

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

December 10, 2015

A meeting of the Land Development and Transportation Committee was held on Thursday, December 10, 2015, at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Committee Members present were:

Vince Jarboe, Chair
Jeff Brown
Marilyn Lewis
Clifford Turner

Committee Members absent were:

Donnie Blake, Vice Chair

Staff Members present were:

John Carroll, Legal Counsel
Brian Davis, AICP, Planning Supervisor
Christopher Brown, Planner II
Julia Williams, AICP, Planner II
Chris Cestaro, Management Assistant (minutes)

The following matters were considered:

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Approval of Minutes

Approval of the minutes of the November 12, 2015 Land Development and Transportation Committee meeting.

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

RESOLVED, the Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted Thursday, November 12, 2015.

The vote was as follows:

YES: Commissioners Brown, Lewis, and Jarboe.

NO: No one.

NOT PRESENT: Commissioner Blake.

ABSTAINING: Commissioner Turner.

**MINUTES OF THE MEETING
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December 10, 2015

New Cases

Case No. 15ZONE1010

Request: Change in zoning from OR-3 to C-2 on 0.8378 acres with Development Code Waivers and Detailed District Development Plan

Project Name: Eline Building

Location: 111 & 115 South Hubbards Lane

Owner: Eline Development Co.

Applicant: Eline Development Co.

Representative: Milestone Design Group
Nick Pregliasco - Bardenwerper, Talbott & Roberts PLLC

Jurisdiction: City of St. Matthews

Council District: 26 – Brent Ackerson

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:

00:16:31 Christopher Brown presented the case and showed the site plan (see staff report and recording for detailed presentation.)

00:19:16 John Carroll, legal counsel for the Planning Commission, and Mr. Brown discussed technical issues (parking) that needed to be discussed here before the Committee could decide if the case was ready to be moved forward to the full Planning Commission.

The following spoke in favor of the request:

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

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Case No. 15ZONE1010

Mark Madison, Milestone Design Group, 108 Daventry Lane Suite 300,
Louisville, KY 40223 (was called but did not speak)

Paul Grisanti, 2401 Merrick Road, Louisville, KY 40207

Summary of testimony of those in support:

00:19:53 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He said there is no proposed change to the existing office building; the zoning change is being requested to allow an existing use to continue (music instruction). He said the applicant is willing to bind out all other uses for C-2 and C-1 except music instruction.

00:25:16 In response to a question from Commissioner Jarboe, Commissioner Brown said that Hubbards Lane is in the City of St. Matthews but is a Metro-maintained road; therefore any parking permitting along that road would go through Metro Public Works. He added that, since the cars back out onto a minor arterial road, it could be considered to turn them in to parallel parking spaces. They are currently located in a public right-of-way and have been there for some time. The pull-in and parallel spaces were discussed.

00:28:49 Paul Grisanti said he was in support, "with certain conditions." He said he manages the building to the left of this site and hoped that the right-of-way parking would not be altered, since parking is valuable in this area. He said he is in favor of this rezoning as long as all other C-1 and C-2 uses are "bound out" except for the music instruction.

00:30:15 Mr. Pregliasco reiterated that a binding element would be submitted binding out all other C-1 and C-2 uses prior to a 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.

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Case No. 15ZONE1010

Discussion:

00:30:31 Commissioner Brown said he was not comfortable setting a public hearing date until this Committee had received and reviewed a revised plan with an updated parking summary to show the access management. In response to a question from Commissioner Turner, Mr. Brown said that, if the parking were altered, the applicant may require a parking waiver. That question should be figured out prior to a public hearing, either through a shared parking agreement or a parking waiver, etc.

00:32:20 On a motion by Commissioner Brown, seconded by Commissioner Turner, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the **January 14, 2016** LD&T Committee meeting to give the applicant an opportunity to revise the plan to remove the existing pull-in/back-out parking within the right-of-way along Hubbards Lane and update the development plan.

The vote was as follows:

YES: Commissioners Turner, Brown, Lewis, and Jarboe.

NO: No one.

NOT PRESENT: Commissioner Blake.

ABSTAINING: No one.

