

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

November 29, 2018

A meeting of the Land Development and Transportation Committee was held on Thursday, November 29, 2018 at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Committee Members present were:

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

Committee Members absent were:

None

Staff Members present were:

Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Julia Williams, Planning Supervisor
Joel Dock, Planner II
Dante St. Germain, Planner II
Jay Lockett, Planner I
Travis Fiechter, Legal Counsel
Rachel Dooley, Management Assistant (minutes)

Others Present:

Beth Stuber, Transportation Planning
Tony Kelly, MSD

The following matters were considered:

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Approval of Minutes

Approval of the November 8, 2018 LD&T Committee Meeting Minutes

00:07:30 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on **November 29, 2018.**

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels

ABSTAINING: Commissioners Peterson, Lewis

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New Business

Case No. 18AREA1001

Request: Areawide Rezoning from R-4, R-6, C-N, C-1 and C-2 to CTC-1 and CTC-2

Project Name: Jeffersontown Gaslight Square Areawide Rezoning Phase 2

Location: Multiple Properties

Owner: Multiple Owners

Applicant: City of Jeffersontown

Representative: Stephen Rusie, AICP, City of Jeffersontown

Jurisdiction: Jeffersontown

Council District: 11 – Kevin Kramer and 20 – Stuart Benson

Case Manager: **Brian Davis, AICP, Planning Manager**

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:08:35 Brian Davis presented the case (see recording for detailed presentation.)

The following spoke in favor of the request:

Steve Rusie, 10416 Watterson Trail, Jeffersontown, KY, 40299

Summary of testimony of those in favor:

00:10:32 Steve Rusie explained the second phase of rezoning the two districts for Jeffersontown to eliminate the auto centric uses of the town center form district. (see recording for detailed presentation.)

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Case No. 18AREA1001

00:14:03 Commissioner Brown asked if there will be non-conforming uses after the area wide. Mr. Rusie replied there are properties that will be on lots that currently are auto centric but they can change or sold as long as they maintain the CTC-2 non-conforming use.

00:15:40 In response to a question from Commissioner Carlson, Mr. Rusie discussed the permitted uses of CTC-1 and CTC-2 (see recording for detailed discussion.) He will have the full list available for commissioners at the public hearing.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

00:16:48 Commissioners' deliberation.

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.

The Committee by general consensus scheduled this case to be heard at the December 6, 2018 Planning Commission public hearing.

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New Business

Case No. 18DEVPLAN1191

Case was heard later in the meeting following Case No. 18ZONE1068

Request: Detailed District Development Plan with a Sidewalk Waiver
Project Name: Altawood PD Review
Location: 4109 Altawood Ct
Owner: Rick Just
Applicant: Rick Just
Representative: Rick Just
Jurisdiction: Louisville Metro
Council District: 17 – Glen Stuckel

Case Manager: Jay Lockett, Planner I

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and 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:

01:55:35 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

No one spoke.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

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New Business

Case No. 18DEVPLAN1191

Deliberation

01:59:25 Commissioners' deliberation. Commissioner Brown agreed to the waiver due to the possibility of jeopardizing the current quiet zone designation. The designation would have to be reevaluated if there was a pedestrian cross walk placed on the rail road tracks.

01:59:55 Commissioner Carlson commented this would help discourage pedestrians from navigating a rail road cross walk.

02:00:11 In response to Commissioner Carlson, Commissioner Brown agreed there would have to be a new level of control for the railroad crossing for pedestrian use which would be an added expense.

02:00:29 Commissioner Peterson stated he is in support and it would help preserve entrance landscaping to the neighborhood.

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.

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

RESOLVED, the Land Development and Transportation Committee to not provide sidewalks in the Altawood subdivision as requested and adopt the staff analysis as justification for approving the waiver.

