

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

January 12, 2017

A meeting of the Land Development and Transportation Committee was held on Thursday, January 12, 2017, at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Committee Members present:

Jeff Brown
Marshall Gazaway
Richard Carlson

Committee Members absent:

Marilyn Lewis, Chair
Robert Peterson, Vice Chair

Staff Members present:

Emily Liu, Planning Director
Brian Davis, Planning Manager
Brian Mabry, Planning Supervisor
Julia Williams, Planning Supervisor
Laura Mattingly, Planner I
Beth Jones, Planner II
Tammy Markert, Transportation Planning Supervisor
John Carroll, Legal Counsel
Paul Whitty, Legal Counsel
Sue Reid, Management Assistant

The following matters were considered:

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LD&T Vote Pro tem Chair

00:00:18 On a motion by Commissioner Brown, seconded by Commissioner Gazaway, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPOINT** Commissioner Carlson as Pro Tem Chair to preside over today's meeting.

The vote was as follows:

YES: Commissioners Brown and Gazaway

ABSTAIN: Commissioner Carlson

ABSENT: Chair Lewis and Vice Chair Peterson

00:00:48 **NOTE: Counsel John Carroll introduced Counsel Paul Whitty who will be filling in on some of the Commission business hearings.**

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Approval of Minutes

**DECEMBER 22, 2016 LAND DEVELOPMENT AND TRANSPORTATION
COMMITTEE MINUTES**

00:03:12 On a motion by Commissioner Brown, seconded by Commissioner Gazaway, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted Thursday, December 22, 2016.

The vote was as follows:

YES: Commissioners Brown, Gazaway and Carlson

ABSENT: Chair Lewis and Vice Chair Peterson

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Old Business

CASE NO. 16ZONE1056

Request: Reconsider the location of the night hearing on
January 31, 2017
Project Name: Prospect Cove
Location: 6500 Forest Cove Lane & 7301 River Road
Owner: Prospect Development LLC
Applicant: LDG Multi-Family LLC
Representative: Sabak, Wilson, & Lingo, Inc.; Dinsmore and Shohl
Jurisdiction: Louisville Metro
Council District: 16-Kelly Downard
Case Manager: Julia Williams, AICP, Planning Supervisor

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

Agency Testimony:

00:03:57 Julia Williams presented the reconsideration request. Ms. Williams stated Springdale Community Church would be better suited to accommodate the amount of people that are potentially going to show up to that meeting. Ms. Williams stated there were three conditions for moving the meeting to the Springdale Community Church location; 1) security would be provided, 2) a court reporter, and 3) church staff (see recording for detailed presentation).

00:06:39 Grover Potts stated the City of Prospect has agreed to pay for the staff of the church to run the audio/visual for the purposes of the public hearing; they have agreed to provide the City of Prospect Police for security purposes; and they have agreed to hire a court reporter to record the testimony (see recording for detailed presentation).

00:07:58 Tanner Watkins stated they have no objection in moving the January 31, 2017 Public Hearing from the Old Jail Building to the Springdale Community Church (see recording for detailed presentation).

00:09:11 On a motion by Commissioner Brown, seconded by Commissioner Gazaway, the following resolution was adopted:

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CASE NO. 16ZONE1056

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the **relocation of the Night Hearing** for January 31, 2017 to the **Springdale Community Church** at 6:00 p.m.

The vote was as follows:

YES: Commissioners Brown, Gazaway and Carlson

ABSENT: Chair Lewis and Vice Chair Peterson

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New Business

CASE NO. 16DEVPLAN1209

Request: Revised Detailed District Development Plan and Waiver
Project Name: Town Place Suites
Location: 10200 & 10455 Champion Farms Drive
Owner: Stephen E. Poe, Springhurst Development, LLC
Applicant: Valentin Staller, Poe Companies, LLC
Representative: Glenn Price, Frost Brown Todd, LLC
Jurisdiction: Louisville Metro
Council District: 17 – Glen Stuckel
Case Manager: Laura Mattingly, Planner I

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the 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 Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:10:38 Laura Mattingly presented the case and showed a Powerpoint presentation. Ms. Mattingly reviewed proposed changes to Binding Elements Numbers 2, 16 and 37 (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Glenn Price, 400 W. Market Street, Suite 3200, Louisville, KY 40202
Steve Poe, 1250 River Road, Louisville, KY 40206

Summary of testimony of those in favor:

00:16:45 Glenn Price spoke on behalf of the applicant in favor of the request and showed a Powerpoint presentation. Mr. Price responded to questions from the Commissioners (see recording for detailed presentation).

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00:24:15 Steve Poe spoke in favor of the request in regard to the back-lighting on the sign. Mr. Poe responded to questions from the Commissioners (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

00:27:06 Commissioners' deliberation

00:28:00 On a motion by Commissioner Brown, seconded by Commissioner Gazaway, the following resolution was adopted:

Waiver from 10.2.4 to allow the proposed hotel parking area to encroach into the 25' required Landscape Buffer Area along the northern property line:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver will not adversely affect adjacent property owners as the nearest apartment building to the north is more than 200 feet away and all required plantings will be provided, and

WHEREAS, the Committee further finds that Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring

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appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. This proposal does not violate these guidelines of Cornerstone 2020 as the Landscape Buffer Area plantings are still being provided, which will provide a transition between the hotel and multi-family use, screening from lighting, noises, etc. and will decrease storm water runoff from impervious surfaces, and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as all other landscape requirements are being met and the parking is needed to meet the demand of the proposed hotel, and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant as it would prevent the proposal from providing the needed parking for the operation of a hotel; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee, in Case Number 16DEVPLAN1209, does hereby **APPROVE** Waiver from 10.2.4 to allow the proposed hotel parking area to encroach into the required 25' Landscape Buffer Area along the northern property line, based on the Staff Report and testimony heard today.