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New Cases

CASE NO. 15ZONE1017

Request: Change in zoning from R-4 to C-2 on 2.5 acres with Variances, Parking Waiver, Land Development Code Waiver and Detailed District Development Plan

Project Name: Gordon Motor Sports

Location: 4901 Hurstbourne Parkway

Owner: Vandebrook Properties, LLC

Applicant: Vandebrook Properties, LLC

Representative: Land Design & Development Inc.
Glenn Price Jr. - Frost Brown Todd

Jurisdiction: Louisville Metro

Council District: 22 – Robin Engel

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.)

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Agency Testimony:

00:33:48 Christopher Brown presented the case (see staff report and recording for detailed presentation.) The business owner is proposing to reside in the second-story component of the project.

00:36:26 Commissioner Brown asked why the adjoining property was required to have the 25-foot buffer, even though that property was R-4. Mr. Brown said the 25-foot buffer is on the CUP property.

The following spoke in favor of the request:

Glenn Price, Frost Brown Todd, 400 West Market Street, Louisville, KY 40202

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New Cases

CASE NO. 15ZONE1017

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

Summary of testimony of those in favor:

00:36:46 Glenn Price, the applicant's representative, presented the applicant's case and showed a power Point presentation (see recording for detailed presentation.) He said that no service will be performed on the site except for washing. He said he intends to address neighbors' concerns, which were primarily lighting and noise. He added that the applicant will agree to bind out certain C-2 uses.

00:43:40 Kevin Young, landscape architect and applicant's representative, said discussed the 25-foot landscape buffer that was put in by the Morning Point development. Mr. Young said a landscape buffer on their property is not required, but they will put in a 15-foot buffer with an evergreen hedge. He discussed adjoining property owners' concerns (lighting, etc.) and said the applicant is withdrawing the request for a berm waiver along Hurstbourne Parkway. It will be continued as per the Morning Point berm. He discussed detention and landscaping on the property, and noted that the applicant will be living on the property as well as running his business here.

00:46:12 Commissioner Jarboe said that, if the applicant operates his business as stated, noise should not be a problem for adjoining residents, especially since no service will be performed on-site.

00:48:14 Commissioner Brown said he would like to see a justification for the height waiver and how it will be mitigated; he would also like to see the pedestrian connection addressed.

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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New Cases

CASE NO. 15ZONE1017

00:49:03 The Committee by general consensus scheduled this case to be heard at the January 21, 2016 Planning Commission public hearing.

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New Cases

CASE NO. 15ZONE1034

Request: Change in zoning from R-6 to PEC on 9.8 acres with a Revised Detailed District Development Plan

Project Name: Air Hydro Power

Location: 2550 Blankenbaker Parkway

Owner: Squire One Blankenbaker LLC

Applicant: MOB Investments LLC

Representative: Land Design & Development Inc.
Cliff Ashburner – Dinsmore & Shohl

Jurisdiction: Louisville and Jeffersontown

Council District: 20 – Stuart Benson

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:

00:49:10 Christopher Brown presented the case and showed the site plan (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Cliff Ashburner, Dinsmore & Shohl, 101 South Fifth St., Suite 2500, Louisville, KY 40202

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

Summary of testimony of those in favor:

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New Cases

CASE NO. 15ZONE1034

00:52:11 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:56:02 Commissioner Jarboe asked about tree preservation – he said he was concerned because it seemed to him that many trees would be coming down. Mr. Young said he anticipated that the tree canopy would be planted back.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

00:56:41 The Committee by general consensus scheduled this case to be heard at the January 7, 2016 Planning Commission public hearing.

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New Cases

CASE NO. 15ZONE1049

Request:	Change in zoning from R-5B to C-R on 0.27 acres with a Land Development Code Waiver and Detailed District Development Plan
Project Name:	1741 Frankfort Avenue
Location:	1741 Frankfort Avenue
Owner:	JDA Properties
Applicant:	JDA Properties LLC
Representative:	BTM Engineering Inc. Glenn Price – Frost Brown Todd
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
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:

00:56:52 Christopher Brown presented the case and showed the site plan. He added that a letter of support was received today, in favor of the proposal.

00:59:11 Commissioner Brown asked if the “future phase” shown on the site plan (retail) is accounted for in the parking summary. Mr. Brown said it is, and that no new parking will be required.