The vote was as follows:

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

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New Business

Case No. 18DEVPLAN1170

Request:	Revised Detailed District Development Plan
Project Name:	Tyler Center Retail Expansion
Location:	12613 Taylorsville Road
Owner:	NEDCO LLC
Applicant:	Nicklies Development
Representative:	Heritage Engineering
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson

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

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:19:11 Dante St. Germain presented the case. Went over the “end cap” extension to general retail building and explained parking changes for site. (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Jim Calvery, 6060 Dutchmans Lane Suite 110, Louisville, KY 40205

Steve Porter, 2406 Tucker Station Rd., Louisville, KY, 40299

Summary of testimony of those in favor:

00:22:57 Jim Calvery explained the addition to the building will have the same architecture, color scheme, and building materials. He is available for questions from the commissioners.

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Case No. 18DEVPLAN1170

00:23:53 Steve Porter, representing the Tucker Neighborhood Association, and they are in support of the change.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

No one spoke.

Commissioners' deliberation

00:24:20 Commissioner Brown inquired if they are eliminating binding element number four as the only change. Ms. St. Germain replied that binding element number four, relating to the square footage of the development, is no longer a standard binding element.

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.

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution, based on the Staff Report, was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds there do not appear to be any environmental constraints or historic resources on the subject site. The site is fully developed and no natural resources appear to exist on the site, and

WHEREAS, the Committee further finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Louisville Metro Public Works has provided preliminary approval of the plan; and.

WHEREAS, the Committee further finds there are no open space requirements pertinent to the current proposal; and.

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

WHEREAS, the Committee further finds the overall site design and land uses are compatible with the existing and future development of the area. The proposal is for a relatively small expansion of an existing retail center; and

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

RESOLVED, the Land Development and Transportation Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, **SUBJECT** to the following 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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
4. Signs shall be in accordance with Chapter 8 of the LDC.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any

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- grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
7. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, or alteration 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 of the LDC, prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any certificates of occupancy.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 8. If a building permit is not issued within two years 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.
 9. 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.
 10. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
 11. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times

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- during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 8, 2004 Planning Commission meeting. The materials and design of the proposed Kroger expansion and the retail on Outlot 5B shall be substantially the same as depicted in the renderings presented at the September 2, 2015 Development Review Committee meeting.
 13. The facade elevations shall be in accordance with applicable form district standards and shall be approved by DPDS staff prior to construction permit approval.
 14. No idling of trucks shall take place within 200 feet of single-family residences.
 15. The applicant shall provide documentation showing that the development complies with all the regulations from LDC Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items:
 - a. Mounting Height Limit
 - b. Luminaire Shielding
 - c. Canopy Lighting Level
 - d. Light Trespass
 16. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
 17. The site shall be developed in accordance with the tree preservation areas delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan. All plans setting out tree preservation areas must contain the following notes:
 6. Tree preservation areas (TPAs) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Trees in these areas may be removed during construction of homes or buildings on individual lots.
 7. Dimension lines have been used on this plan to establish the general location of TPAs and represent minimum distances. The final

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boundary for each TPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.

8. Tree protection fencing shall be erected around all TPAs prior to site disturbance (except as provided in these notes) to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TPA, the fence shall be relocated to protect all remaining trees within that TPA. When a tree mass contains both WPAs and TPAs, fencing shall only be required at the outer most perimeter of that tree mass.
9. No parking, material storage, or construction activities are permitted within the TPAs beyond that allowed for preliminary site investigation work.
10. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at a height of four and one-half feet above ground level shall be removed without prior approval by DPDS.
18. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any Louisville Metro inspector or enforcement officer upon request.
19. Engineers will be onsite during construction to monitor sinkhole remediation if any sinkholes are discovered, and to insure stability of foundations in areas potentially affected by any sinkholes.
20. A geotechnical report shall be conducted for the site and the results shall be submitted to Public Works and MSD for review prior to construction plan approval. Construction methods and precautions recommended in the report shall be applied to construction within the development.

