

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

May 14, 2015

A meeting of the Land Development and Transportation Committee was held on Thursday, May 14, 2015, at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Committee Members present were:

Donnie Blake, Vice-Chair
Jeff Brown
Cliff Turner

Committee Members absent were:

Carrie Butler
Vincent Jarboe, Chair

Staff Members present were:

Jonathan Baker, Legal Counsel
Joe Reverman, Planning Manager
Sherie' Long, Landscape Architect
Christopher Brown, Planner II
Sue Reid, Management Assistant (minutes)

The following matters were considered:

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Approval of Minutes

Approval of the April 23, 2015 LD&T Committee Meeting Minutes

On a motion by Commissioner Turner, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, the Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted Thursday, April 23, 2015.

The vote was as follows:

YES: Commissioners Turner, Brown, and Blake.

NO: No one.

NOT PRESENT: Commissioner Jarboe, and Commissioner Butler.

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New Cases

Case No. 15WAIVER1012

Request:	Sidewalk Waiver
Project Name:	Kroger Expansion
Location:	2219 Holiday Manor Center
Owner:	Mark Blieden, Holiday Manor Association
Applicant:	Danny Lethco, Kroger Company
Representative:	John Campbell, Heritage Engineering
Jurisdiction:	Northfield
Council District:	7- Angela Leet
Case Manager:	Sherie' Long, Landscape Architect

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.)

An audio/visual recording of the Planning Commission hearing 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:

00:11:10 Sherie' Long presented the case (see recording and staff report for detailed presentation.)

The following spoke in favor of the request:

Scott Hannah, Heritage Engineering, 642 S. 4th Street, Louisville, KY 40202

Danny Lethco, Kroger, 1600 Ormsby Station Court, Louisville, KY 40223

Summary of testimony of those in favor:

00:24:21 Scott Hannah spoke in favor of the request, and showed a PowerPoint presentation. Mr. Hannah stated there are some pretty steep grades in the area which makes it pretty much impossible in his opinion to get a sidewalk in there without losing a significant amount of parking. Mr. Hannah stated he believes this Waiver would be justified in meeting Cornerstone 2020 and be a positive for the area.

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00:28:12 Danny Lethco spoke in favor of the request. Mr. Lethco stated the owner is concerned about losing the drive-thru with the kiosk if they were to create the sidewalk.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

00:38.04 **Commissioners' deliberation.**

00:42:42 On a motion by Commissioner Brown, seconded by Commission Turner, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver will adversely affect adjacent property owners since there are existing sidewalks to the northeast (NE) and southwest (SW) of the area. The location of the request is the missing section needed to connect and continue the sidewalk along Brownsboro Road. However, the construction of the sidewalk will impact the existing parking for the businesses located adjacent to and within the development site. By modifying these existing parking spaces to a one-way angled parking configuration, the sidewalk could be constructed along this portion of Brownsboro Road. However, there are topographical conditions which could require retaining walls which could make the construction of the sidewalk costly. Nevertheless, the applicant has provided a connection to the existing sidewalks to the NE and SW by proposing to add some new sidewalk along the street frontage; by providing designated cross-walks within the development; and by using the existing walk located along the building frontage; and

WHEREAS, the Committee further finds that the waiver will violate specific guidelines of Cornerstone 2020. Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The request

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does not meet this guideline or policy, because the required sidewalk could be constructed; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **deny** this request for Waiver of the sidewalk requirements in Chapter 5 and 6 of the Land Development code, based on the two staff findings that it is not in compliance with the Comprehensive Plan and that there is a demand in this area for that pedestrian connectivity and the facilities already exist on either side of the site. This is an expansion of the existing infrastructure.

The vote was as follows:

YES: Commissioners Brown, Turner, and Blake.

NO: No one.

NOT PRESENT: Commissioner Jarboe and Commissioner Butler.

ABSTAINING: No one.

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CASE NO. 14ZONE1053

Request: Change in zoning from R-5A to PRD; Setback Variance
Project Name: The Villas of Pavilion Park
Location: 7500 Crestline Road
Owner: Pavilion Park Development LLC
Applicant: Thomas A. Mussleman Sr.
Representative: Cliff Ashburner
Jurisdiction: Louisville Metro
Council District: 25 – David Yates
Case Manager: Christopher Brown, 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.)

An audio/visual recording of the Planning Commission hearing 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:

00:45:08 Christopher Brown presented the case (see recording and staff report for detailed presentation.)

