

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
June 26, 2014**

A meeting of the Land Development and Transportation Committee was held on, Thursday, June 26, 2014 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Donnie Blake, Chairman
Clifford Turner
Jeff Brown

Committee Members absent were:

Vince Jarboe, Vice-Chairman

Staff Members present were:

John Carroll, Legal Counsel
Joe Reverman, Planning Supervisor
Julia Williams, Planner II
Latondra Yates, Planner II
Chris Brown, Planner II
Tammy Markert, Transportation Planning
Rebecca Simmons, Executive Assistant
Sharonda Duerson, Management Assistant (minutes)

Others present:

Bill Bardenwerper, Bardenwerper, Talbott & Roberts
Cynthia Daulton
Sylvia Watters
Mike Morris
Steve Rusie, Dunaway Engineering
Kim Dunaway, Dunaway Engineering
John Addington, BTM Engineering
Mohammad Nouri, Concepts 21, PLLC
Ann Richard, Land Design and Development, Inc.

The following matters were considered:

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APPROVAL OF MINUTES

JUNE 12, 2014 LD&T COMMITTEE MEETING MINUTES

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

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on Thursday, June 12, 2014.

The vote was as follows:

YES: Commissioners Blake, Brown and Turner

NO: No one

NOT PRESENT FOR THIS CASE: Commissioners Jarboe

ABSTAINING: No one

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NEW BUSINESS

CASE NO. 14WAIVER1024

Request: Landscape waivers for construction of a restaurant

Project Name: Subway
Location: 7500 Preston Hwy
Owner: Rez Properties Inc.
2916 Peach Blossom Drive

Applicant: Same as above
Same as above

Representative: Mohammad Nouri, Concepts 21, LLC
1119 Rostrevor Circle

Jurisdiction: Louisville Metro
Council District: 13-Vicki Aubrey Welch
Staff Case Manager: Latondra Yates, Planner II

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

Agency Testimony:

00:14:54 Latondra Yates, Planner II discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Mohammad Nouri, 1119 Rostrevor Circle, Louisville, KY 40205

Summary of testimony of those in favor:

00:14:54 Mr. Nouri is asking for a waiver because the vehicular parking use area is encroaching the area along Clay Avenue.

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NEW BUSINESS

CASE NO. 14WAIVER1024

Deliberation

00:14:54 Commissioner Brown had some concerns with the cars parking so closely which could possibly cause them to overhang. He suggested moving the parking and for the applicant to provide a 3 ft buffer from the edge of the roadway. The applicant agreed to make the change to the plan.

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

Waiver

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

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the waiver will not adversely affect adjoining property owners because the property will be reused as a restaurant and will have the required tree plantings as screening. The required site triangles will be observed.

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the waiver meets the applicable guidelines of Cornerstone 2020.

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the waiver is the minimum necessary to afford relief to the applicant given the proposed layout for the drive-thru and maneuvering.

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant given the proposed layout for the drive-thru and maneuvering.

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the Waiver of Sections 10.2.6 and 10.2.7.

The vote was as follows:

YES: Commissioners Blake, Brown and Turner

NO: No one.

NOT PRESENT AND NOT VOTING: Commissioners Jarboe

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CASE NO. 14WAIVER1024

ABSTAINING: No one.

14WAIVER1024 Plan Amendment

On a motion by Commissioner Brown the following resolution was adopted.

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the following plan amendment; to include the 3 foot buffer.

The vote was as follows:

YES: Commissioners Blake, Brown and Turner

NO: No one.

NOT PRESENT AND NOT VOTING: Commissioners Jarboe

ABSTAINING: No one.

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NEW BUSINESS

CASE NO. 14ZONE1015

Request: Change in zoning from R-4 to C-1; Variance to exceed maximum front yard setback; Parking waiver to exceed maximum on tracts 2 & 3; parking waiver to allow less than the minimum on Tract 4; Landscape Waivers; Abandon Conditional Use Permit and Revised Detailed District Development Plan

Project Name: Beckley Pointe
Location: 14000 Shelbyville Road
Owner: Houchens Properties Inc.
14000 Shelbyville Road
Applicant: River City Bank
500 S. Sixth Street
Representative: BTM Engineering; Bardenwerper, Talbott & Roberts PLLC
3001 Taylor Springs Dr.; 1000 N. Hurstbourne Pkwy
Jurisdiction: Louisville Metro
Council District: 20-Stuart Benson
Staff 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.)

Agency Testimony:

00:11:12 Christopher Brown, Planner II discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

John Addington, 3001 Taylor Springs Drive;
Bill Bardenwerper, 1000 N. Hurstbourne Pkwy.

