 Hillary Laffin, an applicant's representative, stated that there is no affiliation here with the apartments that are being built to the north of Heritage Creek.

03:05:39 Mr. Talbott said a traffic study has been performed for this plan and will be available prior to the Planning Commission hearing.

03:07:38 Commissioner Carlson, Commissioner Brown, Mr. Talbott and Ms. Williams discussed the traffic study. Ms. Williams said the traffic study was submitted on February 4, 2020. It was reviewed and approved by Mark Dutrow (Metro Transportation Planning staff.)

03:11:15 Commissioner Peterson asked about relocating the entrance to the other location. David Mindel, an applicant's representative, said that at first they had the entrance located across from the one at Heritage Creek. When they had to add the left turn lane, there was very little ROW on the left side. The existing Heritage Creek subdivision only goes a couple hundred feet. (see recording.)

Deliberation

03:12:47 Commissioners' 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 placed this case on the August 6, 2020 Planning Commission public hearing.

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NEW BUSINESS

CASE NO. 20-ZONE-0030

Request: Change in zoning from UN to C-1, with Detailed District Development Plan and Binding Elements and associated Variance and Waiver

Project Name: Smoketown Hopebox

Location: 534 - 538 E Breckinridge Street

Owner: Young Adult Development

Applicant: Young Adult Development

Representative: Youthbuild/Young Adult Development

Jurisdiction: Louisville Metro

Council District: 4 - Barbara Sexton Smith

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:

03:25:46 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

03:29:46 Commissioner Brown asked if there were renderings to support justification/s for the variance and waiver. Ms. St. Germain said she did not receive renderings in time to put them into her presentation but the applicant may have some to present today. Commissioner Brown also asked about a proposed three-foot wall with a three-foot fence for a six-foot-total high barrier along the east Breckinridge side. Is this Code compliant? Ms. St. Germain said the applicant would require a variance for that because it is in a Traditional Neighborhood form district.

The following spoke in favor of this request:

Lynn Rippy, 800 South Preston Street, Louisville, KY 40203

Patty Clare, representing Youthbuild, 800 South Preston Street, Louisville, KY 40203

Summary of testimony of those in favor:

03:31:37 Lynn Rippy, president of Youthbuild Louisville, introduced the applicant's case (see recording.)

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NEW BUSINESS

CASE NO. 20-ZONE-0030

03:33:15 Patty Clare presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) She noted that she received the elevations yesterday and had sent them to Ms. St. Germain.

03:42:19 Ms. St. Germain said that, according to the LDC for fencing, the 42-inch limit does not apply in the C-1 zone. That is only for residential zoning and residential uses in the PD form district.

The following spoke in opposition to this request:

No one spoke.

Deliberation

03:43:07 Commissioners' 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 placed this case on the July 30, 2020 Planning Commission public hearing.

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NEW BUSINESS

CASE NO. 18ZONE1089

Request: Change in zoning from R-4 to OR-1, with Detailed District Development Plan and Binding Elements and associated Variance

Project Name: Stony Brook Offices

Location: 5206 Stony Brook Road

Owner: Stony Brook Drive LLC

Applicant: Stony Brook Drive LLC

Representative: Bluestone Engineers

Jurisdiction: Louisville Metro

Council District: 22 - Robin Engel

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:

03:44:05 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) She noted that there is an approved off-site parking agreement with the Calvary Church of the Nazarene which abuts the site to the northeast. There is a pedestrian connection which leads from that overflow parking into the site.

03:47:39 Commissioner Carlson asked if the parking agreement with the church was a "perpetual agreement" which would continue regardless of who owned the church property. Ms. St. Germain said any owner of the church property would be required to honor this agreement until such time as the Planning Commission were to remove the agreement. It can only be dissolved with the agreement of both parties and the Planning Commission.

The following spoke in favor of this request:

Chris Crumpton, Bluestone Engineers, 3703 Taylorsville Road Suite 205, Louisville, KY 40220

Ken Cogan, Stonybrook Drive LLC

Summary of testimony of those in favor:

03:48:28 Chris Crumpton, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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NEW BUSINESS

CASE NO. 18ZONE1089

03:52:04 Mr. Crumpton confirmed that a work/live option had been added to the proposal after receiving positive feedback from people interested into the project. He said this could allow residents to live upstairs and work downstairs in one unit, if desired.

04:01:01 Commissioner Brown said the applicant would need to put a barrier median on Stony Brook because the small island would not be adequate to control the right-in-right-out traffic pattern (see recording for detailed discussion.)

04:02:02 Commissioner Brown also asked if the church parking lot was zoned appropriately for the proposed use. Ms. St. Germain said this had been cleared by the Planning Commission legal counsel. She noted that a Conditional Use Permit could be an option for that; Julia Williams, Planning & Design Supervisor, and Joe Reverman, Assistant Director of Planning & Design Services discussed and clarified Conditional Use Permit requirements according to the Land Development Code (see recording for discussion.)