The following spoke in favor of the request:

Cliff Ashburner, 500 W. Jefferson Street, Suite 2800, Louisville, KY 40207.

Summary of testimony of those in favor:

00:48:20 Cliff Ashburner, the applicant's representative, explained the applicant's request and discussed design and landscaping issues.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

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00:52:11 Commissioners' deliberation.

The Committee by general consensus scheduled this case for the June 4, 2015 Planning Commission public hearing.

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CASE NO. 15DEVPLAN1017

Request:	Revised Detailed District Development Plan; Landscape Waivers
Project Name:	Old Henry Court Condominiums
Location:	14319 Old Henry Road
Owner:	14319 Old Henry Road LLC
Applicant:	Terry R. Hagerman Builder Inc.
Representative:	Blue Stone Engineers PLLC
Jurisdiction:	Louisville Metro
Council District:	9 – Julie Denton
Case Manager:	Christopher Brown, 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.)

An audio/visual recording of the Planning Commission hearing 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:

00:53:30 Christopher Brown presented the case (see recording and staff report for detailed presentation.)

The following spoke in favor of the request:

Chris Crumpton, Blue Stone Engineers, 3703 Taylorsville Road, Louisville, KY 40220

Summary of testimony of those in favor:

00:55:56 Chris Crumpton, the owner's representative, presented the case.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

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00:57:20 Commissioners' deliberation.

Waiver #1 - Waiver from Chapter 10.3.5.A.1 of the Land Development Code to allow residence and roadway to encroach into the required 75' parkway setback along Old Henry Road

AND

Waiver #2 - Waiver from Chapter 10.3.5.A.1 of the Land Development Code to allow residence and roadway to encroach into the required 50' parkway buffer along Old Henry Road

00:58:21 On a motion by Commissioner Brown, seconded by Commissioner Turner, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waivers will not adversely affect adjacent property owners since the planting materials and berm will be provided sufficiently along the Old Henry Road street frontage; and

WHEREAS, the Committee further finds that Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of parkway development standards is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and

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improve the visual experience on established corridors. The planting materials and berm to be provided on the site will meet the intent of these guidelines; therefore, the waiver will not violate specific guidelines of Cornerstone 2020.

WHEREAS, the Committee further finds that the extent of the waivers of the regulation is the minimum necessary to afford relief to the applicant to allow the needed extension from the existing Sycamore Falls Drive and minimize the encroachment into the surrounding stream buffer.

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 by requiring relocation of the roadway and limiting the viable circulation on the site; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** Waiver #1 from Chapter 10.3.5.A.1 of the Land Development Code to allow residence and roadway to encroach into the required 75' parkway setback along Old Henry Road; and Waiver #2 from Chapter 10.3.5.A.1 of the Land Development Code to allow residence and roadway to encroach into the required 50' parkway buffer along Old Henry Road as shown on the development plan.

The vote was as follows:

YES: Commissioners Brown, Turner, and Blake.

NO: No one.

NOT PRESENT: Commissioner Jarboe and Commissioner Butler.

ABSTAINING: No one.

Revised Detailed District Development Plan

00:59:20 On a motion by Commissioner Brown, seconded by Commissioner Turner, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the development plan minimizes the encroachment into the stream buffer on the property and compensates for the encroachments. Tree

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canopy requirements of the Land Development Code will be provided on the subject site; 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, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

WHEREAS, the Committee further finds that sufficient open space will be maintained to meet the needs of the proposed development; 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Committee finds that, based on the staff report and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the proposed Revised Detailed District Development Plan, **SUBJECT** to the following amendments to the binding elements:

2. ~~The density of the development shall not exceed 1.2 dwelling units per acre (6 units on 4.86 acres).~~ **The density of the development shall not exceed 1.11 dwelling units per acre (5 units on 4.504 acres).**

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6. 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,~~ **Develop Louisville Divisions of Transportation Planning and Construction Permit Review** and the Metropolitan Sewer District.

11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~February 7, 2008, Planning Commission Hearing~~ **May 14, 2015 Land Development and Transportation Committee meeting.**

The vote was as follows:

YES: Commissioners, Brown, Turner, and Blake.

NO: No one.


NOT PRESENT: Commissioner Jarboe and Commissioner Butler.

ABSTAINING: No one.

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The meeting adjourned at approximately 02:00 p.m.



Chairman



Division Director