The following spoke in favor of the request:

Glenn Price, Frost Brown Todd, 400 West Market Street Suite 3200, Louisville, KY 40202

Summary of testimony of those in favor:

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New Cases

CASE NO. 15ZONE1049

01:00:00 Glenn Price, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He said that landscaping in the front yard of the site would violate the Clifton Architectural Review Committee Guidelines; however, the applicant is willing to donate whatever trees/landscaping materials that would have been used here to Metro Parks, to be used where they may be needed (possibly in the Clifton neighborhood.)

01:05:57 In response to a question from John Carroll, legal counsel for the Planning Commission, Mr. Price said the only item the Clifton ARC was concerned about was the location of the new ADA-compliant entrance at the Williams Street side. The applicant has already received approval for that.

01:06:54 In response to a question from Commissioner Turner, Mr. Price explained what landscaping is being proposed for the front yard after the old entrance ramp is taken down. Mr. Price said the applicant would have a landscape plan submitted before the public hearing.

01:08:30 Mr. Price explained that this building was designed by Samuel Plato, a historically-significant architect. He said the Plato Academy is working with Able Construction to have a point of learning here.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

01:11:43 The Committee by general consensus scheduled this case to be heard at the January 21, 2016 Planning Commission public hearing.

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December 10, 2015

New Cases

CASE NO. 15ZONE1026

Request: Change in zoning from R-6 to C-1 on 0.106 acres with a Parking Waiver, Land Development Code Waiver and Detailed District Development Plan

Project Name: Ciao Italian Restaurant

Location: 1201 Payne Street

Owner: Jesse Francis Jr. & Fred Pizzonia

Applicant: Jesse Francis Jr. & Fred Pizzonia

Representative: Cardinal Planning & Design Inc.

Jurisdiction: Louisville Metro

Council District: 4 – David Tandy

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:

01:11:54 Christopher Brown presented the case and showed the site plan (see staff report and recording for detailed presentation.) He added that interested party comments have been received in opposition from the Irish Hill Neighborhood Association, who had concerns about the change in zoning and parking issues.

The following spoke in favor of the request:

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

Kim Spetz, 1230 Payne Street, Louisville, KY 40204

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New Cases

CASE NO. 15ZONE1026

Summary of testimony of those in favor:

01:15:10 Kathy Matheny, the applicant's representative, presented the applicant's case (see recording for detailed presentation.) She explained that the property was used as a restaurant for many years but was never properly zoned for that use. She said the current owners want to use it as a restaurant. There are no real changes being proposed to the structure. She explained why the applicant is requesting the landscape waiver along one side of the property.

01:17:59 Ms. Matheny discussed the parking waiver request, and also the neighborhood parking situation and the study that has been done for this case.

01:20:11 Ms. Matheny discussed some of the neighborhood association's concerns that were brought up at the neighborhood informational meeting.

01:21:49 Kim Spetz, a resident and co-chair of the Irish Hill Neighborhood Association, discussed binding elements that are important to neighbors. These include hours of operations, seating capacity, employee parking outside of the residential area, no outdoor advertising, no outdoor entertainment/ P.A. system, no idling of trucks, dumpster pickup hours, dumpster location, outside lighting, adequate landscaping for the Cooper Street easement (full binding element request letter is on file.)

01:26:08 Ms. Matheny said these binding element requests have been discussed between the applicant and the neighbors. She said the applicant has agreed to most of them but there were a couple that still needed to be worked out.

01:26:55 Commissioner Brown asked about the landscaping on the Cooper Street easement. Ms. Matheny said there are two new street trees being proposed in addition to the three already there.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

Chris Durning, 1200 Payne Street, Louisville, KY 40204 (was called but did not speak)

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New Cases

CASE NO. 15ZONE1026

01:27:34 The Committee by general consensus scheduled this case to be heard at the February 4, 2016 Planning Commission public hearing.

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OF THE
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December 10, 2015

New Cases

CASE NO. 15AREA1002

Request:	Area-wide change in zoning for the Portland Neighborhood
Project Name:	Portland Area-Wide Rezoning
Location:	Multiple properties in the Portland Neighborhood
Owner:	Multiple owners
Applicant:	Louisville Metro
Representative:	Louisville Metro
Jurisdiction:	Louisville Metro
Council District:	5 – Cheri Bryant-Hamilton

Case Manager: **Julia Williams, RLA, 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.)