The vote was as follows:

YES: Commissioners Brown, Gazaway and Carlson

ABSENT: Chair Lewis and Vice Chair Peterson

00:28:50 On a motion by Commissioner Brown, seconded by Commissioner Gazaway, the following resolution was adopted:

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Revised Detailed District Development Plan:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that LOJIC does not indicate any significant natural or historic resources on site. The proposal meets all requirements for planting new tree canopy, and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided with the pedestrian connections throughout the site connecting to the existing sidewalk network within the development. Vehicular access to the site to the north has been maintained, as well as vehicular access to the existing development, and

WHEREAS, the Committee further finds that there are no open space requirements for this development, and

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

WHEREAS, the Committee further finds that the overall land use and building design are compatible with the existing and future development of the area as this is a well-developed commercial center with a mix of retail, restaurant and hotel uses, as well as the abutting multi-family development. The design will remain consistent with the existing commercial buildings, and

WHEREAS, the Committee further finds that the development plan is in conformance with the Land Development Code as well as the policies and guidelines of the non-residential intent of the Comprehensive Plan, with the exception of the landscape buffer area waiver and variances that will be heard in conjunction with the Conditional Use Permit; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee, in Case Number 16DEVPLAN1209, does hereby **APPROVE** the Revised Detailed District Development Plan and amended Binding Elements on Page 13 of the Staff Report along with the following changes to the Binding

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Elements: Binding Element #2 – strike out the 48,566 square foot personal care facility; Binding Element #16 – remove all of Part C; Binding Element #37 – change “not illuminated” to “back-lit only” in the last sentence under 37(a), based on the Staff Report and testimony heard today, and SUBJECT to the following Binding Elements:

Binding Elements

1. The development shall be in accordance with the approved development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 35,672 square feet of retail, a 113 room hotel, **a 157 room hotel**, 55,100 square feet of office, ~~48,566 square foot personal care facility~~, 15,268 square feet of school use, and the restaurant square footage as indicated below in 3 (b):
 - (a) Restaurant square footage. The total restaurant square footage on the subject site shall be limited to 17,664 square feet. This limitation as to total restaurant square footage shall not be subject to change except that “existing retail” of 5,200 square feet may be not more than 5,200 square feet of restaurant space.
 - (b) The 9200 square foot building shown on the development plan near Springhurst Blvd. may be all restaurant, part restaurant, or it may be another permitted use, which is not restaurant.
 - (c) The 16,600 square foot building shown on the development plan near the south property line shall not be permitted to be more than 7,000 square feet of restaurant.
3. The only permitted freestanding sign shall be (a monument style sign), located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 16 feet to front property line. The sign shall not exceed 128 square feet in area per side and 16 feet in height. No sign shall have more than two sides.

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4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage, display or sales except as permitted under Section 9.7 of the Jefferson County Development Code and within designated areas on the approved development plan.
6. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site
7. 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.
8. The following uses otherwise permitted in C-1 Commercial District are prohibited:
 - beer depots
 - agricultural uses
 - automobile service stations
 - boarding and lodging houses
 - bowling alleys
 - car washes
 - clubs, private, non-profit or proprietary
 - community residences
 - family care home (mini-home)
 - funeral homes
 - garage or yard sales
 - golf course or miniature golf course or golf driving range
 - health spas requiring adult entertainment licenses (however, health spas which do not require adult entertainment licenses are permitted; athletic or fitness centers are permitted)
 - ice storage houses

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kennels
laundries or laundrettes, self service
liquor stores with drive-thru windows (liquor stores without drive-thru windows are permitted)
medical laboratories (immediate care centers, urgent care centers and surgical centers are permitted)
parks, playgrounds and community centers
pet shops having outdoor facilities for animals are prohibited; otherwise, pet shops are permitted
residential care facilities, however, this prohibition shall not be deemed to prohibit person care home
tents, air structures and other temporary structures intended for occupancy by commercial activities
restaurants with drive-thru windows
restaurants which have the following attributes: customers order food and beverages at a central ordering location; food is typically prepared quickly and wrapped for delivery to the customer at time of purchase; a substantial amount (but not necessarily more than half) of food and beverages sold are consumed off-premises; table seating may or may not exist, but where table-seating exists patrons typically consume their meals in less than one hour; typically called "fast food"

- a. The 9200 square foot building shown on the development plan near Springhurst Blvd. shall be permitted to have outdoor seating; however, outdoor seating, if any, may be located only where shown within the cross-hatched area marked on the plan.
9. Brick screen walls. The brick walls shown on (a) side elevation - view from Wynbrooke Circle, (b) rear elevation - view from Springhurst Gardens Circle, and (c) side & front elevation - view of residential condominiums from Springhurst Garden Circle shall be constructed prior to the erection of any structures, except for foundations, in the development. The minimum height of the brick walls shall be 7-feet; however, in any event the height of the wall as measured from grade shall not be lower than the top of the door jamb as measured from grade located on any rear building facade. All rear door lighting affixed to the rear walls of the buildings adjacent to properties on Springhurst Garden Circle and Wynbrooke Circle shall be located below the top of the wall, and to the side of the door jam. Lighting within the rear soffit

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of the rear walls is permitted provided that it is directed down so that the filament of each light is not visible off-site.