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21. Geotechnical report of the entire site prior to land disturbance and dye tracing. Note: Dye tracing needs to be done since there are many springs in the area and some spring houses on properties in the area and sinkholes.
22. Have a "first flush" basin to catch runoff prior to discharging into a second basin.
23. Notification to the following should any changes to the binding elements or the detailed development plan be sought in the future:
 - 5) Stone Lakes Neighborhood Association.
Sue Baugh Mattingly, 13812 Lakemont Court, Lou., Ky. 40299 267-0663 or 551-3666 or sm4consult@aol.com
 - 6) Grenden Fields Neighbors
Renee Mitchell, 4102 Berenger Fields Dr., Lou., Ky. 40299 297-8008, renee0055@hotmail.com
 - 7) Blackacre Foundation
Carolyn Cromer, 3200 Tucker Station Road, Lou., Ky. 40299 266-9802, carolyn.cromer@blackacrefoundation.org
 - 8) Tucker Station Neighborhood Association
David Kaelin, 2421 Tucker Station Road, Lou., Ky. 40299 266-5891, kaelinfarms@aol.com
24. Buildings in the project shall, except for trim, have all walls constructed of finished quality brick or stone and glass, architectural EFIS, metal roofing and/or asphalt shingles. Rooftop equipment shall be screened from view. There shall be no signs above the roof line.
25. Outdoor storage, display and sales shall be permitted only as allowed by the Land Development Code.
26. Outdoor sales and display areas shall be limited to the designated area shown on the development plan. No refrigeration systems, refrigerators, freezers, coolers or similar equipment shall be located outside the building unless screened.
27. Outdoor storage of pallets and/or bundled or unbundled boxes shall be limited to the designated, screened area shown on the development plan. No other exterior storage shall be permitted on site unless in compliance with the Land Development Code.
28. Outdoor trash storage and the compactor or trash container unit shall each be contained in a screened area and shall be limited to the designated area(s) shown on the development plan. "Trash" shall include any pallets, cardboard boxes, extra shelving, disabled carts or any similar items.
29. All outdoor lighting shall be directed down and away from the surrounding properties and the adjacent streets. Light poles shall not exceed that

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allowable by the Land Development Code. Lighting fixtures shall be fully shielded and shall utilize flat lenses so that no light source (i.e. the lamp within the fixture) is visible off-site. Light levels due to lighting on the subject site shall not exceed 0.5 foot candles measured at the property line or that allowable by the Land Development Code. All luminaries mounted on or recessed into the lower surface of canopies or drive-through bays shall be fully shielded and utilize flat lenses. The maximum lighting level shall be 50 foot candles or that allowable by the Land Development Code.

30. Any fuel station canopy shall be a maximum of 19 feet tall and shall have a skirt extending 8 inches below the lower surface of the canopy.
31. The roof of any buildings shall have no skylights visible from the ground unless they are covered or shielded between dusk and dawn.
32. No loading or deliveries, trash pickup, trash compacting audible beyond the property line, outdoor construction or maintenance, or parking lot cleaning or sweeping (except snow and ice) shall occur on the property between the hours of 11 PM and 6 AM.
33. No delivery trucks with lights, engines, refrigerator motors or similar equipment in operation shall be allowed to park on the property between the hours of 11 PM and 6 AM.
34. Any proposed landscaping plan shall include the retention of some existing trees and natural vegetation. There shall be a 35-foot buffer at the rear of the property which shall be maintained by the property owner.
35. Developer shall provide a traffic light at the corner of Taylorsville Road and St. Michael Road/Stone Lakes Drive as permitted by the Kentucky Department of Transportation.
36. Developer shall provide a 25 foot landscape buffer area along the entire western boundary.
37. A 25-foot landscape buffer area shall be provided along Taylorsville Road and a 15-foot landscape buffer (substantially as depicted in the PowerPoint presentation at the June 8, 2004 public hearing), in addition to the 15-foot easement along St. Michaels Church Road and shall contain a three or four-board "horse fence," extending north to the southern most entrance to the development, off St. Michaels Church Road as shown during the public hearing on June 8, 2004.
38. Enhanced landscaping along the west property line and Taylorsville Road shall be provided after collaboration with DPDS staff I Urban Design staff, as to the particular species of plantings. Enhanced landscaping along Taylorsville Road will include a 2 to 6 foot high berm.