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:

01:29:35 Julia Williams presented the case and showed a site map of proposed changes in the Portland area (see staff report and recording for detailed presentation.)

01:37:11 John Carroll, legal counsel for the Planning Commission, asked Ms. Williams if she had received any requests from property owners to be exempt from the rezoning/s. She said she had a few, mostly from the M-2 areas (see recording for verbatim explanation.)

01:38:41 In response to a question from Commissioner Turner, Ms. Williams said that most of the questions and concerns from citizens had to do with transitional housing.

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New Cases

CASE NO. 15AREA1002

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:

No one spoke.

01:39:40 The Committee by general consensus scheduled this case to be heard at the January 21, 2016 Planning Commission public hearing.

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New Cases

CASE NO. 15SUBDIV1017

***NOTE: This case was taken out of order and heard first.**

Request:	Revised Preliminary Subdivision Plan for Section 5B
Project Name:	Brookfield Section 5B
Location:	447 Rockcrest Way
Owners:	Pulte Homes
Applicant:	Pulte Homes
Representative:	Kelli Jones - Sabak Wilson & Lingo
Jurisdiction:	Louisville Metro
Council District:	19 – Kelly Downard

Case Manager: **Julia Williams, RLA, 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.)

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:

00:08:15 Julia Williams presented the case and showed the site plan (see staff report and recording for detailed presentation.) She also showed the previously-approved plan and the changes that are being requested.

00:11:26 Commissioner Brown asked about a cul-de-sac in Section 2B that is being shown without a sidewalk. Ms. Williams said only revisions to Section 5B are being considered today.

The following spoke in favor of the request:

Kelli Jones, Sabak Wilson & Lingo, 608 South Third Street, Louisville, KY 40202

Jarrold Vowels, 10035 Forest Green Blvd., Louisville, KY 40223

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New Cases

CASE NO. 15SUBDIV1017

Summary of testimony of those in favor:

00:13:14 Kelli Jones, the applicant's representative, explained the request (see recording for detailed presentation.) She added that open space requirements are still being met.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

Deliberation:

00:15:14 Commissioners' deliberation.

00:15:34 On a motion by Commissioner Brown, seconded by Commissioner Lewis, the following resolution was adopted:

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the applicant's justification and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested amended plan to the Preliminary Subdivision Plan for Section 5B as presented today, **SUBJECT** to the following Conditions of Approval:

1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
2. The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to

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CASE NO. 15SUBDIV1017

the tree preservation plan which are requested by the applicant may be approved by Planning Commission staff if the revisions 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.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
3. 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 DPDS inspector or enforcement officer upon request.
 4. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
 5. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
 6. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for Street B and Street D. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
 7. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.

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CASE NO. 15SUBDIV1017

8. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
9. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
10. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
11. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
12. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.

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CASE NO. 15SUBDIV1017

13. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan and construction plan that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
14. If sinkholes are found on the property or if ponds are to be filled on the site, 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.
15. The density of the development shall not exceed the following:
 - i. Gross Density: 3.68 dwelling units per acre (330 units on 89.62 gross acres);
 - ii. Net Density: 4.4 dwelling units per acre (330 units on 75.03 net acres).
16. As required by Sections 7.11.B.9 and 7.11.7.B of the Land Development Code the developer must develop a Preliminary Conservation Area Management Plan that details the entities responsible for maintaining the various elements of the property, and describing management objectives and techniques for each part of the property. This Management Plan shall be submitted to Planning & Design Services staff prior to approval of the first record plat for the subdivision.
17. Sections 1 and 2 of Brookfield Subdivision (Case No. 13170 & Case No. 14662) may not create greater than 199 units until such time as a second connection to the subdivision is completed.

The vote was as follows:

YES: Commissioners Brown, Lewis, Turner, and Jarboe.

NO: No one.

NOT PRESENT: Commissioner Blake.

ABSTAINING: No one.