10. MSD outlet. The MSD outlet structure at Little Goose Creek and Wynbrooke Circle shall be re-constructed at the direction of MSD and shall be paid for by Developer. Construction of the MSD outlet structure shall commence within 120 days of the issuance of building permits.
11. Open Space Reserve Area; Deed Restriction. (a) Two Open Space Reserve Areas ("OSRA") shall be established for the open space areas (located to the south, southwest and west of the developed site).

OSRA Area 1 shall be defined as: [Beginning at a point. Said point being the southwest corner of tract conveyed to Springhurst Housing Partners of record in Deed Book 6957, Page 674; Thence with Springhurst Housing Partners' south line South 86 degrees 39 minutes 19 seconds East, 103.78 feet to a point; Thence leaving said south line South 3 degrees 20 minutes 41 seconds West, 112.41 feet to a point; Thence South 17 degrees 51 minutes 16 seconds West, 160.96 feet to a point; Thence South 45 degrees 00 minutes 00 seconds West, 167.88 feet to a point; Thence South 0 degrees 00 minutes 00 seconds East, 131.77 feet to a point; Thence South 45 degrees 00 minutes 00 seconds West, 155.41 feet to a point; Thence South 14 degrees 30 minutes 55 seconds West, 248.64 feet to a point; Thence South 0 degrees 00 minutes 00 seconds West, 101.90 feet to a point; Thence South 12 degrees 05 minutes 22 seconds East, 122.41 feet to a point; Thence with a curve to the left having a radius of 152.00 feet. A chord which bears South 37 degrees 46 minutes 17 seconds East, 131.75 feet to a point; Thence South 58 degrees 49 minutes 11 seconds West, 278.43 feet to a point; Thence with a curve to the left having a radius of 760.94 feet. A chord which bears North 64 degrees 31 minutes 54 seconds West, 239.06 feet to a point; Thence North 18 degrees 40 minutes 30 seconds East, 540.09 feet to a point; Thence North 33 degrees 13 minutes 54 seconds East, 242.69 feet to a point; Thence North 50 degrees 53 minutes 53 seconds East, 344.06 feet to a point; Thence North 3 degrees 20 minutes 41 seconds East, 308.53 feet to the point of beginning. Containing 5.77 acres.

OSRA Area 2 shall be defined as: Beginning at a point in the west right of way line of Springhurst Boulevard. Said point also being the northeast

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corner of tract conveyed to Home Depot USA Inc. of record in Deed Book 6993, Page 3; Thence leaving said right of way line North 85 degrees 33 minutes 37 seconds West, 89.84 feet to the true point of beginning; Thence South 74 degrees 05 minutes 53 seconds West, 112.75 feet to a point; Thence South 68 degrees 32 minutes 24 seconds West, 52.45 feet to a point; Thence South 62 degrees 23 minutes 51 seconds West, 77.37 feet to a point; Thence South 87 degrees 28 minutes 56 seconds West, 68.36 feet to a point; Thence South 67 degrees 08 minutes 00 seconds West, 95.48 feet to a point; Thence South 54 degrees 22 minutes 02 seconds West, 73.38 feet to a point; Thence South 25 degrees 41 minutes 16 seconds West, 73.56 feet to a point; Thence South 46 degrees 10 minutes 24 seconds West, 49.80 feet to a point; Thence South 53 degrees 28 minutes 02 seconds West, 76.54 feet to a point; Thence South 57 degrees 00 minutes 58 seconds West, 75.13 feet to a point; Thence South 65 degrees 48 minutes 29 seconds West, 68.07 feet to a point; Thence South 55 degrees 31 minutes 58 seconds West, 81.76 feet to a point; Thence South 65 degrees 03 minutes 33 seconds West, 67.72 feet to a point; Thence South 78 degrees 57 minutes 38 seconds West, 139.99 feet to a point; Thence with a curve to the left having a radius of 760.94 feet. A chord which bears North 42 degrees 02 minutes 15 seconds West, 354.15 feet to a point; Thence North 58 degrees 49 minutes 11 seconds East, 278.43 feet to a point; Thence with a curve to the left having a radius of 152.00 feet. A chord which bears South 75 degrees 55 minutes 19 seconds East, 65.63 feet to a point; Thence South 89 degrees 52 minutes 15 seconds East, 227.19 feet to a point; Thence North 73 degrees 06 minutes 24 seconds East, 89.96 feet to a point; Thence with a curve to the left having a radius of 279.03 feet. A chord which bears North 52 degrees 55 minutes 35 seconds East, 181.52 feet to a point; Thence North 85 degrees 52 minutes 21 seconds East, 98.89 feet to a point; Thence North 67 degrees 14 minutes 55 seconds East, 110.13 feet to a point; Thence South 68 degrees 39 minutes 52 minutes East, 248.52 feet to the true point of beginning. Containing 5.88 acres.

- a) Planting of new growth in OSRA Areas shall occur prior to the issuance of certificates of occupancy for any use, except that planting shall not be required during the months of June, July and August.
- b) For both OSRA Areas (1) and (2) a permanent single deed of restriction ensuring that both OSRA areas are permanently protected from

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development and are appropriately maintained by making the deed of restriction enforceable by (i) all abutting single-family residential property owners, and (ii) Springhurst Community Association, Inc. However, single-family residential property owners may choose to decline the right to enforce the deed of restriction.