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39. Additional landscaping shall be provided, as per any agreements reached with individual property owners as set forth in the applicant's power point presentation (June 8th, 2004). As each detailed plan is submitted associated off site plantings shall be installed.
40. No more than two of the proposed restaurants on the site will be fast-food establishments.
41. The proposed road improvements along Taylorsville Road and St. Michaels Church Drive shall be substantially as presented at the June 8, 2004 and July 7th, 2004, public hearings, as shown on the development plan, and as approved by the Department of Public Works I Ky Department of Transportation.
42. The developer shall contribute an amount equal to 20% of the cost of the design work for the Tucker Station Road I Taylorsville Road improvement project, such amount not to exceed \$20,000.00.
43. The developer shall, if requested by the Kentucky Department of Transportation, install traffic signal synchronization conduit as a part of the road improvements on Taylorsville Road.
44. The developer shall work with the Urban Design staff of Planning & Design Services and the Tyler Settlement Task Force on providing a historic plaque, marker or other "historic" feature in the public space along the westerly line of the property, which may also include benches and picnic tables.
45. The developer shall relocate the fuel station from along Taylorsville Road to St. Michaels Church Drive. In addition, the westernmost access to Taylorsville Road shall be removed; however, the developer reserves the right to construct said entrance at a later date with the approval of Louisville Metro Public Works and the Planning Commission based upon further traffic studies indicating that such entrance will promote public safety and welfare. The applicant will submit a revised plan eliminating the westernmost entrance and moving the fuel station to the St. Michaels Church Drive side of the development.

The vote was as follows:

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

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New Business

Case No. 18STREETS1016

Request: Alley Closure
Project Name: Butchertown Apartments
Location: Alley east of N. Johnson Street at its terminus
Owner: Louisville Metro
Applicant: Joseph Brown and Todd Roman
Representative: Wetterer and Clare; Milestone Design Group
Jurisdiction: Louisville Metro
Council District: 4- Barbara Sexton Smith

Case Manager: Julia Williams, AICP, Planning Supervisor

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:27:37 Julia Williams presented the case (see staff report and recording for detailed presentation.)

00:28:05 Commissioners Brown asked to ask if this case has already been heard before or was it an extension of another case.

The following spoke in favor of the request:

Michael Marks, Wetterer & Clare, 2933 Bowman Avenue, Louisville, KY 40205

Summary of testimony of those in favor:

00:29:40 Mr. Marks, representing the applicant, explained the alley closer goes along with the zoning change application for the proposal of a 15 unit apartment complex.

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Case No. 18STREETS1016

00:30:41 Commissioner Brown asks if they are going to do the standard salvaging process to reclaim cobblestone from the alley. Mr. Marks, replied the applicants it is in the plan to reclaim, clean, and deliver the cobblestone from the alley closure.

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

The following spoke neither for nor against:
No one spoke

00:31:15 Commissioners' deliberation

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.

The Committee by general consensus scheduled this case to be heard at the **December 6, 2018** Planning Commission public hearing.

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Case No. 18ZONE1006

Request: Change in Zoning from R-4 to R-6 with a DDDP
Project Name: Massie Avenue
Location: 3930, 3934, & 3936 Massie Avenue
Owner: WHWJR, LLC
Applicant: WHWJR, LLC
Representative: Carman; Bardenwerper Talbott and Roberts PLLC
Jurisdiction: City of St. Matthews
Council District: 9- Bill Hollander

Case Manager: **Julia Williams, AICP, Planning Supervisor**

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and 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:

00:32:14 Julia Williams presented the case (see staff report and recording for detailed presentation.)

00:33:28 In response to a question from Commissioner Brown, Ms. Williams said there is no sidewalk requirement for this development code along Massie Ave.

The following spoke in favor of the request:

Nick Preqliasco, Bardenwerper, Talbott & Roberts PLLC, 1000 West Hurstbourne Parkway, Louisville, KY, 40223

Ivy Clinton, 7906 Floydsburg Road, Crestwood, KY, 40014

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Case No. 18ZONE1006

Summary of testimony of those in favor:

00:35:08 Nick Pregliasco presented a Power Point explaining the proposed change in zoning from R-4 to R-6 to allow a 12-unit condominium community on approximately 1.43 acres on property located on current three residential lots along Massie Ave in St. Matthews. He spoke about water retention and how the development would improve the current drainage issues on site. Mr. Pregliasco recapped from the neighborhood meeting that Kennison Court will not be connected to the development.