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New Cases

CASE NO. 15ZONE1031

Request: Change in zoning from R-6 to EZ-1
Project Name: Pac-Van
Location: 522 N. 34th Street, TB 11G Lots 53/54, TB 10D
Lot 29 & TB 11J Lot 136
Owner: Murphy Properties LLC
Applicant: Pac-Van, Inc.
Representative: Gresham Smith & Partners
Seiller Waterman LLC
Jurisdiction: Louisville Metro
Council District: 5 – Cheri Bryant Hamilton

Case Manager: **Julia Williams, RLA, 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.)

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:

01:40:10 Julia Williams presented the case and showed the site plan (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Joseph Cohen, Seiller Waterman, 462 South 4th Street Suite 2200, Louisville, KY 40202

Jared Kaelin, 101 S. 5th Street Suite 1400, Louisville, KY 40202 (signed in but did not speak)

Summary of testimony of those in favor:

01:42:01 Joseph Cohen, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

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CASE NO. 15ZONE1031

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

01:43:55 The Committee by general consensus scheduled this case to be heard at the January 21, 2016 Planning Commission public hearing.

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New Cases

CASE NO. 15ZONE1018

Request: Change in zoning from R-4 to C-2 and a Waiver
Project Name: 9801 Whipps Mill
Location: 9801 Whipps Mill
Owner: The Whipps Mill Road Land Trust
Applicant: The Land Trust
Representative: Land Design & Development, Inc.
Frost Brown Todd
Jurisdiction: Louisville Metro
Council District: 7 – Angela Leet

Case Manager: **Julia Williams, RLA, 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.)

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:

01:44:13 Julia Williams presented the case and showed the site plan (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Glenn Price, Frost Brown Todd, 400 West Market Street Suite 3200, Louisville, KY 40202

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

Summary of testimony of those in favor:

01:46:45 Glenn Price, the applicant's representative, presented the applicant's request and showed a Power Point presentation (see recording for

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detailed presentation.) He added that some neighbors were concerned about limiting some C-2 uses, and the applicant has a proposal for that which will be presented at the public hearing. He said that the existing house on the property will remain as-is.

01:53:03 Kevin Young discussed the site plan, landscaping, and buffering. He said the applicant has agreed to install an 8-foot wood privacy fence along the perimeter of his property. He also discussed the existing house on the site, which will be lived in by the applicant; the existing barn will be removed. He discussed the sidewalk waiver, which has been requested due to a Metro roadway improvement project (any installed sidewalk would have to be immediately removed due to the road work.)

01:55:53 Commissioner Brown said the construction funding for the Metro roadway project has not yet been finalized. Also, there are existing sidewalks to the east of the site and Metro may need an additional right-of-way to extend those sidewalks.

01:57:07 Tammy Markert, with Metro Transportation Planning, said she had confirmed with KIPDA that the funding for the sidewalk project does include construction.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

01:57:55 The Committee by general consensus scheduled this case to be heard at the January 7, 2016 Planning Commission public hearing.

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New Cases

CASE NO. 15ZONE1056

Request: Change in zoning from C-R to C-1 with a CUP for outdoor alcohol sales and consumption
Project Name: Finn's Restaurant
Location: 1318 McHenry Street
Owner: Mill Lofts Owner LLC
Applicant: Mill Lofts Owner LLC
Representative: Mill Lofts Owner LLC
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill

Case Manager: **Julia Williams, RLA, 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.)

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:

01:58:15 Julia Williams presented the case and showed the site plan (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Colin Underhill, Underhill Associates, 1030 Goss Avenue, Louisville, KY 40217

Mike Morris, 947 Goss Ave, Louisville, KY 40217

Summary of testimony of those in favor:

02:01:11 Colin Underhill presented the applicant's case (see recording for detailed presentation.)

The following spoke in opposition to the request:

Perry Cheever, 913 Ash Street, Louisville, KY 40217

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CASE NO. 15ZONE1056

Summary of testimony of those in opposition:

02:05:47 Perry Cheever spoke in opposition. He said there are already 6-8 bars within a 12-block radius. He is concerned about parking issues, lack of privacy, and lower property values due to living next to a bar, and noise issues.