- c) In OSRA Area 1 maintenance shall include (a) trash and debris removal as needed but not less than every 14 days, and (b) grass mowing and cutting at regular intervals as shown on the OSRA Plan during the growing season not less than once every 14 days during the growing season. Any diseased, dying, dead, or hazardous trees or vegetation may be removed; however, replacement of any diseased, dying, dead or hazardous trees or vegetation which has been installed by Developer is required; nothing in the deed restriction pertaining to OSRA Area 1 shall forbid appropriate and regular maintenance of the MSD easement area and outlet structure at Wynbrooke Circle.
- d) In OSRA Area 2 maintenance shall include (a) trash and debris removal as needed but not less than every 14 days, and (b) grass mowing and cutting as shown on the OSRA Plan at regular intervals during the growing season not less than once every 14 days during the growing season; however, no mowing and cutting is permitted in areas shown on the development plan or landscape plan as "no mowing" areas. In addition, Developer shall provide for an annual preventative insecticide spraying of all trees planted in OSRA Area 2. Any diseased, dying, dead or hazardous trees or vegetation may be removed; however, replacement of any diseased, dying, dead or hazardous trees or vegetation which has been installed by Developer is required. The existing ditch in this OSRA Area 2 shall be kept free of debris.

12. Common Area Maintenance.

- (a) A legally drawn instrument shall be drawn providing for common area maintenance ("CAM"). The CAM shall require maintenance in good condition of the both developed portions of the site and WPA areas in accordance with these Binding Elements.
- (b) Subject to MSD requirements, the OSRA bordering Wynbrooke Circle for a distance of 20-feet from the curb line of Wynbrooke Circle toward OSRA Areas 1 and 2 and within an area 20-feet on either side of the

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walking path for the length of the walking path shall be irrigated. Maintenance of this area shall include (a) trash and debris removal as needed but not less than every 14 days, and (b) grass mowing and cutting at regular intervals during the growing season but not less than every 14 days during the growing season.

- (c) Common area maintenance for areas within the developed site and within OSRA areas shall also include insect, pest and rodent control, including spraying for mosquitoes.
 - (d) Interior landscaped areas of the developed portion of the site (shopping center area) and areas within 20 feet of the brick screen walls shall be irrigated.
13. Hours of construction. Hours of construction shall be limited to (a) Monday through Friday, 7:30 AM to 6:30 PM, and (b) Saturday, 7:30 AM - 4 PM. Construction is not permitted on Sunday. During all phases of construction the Developer shall comply with all legal requirements regarding dust control. During construction, trash and debris shall be picked up and removed from the property as needed but not less than every 14 days during construction.
14. Lighting. No free-standing lighting standards shall be located between the southernmost and westernmost building elevations and the southern and western property lines, respectively. Lighting attached to building exteriors on the southern and western sides of these buildings shall be dimmed to minimally necessary security lighting after the customer hours set forth in these Binding Elements have ended. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90' cutoff so that any light source is not visible off site. Lighting levels shall not exceed 2 foot candles at the property lines adjacent to single-family residential properties. Outdoor lighting of the path from the development to Wynbrooke Circle shall be limited to minimal security lighting.
15. Rooflines. Flat roofs or flat roofs with parapet walls shall not be permitted on any building in the development. Roof lines shall be peaked. The ~~hotel~~ **hotels** are the only building not subject to this Binding Element.

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16. Building height. Building height shall be limited to 1-story except for (a) partial 2nd story elements for offices and condominiums, and (b) the hotels **located on tracts 2 and 3.**
17. Customer hours. No retail uses shall have customer hours earlier than 7 AM or later than 10 PM. No restaurant and/or bar uses shall have customer hours later than 12 midnight. All restaurant and bar service will close no later than 12 midnight. No 24-hour operations will be permitted.
18. Dumpster hours. Hours for loading/unloading of dumpsters shall be limited to 7:30 AM to 7:30 PM.
19. Bicycle storage. Bicycle storage racks will be located on site as needed or at the direction of the staff of the Jefferson County Division of Planning and Development Services.
20. Additional tree plantings in Wynbrooke Circle Right-of-Way. Additional trees shall be placed in the right-of-way of Wynbrooke Circle to filter views of the development. Tree placement shall be in accordance with a plan presented at the September 30, 2002 public hearing indicating the type, location and quantities of trees to be planted. Replacement of any diseased, dead or dying trees or vegetation which have been installed by the Developer is required. Any grass in this area shall be mowed by Developer at regular intervals during the growing season not less than once every 14 days during the growing season.
21. Simcoe Lane Pavement Removal. The Developer shall remove all surface pavement from the now-closed portion of Simcoe Lane and shall replant the area in accordance with the approved WPA Plan.
22. Small, free-standing (temporary) or other outbuildings shall not be allowed except that temporary tool sheds or field offices used by Developer during construction shall be permitted. Such facilities during construction shall be removed when construction or development is complete.
23. The facade of all buildings shall be constructed of brick, including any caissons, but dryvit or other non-brick products may be used for accent. **This binding element shall not apply to the hotel on Tract 3 which shall be brick and EIFS.**