00:42:22 Commissioner Carlson asked if the main drive in the center of the development is 18 foot wide and if it is declared a driveway would it be built to the same tolerances as a fire lane regarding weight capabilities. Mr. Pregliasco referred to Ivy Clinton to answer those questions.

00:44:00 Ivy Clinton stated the width of the drive is 18 feet, and the radiuses for the "T" portion of the drive will allow firetrucks room to turn internal to the site. In addition, the drive pavement would be able to support heavy duty vehicles such as fire and trash disposal. In addition, there is still a hydrant review to take place for the development per the fire chief. Commissioner Carlson replied he would like to see an approval before the next hearing of the 18 foot wide drive instead of the standard 20 foot wide.

00:45:30 Commissioner Brown asked if the property would stay as a single parcel or subdivided into parcels after development. Mr. Pregliasco said it would stay as one parcel they would be sold as separate condominiums and there would be a condominium regime over the whole parcel.

00:46:07 Commissioner Daniels asked if there would be allotted green space for the residents. Mr. Pregliasco said there would be on the back of the property behind a row of condos but as whole there is little greenspace on other condominium properties in the area. Commissioner Daniels asked how many parking spaces will be available. Mr. Pregliasco replied there will be approximately four spaces per condo without street parking.

The following spoke neither for nor against the proposal:

Mary Tyler Burkhart, 3935 Kennison Court, Louisville, KY, 40207

Sue Finley, 3925 Kennison Ave, St. Matthews, KY, 40207

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Case No. 18ZONE1006

Summary of testimony of those neither for nor against the proposal:

00:48:32 Mary Tyler Burkhart is not opposed to the development but does have concerns regarding drainage and other details of the property. Ms. Burkart has the following concerns; is pipe for drainage has been evaluated, who will maintain this pipe, if the pipe is damaged how it will affect surrounding properties, can the underground retention system create a mosquito problem, and to clarify if the construction traffic will enter and exit through Massie Avenue as opposed to Kennison Court.

00:52:22 Sue Finley is an adjacent property owner and asked if there would be a neighborhood meeting explaining how the drainage was going to be in detail with MSD.

The following spoke in opposition to the request:

Jason Tasman, 3933 Kennison Court, Louisville, KY, 40207

Summary of testimony of those in opposition:

00:53:29 Jason Tasman said he had numerous questions about the drainage of the new development property.

Rebuttal:

00:57:24 Mr. Pregliasco recalled that at the neighborhood meeting that the drainage concerns were stated and the development of the property by providing an underground drainage/retention would improve conditions of current water drainage issues. All construction Referred to Ivy for further details regarding the drainage issues.

01:00:05 Ms. Clinton gave a description on how the development property will guide the water drainage of the property into an underground retention system. She explained how an underground system there is no risk of a mosquito issue. The Condominium will have a bond with MSD to maintain

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1:06:29 Tony Kelly, MSD, is in agreement with all testimonies and is in contact with the St. Matthews representative to design a plan for drainage to service the entire downstream system.

01:07:50 Commissioners' deliberation

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The Committee by general consensus scheduled this case to be heard at the **December 20, 2018** Planning Commission public hearing.

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New Business

Case No. 18ZONE1068

Request: Change in Zoning from R-4 & OR-2 to PRD & OR-2 with Variances, a Waiver, and a Detailed District Development Plan

Project Name: 4229 Taylorsville Road

Location: 4229 Taylorsville Road

Owner: 4229 SMS LLC

Applicant: 4229 SMS LLC

Representative: Mindel Scott & Assoc.; Bardenwerper Talbott and Roberts PLLC

Jurisdiction: Louisville Metro

Council District: 18- Marilyn Parker

Case Manager: **Julia Williams, AICP, Planning Supervisor**

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and 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:

01:09:34 Julia Williams presented the case. (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

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

Steve Scott, 5151 Jefferson Blvd, Louisville, KY, 40219

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Summary of testimony of those in favor:

01:13:08 John Talbott presented paper Power Point. Stated this property was rezoned years before and a small portion of OR-2 zoning down the center, from a previous owners business on the property, with R-4 on either side. They want to reserve the OR-2 zoning at the front of the property for the relocation and office use of historical building currently on the site.