02:08:00 Mr. Underhill said that there used to be a restaurant on this site that had virtually no parking; this project has been developed with more parking than is required, to be utilized by the residents as well as the restaurant. He said neighbors have noted that their property assessments have gone up substantially this year.

02:09:11 Mike Morris, a neighbor and member of the neighborhood association, spoke in favor of the project. He said he would like to work with Mr. Cheever to alleviate his concerns. He added that the applicant has more parking than is required.

The following spoke neither for nor against:

No one spoke.

02:10:34 The Committee by general consensus scheduled this case to be heard at the January 7, 2016 Planning Commission public hearing.

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New Cases

CASE NO. 15ZONE1046

Request:	Change in zoning from M-2 to C-2 and a Landscape Waiver
Project Name:	7775 Dixie Highway
Location:	7775 Dixie Highway
Owner:	DTS Real Estate
Applicant:	DTS Real Estate
Representative:	BTM Engineering
Jurisdiction:	Louisville Metro
Council District:	25 – David Yates

Case Manager: **Julia Williams, RLA, 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.)

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:

02:11:16 Julia Williams presented the case and showed the site plan (see staff report and recording for detailed presentation.)

02:12:50 Commissioner Brown asked Ms. Williams about cross-connectivity between this site and the car wash next door. Ms. Williams said she would look into that before the public hearing.

The following spoke in favor of the request:

John Addington, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

Thomas Kanaly, 1414 Northwind Road, Louisville, KY 40207

Summary of testimony of those in favor:

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CASE NO. 15ZONE1046

02:13:26 John Addington, the applicant's representative, presented the applicant's proposal (see recording for detailed presentation.) He added that he would also like to look into a cross-access with the adjoining car wash lot.

02:16:24 Tom Kanaly, the applicant, said that the people who will be operating the car dealership asked for the earliest public hearing date possible (January 7, 2016).

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

02:17:06 The Committee by general consensus scheduled this case to be heard at the January 7, 2016 Planning Commission public hearing.

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New Cases

CASE NO. 15ZONE1050

Request: Change in zoning from R-6 to OR-3 and C-2
with Waivers and a Variance

Project Name: Bradford Mill Lofts

Location: 1124, 1130, 1132 Reutlinger Ave. and 1034 E.
Oak Street

Owner: Bradford Milla LLC
Carl & Charles Boyd
William Donan
John Gerstle

Applicant: Marian Development Group

Representative: Milestone Design Group
Cliff Ashburner – Dinsmore & Shohl

Jurisdiction: Louisville Metro

Council District: 10 – Patrick Mulvihill

Case Manager: **Julia Williams, RLA, 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.)

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:

02:17:20 Julia Williams presented the case and showed the site plan (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Cliff Ashburner, Dinsmore & Shohl LLP, 101 S. Fifth St., Suite 2500, Louisville, KY 40202

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 N. Hurstbourne Parkway, Louisville, KY 40223

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Mark Madison, Milestone Design Group, 108 Daventry Lane Suite 300,
Louisville, KY 40223

Summary of testimony of those in favor:

02:22:23 Cliff Ashburner, the applicant's representative, presented the applicant's proposal and showed a Power Point presentation (see recording for detailed presentation.) He added that trip generation numbers will be made available at the public hearing.

02:31:58 Commissioner Brown asked about the dimensions of parking; also, he said the sidewalk along Reutlinger was not clearly depicted on the plan. Mr. Ashburner said the plan shows a 6-foot verge.. The Oak Street frontage was also discussed.

02:33:44 In response to a question from Commissioner Brown, Mark Madison said the plan would be revised to show the urban concrete approaches on all the entrances.

02:33:53 Commissioner Brown requested a trip generation study. He also asked for a rendering of the overhead garage door. Mr. Ashburner discussed the waiver request for the door.

The following spoke in opposition to the request:

Jim Lynch, 1903 Hurstbourne Circle, Louisville, KY 40220

Chip Huber, 6801 W. Hwy 146, Crestwood, KY

Summary of testimony of those in opposition:

02:35:56 Jim Lynch, an owner of a convenience store on Oak Street. He discussed concerns about parking and said the applicant had not allowed for overnight guests, no surplus, etc. He said he had asked for deed restrictions, and said the building has to blend into the neighborhood. He expressed concerns about the C-2 zoning, and the music/noise from the patio deck.