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24. Drainage pipes shall be enclosed or surrounded by creek stone.
25. Dumpsters must be stored in brick, screened areas and shall only be located where shown on the appropriate Development Plan.
26. No merchandise shall be displayed, stored, or sold outside of buildings, except for semi-annual sidewalk sales.
27. No live, piped, radio or amplified music or loudspeakers shall be used which would allow sounds to be heard from outside the building. No outdoor PA system shall be permitted.
28. Certificates of occupancy must be reviewed from the appropriate code enforcement office prior to occupancy of any building or land for the proposed use. All Binding Elements requiring implementation prior to securing certificates of occupancy shall be so implemented.
29. No outdoor advertising signs (billboards), small freestanding signs (temporary), pennants, balloons, flags or banners shall be permitted on the site except for sales or grand openings allowed not more than 2 times per year for each tenant for a period of not more than 7 days each.
30. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved.
31. The property owner/developer shall provide copies of these binding elements to tenants, contractors, and other parties engaged in the development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
32. Security. The property owner/developer shall install signs indicating that there is to be no loitering or skateboarding on the property.

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33. On Wynbrooke Circle, the path leading to the proposed development shall be planted according to the development plan or approved landscape plan and shall include creek stone columns similar to the Village of Wynbrooke sign.
34. The two ponds depicted on the development plan shall be constructed unless specifically prohibited by MSD or other agency. The larger of the two ponds depicted on the development plan shall include a fountain that will move the water and provide a visual attraction in the area. The fountain shall operate daily from 9 AM until 11 PM on a seasonal basis. The ponds shall have aerators unless such aerators are prohibited by law.
35. Regarding delivery truck access and construction traffic to the development, construction trucks and delivery trucks shall be instructed to utilize the Westport Road/I-265 interchange rather than the Ky. 22/I-265 interchange.
36. Street sweeping/parking lot cleaning shall not occur earlier than 7:30 AM nor later than 7:30 PM.
37. Regarding building signage, no graphics or signs shall be displayed on the rear or sides of the buildings which are visible from surrounding off-site residential areas.
 - a. **The hotel on Tract 3 shall be allowed attached signage in compliance with Chapter 8 of the Land Development Code on the north side of the building, on condition that the signage on the north façade is not illuminated back-lit only.**
38. The development plan must comply with the MSD Upper Little Goose Creek Report when the Report is finalized.
39. No retail space shall be larger than 18,000 square feet.
40. Except for the hotels, HVAC units shall be ground-mounted. Hotel HVAC units mounted on the roof shall be screened.
41. The walking path shown on the approved Development Plan shall be minimum 10 feet wide.

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January 12, 2017

New Business

CASE NO. 16DEVPLAN1209

42. Twelve (12) or more days prior written notice shall be provided to all abutting property owners regarding any Land Development and Transportation Committee meeting at which a change to the Development Plan or a Binding Element is to be brought before the Committee.
43. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the April 18, 2002 Planning Commission meeting, **except for the hotel on Tract 3 which shall be substantially the same as the renderings presented at the January 12, 2017 Land Development & Transportation Committee meeting.**
44. No idling of trucks between the rear of the shopping center and adjacent single-family residences. No overnight idling of trucks shall be permitted on-site.
45. The Applicant may "cut" an opening in the existing brick wall where shown on Exhibit A in order to allow school children to have access into an open space area ("outdoor activity area") to the west of Springhurst Village. The children's outdoor activity area will be enclosed with a four (4)-foot wrought iron fence, as shown on Exhibit B. The outdoor activity area will also be buffered with eight (8')-foot tall evergreen landscaping at the time of planting. In the event the Montessori School should no longer be located within Springhurst Village the Applicant will remove the fence and close the opening in the wall, ensuring that the surface of the wall is restored consistent with its present brick facing.
46. The Applicant shall construct two (2) creekstone columns (the "columns") on either side of the pathway at Wynbrooke Circle at a location agreed to in writing by the Springhurst Community Association and in a manner consistent with the creekstone walls throughout the Springhurst Neighborhood. Said columns shall be no less than 2.5 feet by 2.5 feet wide and no less than 4.5 feet tall unless otherwise agreed to in writing by the president of the Springhurst Community Association.
47. Provided no appeal to the Planning Commission is filed challenging the approval of the Montessori School, and within twenty-one (21) days of the approval of the Montessori School by the DRC Committee, the Applicant

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CASE NO. 16DEVPLAN1209

shall commence physical construction of the columns prior to seeking building or other permits for the Montessori School.

48. Prior to securing building or other permits for the Montessori School, the Applicant shall deliver the sum of \$4,500.00 ("Escrow Sum") to be held by Frost Brown Todd, LLC as Escrow Agent to secure the construction of the columns. In the event the columns have been constructed before June 1, 2009, the Escrow Agent is directed to return the Escrow Sum to the Applicant. In the event the columns have not been constructed as of June 1, 2009, the Escrow Agent is directed to turn the Escrows Sum over to the Springhurst Community Association for the purpose of constructing the columns, free and clear of any claim by the Applicant.