Summary of testimony of those in favor:

00:17:48 Mr. Bardenwerper stated they were asking for a rezoning because they have recently found tenants for the new site which is actually a review of a revised plan and rezoning.

00:21:08 Mr. Addington stated they thought they would be able to get out of the ILA for interior landscaping, however, since they can not they will update the waiver request

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CASE NO. 14ZONE1015

at the lower left portion of the plan that not get updated when the parking was rectified on Tract 4.

Deliberation

00:28:20 Planning Commission deliberation.

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

The Committee by general consensus placed this case on the Consent Agenda for the July 17, 2014 public hearing at the Old Jail Building.

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NEW BUSINESS

CASE NO. 14ZONE1017

Request: Change in zoning from R-5 to C-2 with a Chapter 10 waiver and a parking waiver

Project Name: Old Hickory Inn
Location: 1036/1038 Lydia Street
Owner: 1038 Lydia LLC
1038 Lydia Street
Applicant: Same as above
Same as above
Representative: Dunaway Engineering Inc.
3404 Stony Spring Circle
Jurisdiction: Louisville Metro
Council District: 10-Jim King
Staff Case Manager: Julia Williams, AICP, Planner II

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

Agency Testimony:

00:30:11 Julia Williams, Planner II discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kim Dunaway, 3404 Stony Spring Circle, Louisville, KY 40220;
Mike Morris, 947 Goss Avenue, Louisville, KY 40217;
Steve Rusie, 3404 Stony Spring Circle, Louisville, KY 40220.

Summary of testimony of those in favor:

00:36:21 Mr. Rusie was asking for a C-2 zoning request so that the applicant would be able to sell food within the establishment which is a bar/tavern. He also said that the outdoor patio seating area is currently being used for drinking, so the Neighborhood Association requested binding elements. The proposed binding elements are 12, 13 & 14 which were agreed to at the neighborhood meeting. A 50% parking waiver was requested however, due to adding 3 more parking spaces it increased the parking waiver to 67%. He then stated that the sidewalk seating area was put on the site plan at the Neighborhood Associations request. The Neighborhood Association also wants to turn the area into pedestrian friendly to access the other establishments. There is also a request for a landscape waiver for a fence due to the closeness of the buildings.

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CASE NO. 14ZONE1017

The following spoke in opposition to this request:

Cynthia Dalton, 1034 Mulberry Street, Louisville, KY 40217
Sylvia Walters, 1034 Mulberry Street, Louisville, KY 40217.

Summary of testimony of those in opposition:

00:45:13 Ms. Dalton stated that she didn't think the tavern needed to expand due to the noise concerns in the neighborhood.

00:47:06 Ms. Walters voiced her concerns about the noise from the tavern in the neighborhood as well.

Deliberation

00:50:12 Commissioner Blake stated that both Binding elements #9 & #13 both say the same thing. His thoughts were that the neighborhood association would have wanted the binding element with the more restricted language.

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NEW BUSINESS

CASE NO. 14ZONE1023

Request: **Change in zoning from OTF to CM with Chapter 5 and Chapter 10 waivers**

Project Name: 3913 Accomack Drive

Location: 3913 Accomack Drive

Owner: Fireside Investment Pool LLC

Same as above

Applicant: Fireside Financial LLC

Same as above

Representative: Land Design and Development

Bardenwerper, Talbott & Roberts, PLLC

503 Washburn Avenue

1000 N. Hurstbourne Pkwy, Ste 200

Jurisdiction: **Louisville Metro**

Council District: **17-Glen Stuckel**

Staff Case Manager: **Julia Williams, AICP, Planner II**

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

Agency Testimony:

00:53:20 Julia Williams, Planner II discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bill Bardenwerper, 1000 N. Hurstbourne Pkwy, Ste 200, Louisville, KY 40223

Ann Richard, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in favor:

00:55:28 Mr. Bardenwerper pointed out on the site plan where the mini-storage facility will be constructed. He then also explained the request for the waivers.

00:58:57 Ms. Richard said the number of units for the facility was not known at this time, however, it will be a 24 hour gated site that will have key access. She then explained for the waiver on the south and rear property lines they are asking for a 50% overlap with utility easement and the landscape materials will be provided. The waiver they are requesting next to the apartments will also have landscape materials provided but will not provide berm because it serves no purpose.

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Mr. Bardenwerper provided the Committee with photos of the materials to be used.

Deliberation

01:03:05 Planning Commission deliberation.

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The Committee by general consensus placed this case on the Consent Agenda for the July 17, 2014 public hearing at the Old Jail Building.

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ADJOURNMENT

The meeting adjourned at approximately 2:04 p.m.

Chair

Planning Director