01:23:48 Commissioner Carlson inquired about parking per OR-2 requirements such as number of spaces and handicap accessible. Mr. Talbott referred to Steve Scott to answer parking requirements.

01:24:31 Steve Scott noted with the additional OR-2 zone at the front of property it would not affect the rest of the development being R-4. The amount of handicap spaces required for OR-2 is how many parking spaces available on site, regardless of zoning category. They will be able to meet the requirement.

01:26:56 In response to a question from Commissioner Peterson, Mr. Talbott explained they are not able to preserve the curved covered walkway currently on site connecting house and garage.

The following spoke in opposition to the request:

Scott Floore, 1816 Ashfield Lane, Louisville, KY 40220

Steve Porter, 2406 Tucker Station Rd., Louisville, KY, 40299

Patrick D. Murphy 4303 Taylorsville Road, Louisville, KY, 40220

Summary of testimony of those in opposition:

01:28:20 Scott Floore said there are elements such as density of the development which does not keep with the conducive with the surrounding properties. His second concern is drainage and buffer or lack of buffer to the rear of the property. Mr. Floore presented photos from various angles facing the property to help explain his concerns.

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01:37:09 Steve Porter, representing the HOA, closeness of the properties to the Windemere Place subdivision is their main concern. He is willing to talk to the developer before next public hearing.

01:39:07 Patrick D. Murphy stated his main concern is the setbacks and the buffers for the property. In addition, he want try to mitigate the density of the development and lack of green space.

01:42:48 Mr. Porter stated a concern for this development lack of open space should be presented in detail since the homes on this site would be single family homes rather than condominiums.

The following spoke neither for nor against the proposal:

No one spoke.

Rebuttal:

01:44:05 Mr. Talbott addressed and answered the concern of the character of the homes, density of lots, and landscaping the development. He referred to slides from his Power Point slideshow (see recording for detailed presentation.)

01:48:40 Commissioner Carlson commented he would like to see a more detailed landscaping concept plan between the Windemere Place subdivision.

01:49:40 Chair Commissioner Lewis questioned the 0% preservation of tree canopy while the requirement is 20%. Mr. Talbott would be ready to address it at the public hearing.

01:50:16 Commissioner Peterson proposed to leave the current buildings where they are on the development which in turn leave more open space towards the back of the property.

01:52:10 In a response to a question from Chair Commissioner Lewis, Mr. Talbott explained there is more than 25 feet off of the back line of the development but they will have exact dimensions available for the Planning Commission hearing.

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01:53:08 Commissioners' deliberation

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New Business

Case No. 18ZONE42

Request: Change-in-Zoning from R-6, Multi-family Residential to C-1, Commercial with landscape waiver and detailed district development plan

Project Name: 2516 S. 4th Street

Location: 2516 S. 4th Street

Owner: Creek Alley Contracting, LLC

Applicant: Creek Alley Contracting, LLC

Representative: AL Engineering, Inc.

Jurisdiction: Louisville Metro

Council District: 6 – David James

Case Manager: Joel Dock, AICP, Planner II

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and 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:

02:03:24 Joel Dock presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Barry Baxter, 117 West Main Street, LaGrange, KY, 40031

Alex Rosenberg, 13000 Middletown Ind. Blvd, Suite A, Louisville, KY, 40223

Kyle Onan, 6011 Summit View Lane, Crestwood, KY, 40014 (Signed form but did not speak.)

Max E. Onan, 4206 Grand Court, Crestwood, KY, 40014 (Signed form but did not speak.)

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Case No. 18ZONE42

Summary of testimony of those in favor:

02:05:02 Barry Baxter represented the applicant, Creek Alley Contracting, gave a Power Point presentation (see recording for detailed presentation.) Noted that slide number 13 is incorrect but the updated plan given to commissioners at this meeting is accurate. Mr. Baxter referred to Alex Rosenberg for further details.