The vote was as follows:

YES: Commissioners Brown, Gazaway and Carlson
ABSENT: Chair Lewis and Vice Chair Peterson

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January 12, 2017

New Business

CASE NO. 16STREETS1021

Request:	Closure of 50' Right of Way
Project Name:	Warwick Avenue Street Closure
Location:	Warwick Avenue from Harris Place to the Watterson Expressway
Owner:	Rick Baker, Lollie Paw Properties, LLC
Applicant:	Rick Baker, Lollie Paw Properties, LLC
Representative:	Charles R. Podgursky, CRP & Associates Inc
Jurisdiction:	St Matthews
Council District:	7 – Angela Leet
Case Manager:	Laura Mattingly, Planner I

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the 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 Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:30:21 Laura Mattingly stated that staff would like to request to continue this case until the next LD&T hearing. Ms. Mattingly stated this is a street stub with only two property owners with linear frontage, and we only received consent from one of those; 51% is required. Ms. Mattingly stated the applicant has gotten verbal and email approval from the other property owner but they have yet to sign the consent form. They believe they can do that before the next hearing (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

No one spoke.

The following spoke in opposition of the request:

No one spoke.

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New Business

CASE NO. 16STREETS1021

00:31:13 On a motion by Commissioner Brown, seconded by Commissioner Gazaway, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** Case Number 16STREETS1021 to the January 26, 2017 Land Development and Transportation Committee meeting.

The vote was as follows:

YES: Commissioners Brown, Gazaway and Carlson

ABSENT: Chair Lewis and Vice Chair Peterson

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New Business

CASE NO. 16ZONE1048

Request: Change in zoning from R-4 to R-5A for approximately 8.0 acres with waiver
Project Name: Avalon Springs, Phase II
Location: 7506 Beulah Church Road
Owner: St. James Crossing, LLC
Applicant: St. James Crossing, LLC
Representative: Bardenwerper Talbott & Roberts
Jurisdiction: Louisville Metro
Council District: 23 – James Peden
Case Manager: Brian Mabry, AICP, Planning & Design Supervisor

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

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

Agency Testimony:

00:31:53 Brian Mabry presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Bill Bardenwerper, 1000 N. Hurstbourne Pkwy., Louisville, KY 40222
Kevin Young, 503 Washburn Ave., Louisville, KY 40222

Summary of testimony of those in favor:

00:40:11 Bill Bardenwerper spoke on behalf of the applicant in favor of the request (see recording for detailed presentation).

00:45:28 Kevin Young spoke in favor of the request (see recording for detailed presentation).

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New Business

CASE NO. 16ZONE1048

00:48:01 Bill Bardenwerper spoke in favor of the request and responded to questions from the Commissioners (see recording for detailed presentation).

00:51:32 **Commissioners' deliberation**

00:53:41 The Louisville Metro Land Development and Transportation Committee by general consensus **SCHEDULED** Case Number 16ZONE1048 to be heard at the **February 2, 2017** Planning Commission Public Hearing.

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New Business

CASE NO. 16ZONE1065

Request:	Zone Change, Detailed District Development Plan
Project Name:	Roosters
Location:	7409 Preston Highway
Owner:	Robert Gauthier
Applicant:	Robert Gauthier
Representative:	Bardenwerper Talbott & Roberts PLLC
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Beth Jones, AICP, Planner II

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the 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 Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:54:39 Beth Jones presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Bill Bardenwerper, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223

Summary of testimony of those in favor:

00:58:26 Bill Bardenwerper spoke on behalf of the applicant in favor of the request and referred to a Powerpoint presentation. Mr. Bardenwerper responded to questions from the Commissioners (see recording for detailed presentation).

01:01:59 **Commissioners' deliberation**

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New Business

CASE NO. 16ZONE1065

01:02:02 The Louisville Metro Land Development and Transportation Committee by general consensus **SCHEDULED** Case Number 16ZONE1065 to be heard at the **February 2, 2017** Planning Commission Public Hearing.

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New Business

CASE NO. 16ZONE1066

Request: Zone Change, Detailed District Development Plan and Waiver
Project Name: BMW of Louisville
Location: 2000 Blankenbaker Parkway
Owner: TT of B Louisville Inc.
Applicant: BMW of Louisville
Representative: Bardenwerper Talbott & Roberts PLLC
Jurisdiction: City of Jeffersontown
Council District: 20 - Stuart Benson
Case Manager: Beth Jones, AICP, Planner II

NOTE: This case was heard in conjunction with the following case (Case Number 16DEVPLAN1203), as they are related cases.

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

Agency Testimony:

01:03:07 Beth Jones presented the cases and showed a Powerpoint presentation. Ms. Jones responded to questions from the Commissioners (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Bill Bardenwerper, 1000 N. Hurstbourne Pkwy., Louisville, KY 40223
John Addington, 3001 Taylor Springs Drive, Louisville, KY 40220

Summary of testimony of those in favor:

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CASE NO. 16ZONE1066

01:18:37 Bill Bardenwerper spoke on behalf of the applicant in favor of the request and referred to a Powerpoint presentation (see recording for detailed presentation).

01:24:50 John Addington spoke in favor of the request (see recording for detailed presentation).

01:28:41 Bill Bardenwerper spoke in favor of the request (see recording for detailed presentation).

01:30:22 Commissioners' deliberation

01:31:02 The Louisville Metro Land Development and Transportation Committee by general consensus **SCHEDULED** Case Number 16ZONE1066 to be heard at the **February 2, 2017** Planning Commission Public Hearing. Commissioner Brown stated he would like to see the Landscape Plan as part of the Waiver for the berm.