02:42:14 Mr. Ashburner said the developer of this project has a greater interest in the operation of the restaurant than the neighbors. He said C-2 is needed to allow for outdoor dining; however, he does not see this turning into a

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nightclub. He discussed deed restrictions versus binding elements, and said the applicant would be willing to talk about binding out certain C-2 uses.

02:44:52 In response to a question from Commissioner Jarboe, Mr. Ashburner listed some of the issues that were discussed at the neighborhood meeting, which included but was not limited to parking, the use, and deed restrictions. He reiterated that it was in the developer's interest to have enough parking for tenants/customers. In response to a question from Commissioner Turner, Mr. Ashburner said he did not know the hours of operation for the restaurant because there is no restaurant operator yet.

02:47:23 Chip Huber said he owns properties in this block. He said he is in favor of the project as a whole, but has concerns about parking. He said he is also in favor of turning Oak Street into a two-way street.

The following spoke neither for nor against:

No one spoke.

02:49:00 The Committee by general consensus scheduled this case to be heard at the February 4, 2016 Planning Commission public hearing.

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New Cases

CASE NO. 15SUBDIV1011

Request: Conservation Subdivision for 254 lots on 74.43 acres and a Sidewalk Waiver
Project Name: Parkside at Mt. Washington
Location: 11100, 11103, 11105, & 11107 Sentimental Lane; 7101 Mt. Washington Road, and 11002R Cedar Creek Road
Owner: Ball Homes, LLC
Applicant: Ball Homes, LLC
Representative: Mindel Scott & Associates
Jurisdiction: Louisville Metro
Council District: 23 – James Peden

Case Manager: **Brian Davis, 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.)

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:

02:49:12 Brian Davis presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Kathy Linares / David Mindel, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Rocco Pigneri, Ball Homes, 13301 Magisterial Drive, Louisville, KY 40223

Summary of testimony of those in favor:

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02:54:59 Kathy Linares, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

03:00:00 Rocco Pigneri, representing Ball Homes, said that some changes to the plan were made due to feedback from residents at the neighborhood meetings, He said the realignment of Sentimental Lane was to keep traffic pedestrians off the street, at the request of two homeowners who currently live on that street. This will also preserve the trees on the left.

03:01:12 David Mindel discussed drainage/detention basins. He noted that the standard plan was originally approved in early 2000, before there were conservation subdivisions, and showed how the plan has changed.

03:03:25 Commissioner Brown and Ms. Linares discussed a sidewalk extension/trails. Commissioner Brown specifically asked for the provision of pedestrian accommodation to the conservation area.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

03:04:59 Commissioners' deliberation

Conservation Subdivision Plan and Waiver

03:06:35 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 waiver will not adversely affect adjacent property owners as Sentimental Lane will act more like a private driveway for the adjoining property and sidewalks are being proposed on other public streets within the development; and

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WHEREAS, the Committee further finds that the waiver will not violate the comprehensive plan; 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 since this portion of Sentimental Lane will not be maintained by the developer, will not connect between Streets A and Streets C and will act primarily as a private driveway; and

WHEREAS, the Committee further finds that the applicant is constructing sidewalks along other proposed streets within the vicinity to help meet pedestrian circulation needs, although there isn't a direct connection to Lot 260, which is identified as conservation space on the plan, from Streets A or B; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented and the staff report that the proposed subdivision and waiver meet all of the applicable Conservation Subdivision Regulations are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Conservation Subdivision Plan as presented today, **AND** the Waiver requested from Section 5.8.1.B and 6.2.6 of the Land Development Code to omit the required sidewalk along Sentimental Lane along the western side of lots 201, 253 and 260 **ON CONDITION** that the applicant provide a sidewalk connection between the proposed sidewalks on Street "B" to the Lot 260 conservation space, **SUBJECT** to the following Conditions of Approval:

Conditions of Approval

1. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No

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parking, material storage or construction activities are permitted within the protected area.

3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All 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.
5. The applicant, developer, or property owner shall provide copies of these conditions of approval to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

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6. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of TCPAs etc.) and other issues required by these conditions of approval.
 - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.

7. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.

8. 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 DPDS inspector or enforcement officer upon request.

9. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

10. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number

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shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

11. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
12. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
13. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
14. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
15. Street trees shall be planted in a manner consistent with the requirements of Section 7.11.9, D.2 of the Land Development Code.

The vote was as follows:

YES: Commissioners Turner, Brown, Lewis, and Jarboe.

NO: No one.

NOT PRESENT: Commissioner Blake.

ABSTAINING: No one.

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CASE NO. 15SUBDIV1014

Request: Conservation Subdivision for 163 lots on 59.82 acres and a Waiver to allow rear of houses to face Mt. Washington Road

Project Name: Meadow Creek

Location: 6204, 6210 & 6304 Mt. Washington Road

Owner: Frank Quick Jr. and William & Helen Quick

Applicant: Premier Land Development LLC

Representative: Mindel Scott & Associates

Jurisdiction: Louisville Metro

Council District: 13 – Vicki Aubrey Welch

Case Manager: **Brian Davis, 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.)

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:

03:07:32 Brian Davis presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

03:12:09 Commissioner Jarboe and Mr. Davis discussed the distance required for the rear facades from the scenic corridor/Mount Washington Road.

The following spoke in favor of the request:

Kathy Linares / David Mindel, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Summary of testimony of those in favor:

03:13:12 Kathy Linares, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) She said the applicant is willing to consider providing

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additional screening as needed for the homes that back up to Mount Washington Road.

03:16:56 Ms. Linares added that the applicant has shown sidewalks along the frontage; in response to a request from neighbors, the applicant has agreed to provide sidewalks along one lot that is subdivided (pointed out by Ms. Linares on a photo of the site.) In response to a question from Commissioner Lewis, Ms. Linares discussed the detention basin and drainage.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

03:18:34 Commissioners' deliberation.

03:20:12 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 requested waiver will not adversely affect adjacent property owners as there are currently houses in both Cooper Farms and Washington Green which have homes whose rear facades are oriented towards Mt. Washington Road; and

WHEREAS, the Committee further finds that the waiver will not violate the comprehensive plan; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief as the applicant has designed the subdivision so that a majority of homes do not have rear facades that back up to Mt. Washington Road or are shielded by Tree Canopy Preservation Areas; and

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WHEREAS, the Committee further finds that the applicant will have landscaping within the 30-foot scenic corridor buffer that will help break up the rear facades; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented and the staff report that the proposed subdivision and waiver meet all of the applicable Conservation Subdivision Regulations are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Conservation Subdivision Plan as presented today **AND** the Waiver requested from Section 7.11.9, C.2 to allow some lots to have rear facades oriented towards Mt. Washington Road, **ON CONDITION** that the applicant will provide sidewalk connections to the existing sidewalks to the north of the site on Mount Washington Road, **SUBJECT** to the following Conditions of Approval:

Conditions of Approval

1. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.

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- b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All 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.
5. The applicant, developer, or property owner shall provide copies of these conditions of approval to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
6. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
- a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of TCPAs etc.) and other issues required by these conditions of approval.

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- c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.

- 7. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.

- 8. 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 DPDS inspector or enforcement officer upon request.

- 9. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

- 10. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

- 11. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.

- 12. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.

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New Cases

CASE NO. 15SUBDIV1014

13. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide approved by the Louisville Metro Health Department. Larvicides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.

14. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.

15. Street trees shall be planted in a manner consistent with the requirements of Section 7.11.9, D.2 of the Land Development Code.

The vote was as follows:

YES: Commissioners Turner, Brown, Lewis, and Jarboe.
NO: No one.
NOT PRESENT: Commissioner Blake.
ABSTAINING: No one.

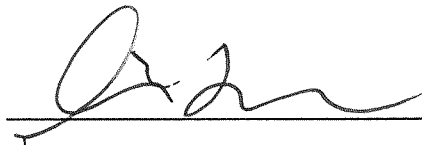
**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

December 10, 2015

The meeting adjourned at approximately 4:30 p.m.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Chairman

A handwritten signature in black ink, starting with a large 'D' and followed by several loops and a long horizontal stroke extending to the right.

Division Director