02:09:01 Alex Rosenberg explained the property will need a buffer area waiver when the R-6 portion of the property is made into C-1 it will need to comply with rest of C-1 development.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the proposal:

No one spoke.

02:10:40 Commissioners' deliberation

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The Committee by general consensus scheduled this case to be heard at the December 20, 2018 Planning Commission public hearing.

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New Business

Case No. 18ZONE48

Request: Change-in-Zoning from R-4, Single-family Residential to PRD, Planned Residential Development

Project Name: Stewart – McMahan Blvd

Location: 4115 & 4117 Taylorsville Road

Owner: Jeremy Brent Pearman

Applicant: Stewart Companies, LLC

Representative: Bardenwerper, Talbott, & Roberts, PLLC

Jurisdiction: Louisville Metro

Council District: 18 – Marilyn Parker

Case Manager: Joel Dock, AICP, Planner II

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and 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:

02:11:46 Joel Dock presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Nick Preqliasco, Bardenwerper, Talbott & Roberts, 1000 West Hurstbourne Parkway, Louisville, KY, 40223
Kevin Young, 503 Washborn Ave, Louisville
Grady Steward, 857 S Ct., Lexington, KY, 40504

Summary of testimony of those in favor:

02:13:44 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) Mr. Pregliasco referred to Kevin Young and for further details and to answer questions.

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02:23:37 Commissioner Carlson asked to see a full sized plan.

02:23:47 Commissioner Brown asked to see a schematic design showing the dimensions on proposed the left turn lane into the site.

The following spoke neither for nor against the proposal:

Robert Hornung Jr. 2907 McMahan Blvd, Louisville, KY, 40220

Summary of testimony of those neither for not against the proposal:

02:24:59 Robert Hornung Jr., an adjacent property owner, asked about landscaping and drainage from the development towards his property. In addition, he asks if the proposed sidewalk could have a pedestrian crosswalk further up on the development property so people would be able to cross the road via the development and not on his property. Mr. Hornung also expressed concern if the current sewer line connecting to the housing property can handle the new development volume.

The following spoke in opposition to the request:

Steve Porter, 2406 Tucker Station Rd., Louisville, KY, 40299

Jerry Schweizer, 4118 Taylorsville Rd, Louisville, KY, 40220

Summary of testimony of those in opposition:

02:33:24 Steve Porter representing the city of Cambridge, expressed concerns of the setback along Taylorsville Road and to see the elevations for the property facing Taylorsville Road.

02:36:47 Jerry Schweizer said he would like to see 5 homes on the site to be turned facing Taylorsville Road. He also asked that the buildings to have brick or stone instead of regular siding to help keep the character of the area.

Rebuttal:

02:29:20 Mr. Young addressed the concerns of Mr. Hornung and Mr. Porter

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and Before the next meeting he will be able to address in detail the landscaping, fence line, and drainage.

02:41:29 Chair Commissioner Lewis inquired about the renderings for the site at the public hearing. Mr. Preqliasco replied they will be able to have full renderings of elevations to present at the public hearing.

02:43:09 Kevin Young addressed todays questions regarding the sidewalk along McMahan Blvd and the current landscaping along Taylorsville Road. He would be ok with making sure the sidewalk is not close to Mr. Hornung's property through Public Works. Mr. Young also described the current landscaping as scrub brush which will be removed but trees fitting to the new development will remain.

02:45:35 Commissioners' deliberation

02:46:00 Commissioner Carlson asked if 18 foot drives within property is compliant with standard drive width. Mr. Young replied there is written approval from Fire Chief Tom Carroll for the 18ft drive on development.

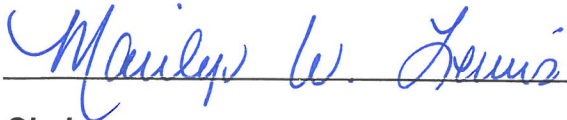
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The Committee by general consensus scheduled this case to be heard at the **December 20, 2018** Planning Commission public hearing.

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The meeting adjourned at approximately 3:55 p.m.



Chairman



Division Director