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New Business

CASE NO. 16DEVPLAN1203

Request:	Revised District Development Plan and Waivers
Project Name:	BMW of Louisville
Location:	2200 Blankenbaker Parkway and 2400 Shining Water Drive
Owner:	TT of Lex Louisville Property LLC
Applicant:	BMW of Louisville
Representative:	Bardenwerper Talbott & Roberts PLLC
Jurisdiction:	City of Jeffersontown
Council District:	20 - Stuart Benson
Case Manager:	Beth Jones, AICP, Planner II

NOTE: This case was heard in conjunction with the previous case (Case Number 16ZONE1066), as they are related cases.

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

Agency Testimony:

01:32:07 Beth Jones responded to a question by Commissioner Brown (see recording for detailed presentation).

01:32:43 On a motion by Commissioner Brown, seconded by Commissioner Gazaway, the following resolution was adopted:

Waiver #1, to omit the 3 foot berm required within a Parkway Buffer (LDC 10.3.5.A.1)

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WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that adjacent properties are developed for similar uses. There is no residentially zoned property adjacent to the site, and

WHEREAS, the Committee further finds that the waiver is in compliance with Cornerstone 2020, and

WHEREAS, the Committee further finds that the applicant is asking only for a waiver of the berm requirement, and

WHEREAS, the Committee further finds that the applicant is meeting or exceeding all other landscaping requirements for the site; and

WAIVER #2, to permit utility easements to encroach more than 50% into a required Landscape Buffer (LDC 10.2.4.B)

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver will only affect adjacent sites proposed for or already developed for similar uses, and

WHEREAS, the Committee further finds that the waiver does not violate Cornerstone 2020 guidelines, and

WHEREAS, the Committee further finds that the waiver is required only for a portion of an existing utility line, and

WHEREAS, the Committee further finds that the applicant is meeting or exceeding all other landscaping requirements for the site; and

WAIVER #3, to allow a retaining wall to encroach into the required LBA (LDC 10.2.4.B)

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver on these two properties comprising the BWM of Louisville dealership will not adversely affect adjacent property owners because the only affected property is the one that this same applicant already owns for its Lexus auto dealership, and

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CASE NO. 16DEVPLAN1203

WHEREAS, the Committee further finds that the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the PEC to C-2 rezoning application, which is on the same overall dealership site but on a property that presently adjoins the already zoned property. Thus that Statement of Compliance filed with the rezoning application applies to the retaining wall on that property and also to this one and is adopted by reference and incorporated in this waiver justification. Enhanced landscaping will mitigate impacts, if any, of the retaining wall, and

WHEREAS, the Committee further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because it only applies in areas where changes in elevation necessitate a wall to buttress cut and/or fill conditions essential to assure the large building can remain at a single finished floor elevation, and

WHEREAS, the Committee further finds that strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because the building would end up at various levels without the retaining wall which would not work and would make no practical sense given the location and lack of adverse impacts of this retaining wall on anyone or anything; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee, in Case Number 16DEVPLAN1203, does hereby **RECOMMEND APPROVAL** to the City of Jeffersontown Waiver #1, to omit the 3 foot berm required within a Parkway Buffer (LDC 10.3.5.A.1), Waiver #2, to permit utility easements to encroach more than 50% into a required Landscape Buffer (LDC 10.2.4.B), and Waiver #3, to allow a retaining wall to encroach into the required LBA (LDC 10.2.4.B), based on the Staff Report, testimony heard today and the Findings of Fact presented during this meeting.

01:33:58 On a motion by Commissioner Brown, seconded by Commissioner Gazaway, the following resolution was adopted:

Revised District Development Plan

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New Business

CASE NO. 16DEVPLAN1203

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the site does not include these characteristics, and

WHEREAS, the Committee further finds that the proposal includes connection to two existing minor arterials and adjoining properties and includes pedestrian facilities as required, and

WHEREAS, the Committee further finds that open space is not required; the proposal meets or exceeds all requirements for landscaping with the exception of the requested waiver, and

WHEREAS, the Committee further finds that the proposal has received preliminary approval from MSD, and

WHEREAS, the Committee further finds that the proposal is compatible with adjacent development, and

WHEREAS, the Committee further finds that the proposal complies with the requirements of the Comprehensive Plan and the Land Development Codes of Louisville Metro and the City of Jeffersontown; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee, in Case Number 16DEVPLAN1203, does hereby **RECOMMEND APPROVAL** to the City of Jeffersontown the Revised District Development Plan and the Binding Elements proposed on Pages 9 and 10 of the Staff Report on **CONDITION** that the plan is updated to show the proposed retaining walls on Tracts 1 and 2, based on the Staff Report and testimony heard today, and **SUBJECT** to the following Binding Elements:

Proposed Binding Elements

1. The site shall be maintained in accordance with all applicable sections of the Louisville Metro and the City of Jeffersontown Land Development Codes (LDC) and agreed-upon binding elements unless amended pursuant to the LDC.

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2. Amendment of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any amendments not so referred shall not be valid.
3. Notice of a request to amend these binding elements shall be provided in accordance with Planning Commission policies and procedures. The Planning Commission may require a public hearing on any such request.
4. The development shall not exceed 72,248 square feet.
5. Permanent signs on the site shall comply with all requirements of Louisville Metro and City of Jeffersontown Land Development Codes. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted.
6. There shall be no outdoor music from any source, outdoor entertainment or outdoor PA system usage permitted on the site.
7. All lighting shall comply with the requirements of Louisville Metro LDC 4.1.3. and the City of Jeffersontown Land Development Code.
8. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect existing tree stands and their 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.
9. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure including clearing, grading or demolition. Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:

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CASE NO. 16DEVPLAN1203

- 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, including retention/detention areas, ditches/large swales.
 - 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.
10. Before any permit (including but not limited to building, parking lot, change of use or alteration) is requested:
- a. the development plan must receive full construction approval from 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 and/or landscaping as required by the Louisville Metro and City of Jeffersontown LDCs. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
11. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner until a revised district development plan is approved or an extension is granted by the Planning Commission.