The following spoke in opposition to this request:

No one spoke.

Deliberation

04:09:25 Commissioners' 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 placed this case on the July 30, 2020 Planning Commission public hearing.

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NEW BUSINESS

CASE NO. 19-ZONE-0086

Request: Change in zoning from R-4 to R-6, with Detailed District Development Plan and Binding Elements and associated Variance

Project Name: South Park Road Apartments

Location: 4011 and 4201 South Park Road, 9007 Blue Lick Road

Owner: Joseph and Jacinta Kenny, LDG Development LLC, LDG Land Holdings LLC

Applicant: LDG Development LLC

Representative: Dinsmore & Shohl LLC

Jurisdiction: Louisville Metro

Council District: 24 - Madonna Flood

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:

04:10:54 Dante St. Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

04:16:23 In response to a question from Commissioner Peterson, Ms. St. Germain said this case was **continued from the March 12, 2020 LDT& Committee meeting**. She briefly reviewed what had been discussed about the case during that meeting (see recording from March 12, 2020 and also minutes.)

The following spoke in favor of this request:

Daniel O’Gara, Dinsmore & Shohl, 101 South Fifth Street Suite 2500, Louisville, KY 40202

John Carman,

Michael Gross, LDG Development, 1469 South Third Street, Louisville, KY 40208

Summary of testimony of those in favor:

04:17:08 Daniel O’Gara, the applicant’s representative, presented the applicant’s case and showed a Power Point presentation (see recording for detailed presentation.) The sewer easement issue, which was the reason for the continuance, has been addressed.

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 19-ZONE-0086

04:30:14 Commissioner Carlson asked if this project would be built before, during, or after the future Blue Lick Road widening project. Mr. O’Gara said the Blue Lick Road project is scheduled to be completed in 2022 - if this proposal is approved, the applicant is planning to get started in 2021.

04:31:39 Commissioner Carlson also asked about the need for more apartments in this area. He asked the applicant to discuss this at the public hearing. He asked if there will be pavement widening along South Park Road at least up to the property line (for a left or right turn lane.) John Carman, an applicant’s representative, said a traffic study was completed and it indicated that there was no additional need for road widening or left-turn lanes (see recording for detailed discussion.)

04:34:53 Commissioner Carlson asked about the gated access points and said these can be a hindrance to emergency vehicles. He requested a binding element regarding these gates. Mr. O’Gara said he recalled that discussion from the March meeting and said he had no issue addressing this issue in a binding element.

04:36:56 Commissioner Carlson asked about a geotechnical study and the tunnels that are proposed to be underneath the site. Mr. O’Gara said there was much discussion about this in March and discussed the karst survey and the geotechnical study (see recording for detailed discussion.) Michael Gross, LDG Development, discussed both studies, which were designed to look for karst and tunnels. The reports showed none. Both reports have been submitted to staff.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the request:

Brenda Jackson, 9004 Delee Way, Louisville, KY 40219

Carol Hadley, 4207 South Park Road, Louisville, KY 40219

Summary of testimony of those neither for nor against:

04:39:29 Brenda Jackson, a neighbor whose street is being connected to the proposed complex, expressed concerns about increased traffic. She asked if there would be road improvements to their road to support the additional traffic. She said her street already has potholes, utilizes street-side parking, and is not very wide.

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NEW BUSINESS

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04:41:07 Carol Hadley, a neighbor, asked if these can be changed to two-story apartments so that no height variance would be needed; also, she asked if a new traffic study would be needed after adding 300 new apartments.

04:43:15 Mr. O'Gara discussed road improvements and the gated access points. It is not the applicant's intention to have traffic going through the gated access points. Mr. Gross added that the gated access is solely for emergency vehicles, not connected traffic. He said the traffic study does include the proposed apartment complex and its effect on adjacent streets. He said the three-story design is to preserve greenspace and is more efficient.

04:45:34 Commissioner Carlson further discussed how gated accesses work for emergency vehicles.

Deliberation

04:46:47 Commissioners' deliberation.

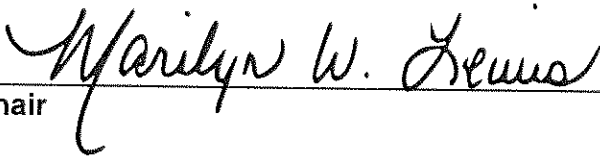
An audio/visual recording of the Land Development & Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

The Committee by general consensus placed this case on the July 30, 2020 Planning Commission public hearing.

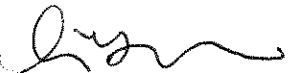
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ADJOURNMENT

The meeting adjourned at approximately 3:48 p.m.



Chair



Planning Director