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12. A certificate of occupancy must be received from the appropriate code enforcement office 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.

13. The applicant, developer or property owner shall provide a copy of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development and/or use of this site and shall advise all parties of their content. 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. These binding elements shall run with the land and the owner(s) and occupant(s) of the property shall at all times be responsible for compliance with them.

The vote was as follows:

YES: Commissioners Brown, Gazaway and Carlson

ABSENT: Chair Lewis and Vice Chair Peterson

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New Business

CASE NO. 16ZONE1008

Request: R-4 and R-5B to R-6 with Variances and Waivers
Project Name: Conti Apartments
Location: 2019 R Frankfort Ave, 133 R N. Bellaire Ave, 124/126
Vernon Ave, TB 69E Lots 84, 85, & 15
Owner: Brown Conti Co LLC
Applicant: Brown Conti Co LLC
Representative: Milestone Design Group; Dinsmore & Shohl LLP
Jurisdiction: Louisville Metro
Council District: 9-Bill Hollander
Case Manager: Julia Williams, AICP, Planning Supervisor

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

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

Agency Testimony:

01:35:47 Julia Williams presented the case and showed a Powerpoint presentation (see staff report and recording for detailed presentation).

The following spoke in favor of the request:

Cliff Ashburner, 101 S. 5th Street, Suite 2500, Louisville, KY 40202

Summary of testimony of those in favor:

01:39:14 Cliff Ashburner spoke on behalf of the applicant in favor of the request and referred to a Powerpoint presentation. Mr. Ashburner responded to questions from the Commissioners (see recording for detailed presentation).

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CASE NO. 16ZONE1008

The following spoke neither for nor against the request:

Marybeth Orton, 135 N. Bellaire Ave., Louisville, KY 40206

Summary of testimony of those neither for nor against:

01:50:40 Marybeth Orton spoke neither for nor against the request. Ms. Orton stated her main concern is the drainage issues (see recording for detailed presentation).

The following spoke in rebuttal:

Cliff Ashburner, 101 S. 5th Street, Suite 2500, Louisville, KY 40202
Tony Kelly, Louisville MSD, 700 West Liberty, Louisville, KY
Mark Madison, 108 Daventry Lane, Suite 300, Louisville, KY 40223

Summary of Rebuttal testimony:

01:52:49 Cliff Ashburner spoke in rebuttal. Mr. Ashburner explained how the drainage issues will be handled (see recording for detailed presentation).

01:53:36 Ms. Orton asked when the storm basin gets full, where does the water go?

01:53:49 Tony Kelly (MSD) stated they'll have to analyze the downstream system and at a minimum meet the predeveloped flow rate, and if the downstream system is not adequate they'll have to over-detain to ensure that that system will be able to handle the water going to it. Mr. Kelly explained how that process would work (see recording for detailed presentation).

01:55:08 Mr. Ashburner spoke in regard to the drainage issues (see recording for detailed presentation).

01:55:55 Tony Kelly responded to questions from the Commissioners (see recording for detailed presentation).

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CASE NO. 16ZONE1008

01:57:25 Ms. Orton stated she is just apprehensive because of the Clifton Lofts, they suffered a lot of flooding with that (see recording for detailed presentation).

01:57:54 Mark Madison spoke in regard to the drainage issues (see recording for detailed presentation).

NOTE: At this time, the Committee allowed the following testimony in opposition:

The following spoke in opposition to the request:
Phil Samuel, 3 Angora Court, Louisville, KY 40206

Summary of testimony of those in opposition:

02:00:01 Phil Samuel spoke in opposition to the request. Mr. Samuel stated his fear is the zoning will go through, the public hearing will go through, the zoning would be approved and at a later time the Clifton ARC would not approve the plan. Mr. Samuel stated he fears the zoning will be changed to R-6 and then they would be presented with a different plan than what was intended for this site. Mr. Samuel stated at a minimum he feels the zoning should not be approved until the Clifton ARC has ruled on the plan. Mr. Samuel also spoke in regard to concerns with the drainage issues (see recording for detailed presentation).

REBUTTAL:

02:08:12 Mark Madison responded to a question by Commissioner Gazaway regarding drainage (see recording for detailed presentation).

02:10:47 Ms. Orton spoke in regard to drainage (see recording for detailed presentation).

02:11:12 Mark Madison responded to a question by Commissioner Brown in regard to screening (see recording for detailed presentation).

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CASE NO. 16ZONE1008

02:12:05 Mr. Ashburner spoke in regard to access for emergency vehicles (see recording for detailed presentation).

02:15:55 The Louisville Metro Land Development and Transportation Committee by general consensus **SCHEDULED** Case Number 16ZONE1008 to be heard at the **February 2, 2017** Planning Commission Public Hearing.


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The meeting adjourned at approximately 03:19 p.m.

A handwritten signature in cursive script, appearing to read "Marilyn A. Kuen", is written above a solid horizontal line.

Chairman

A handwritten signature in cursive script, appearing to read "Jo Rimmer", is written above a solid horizontal line.

Division Director