

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
July 27, 2017**

A meeting of the Land Development and Transportation Committee was held on, July 27, 2017 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Marilyn Lewis, Chair
Rob Peterson, Vice-Chair
Jeff Brown
Ramona Lindsey

Committee Members absent were:

Richard Carlson

Staff Members present were:

Emily Liu, Planning and Design Director
Brian Davis, Planning and Design Manager
Julia Williams, Planning Supervisor
Laura Mattingly, Planner II
Joel Dock, Planner II
Jay Lockett, Planner I
John Carroll, Legal Counsel
Tammy Markert, Transportation Planning
Pamela M. Brashear, Management Assistant

The following matters were considered:

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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APPROVAL OF MINUTES

JULY 13, 2017 LD&T COMMITTEE MEETING MINUTES

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

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on July 13, 2017.

The vote was as follows:

YES: Commissioners Brown and Peterson

NOT PRESENT FOR THIS CASE: Commissioner Carlson

ABSTAINING: Commissioners Lindsey and Lewis

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NEW BUSINESS

CASE NO. 17MOD1005

Case No: 17MOD1005
Project Name: Farm to Fork Café and Catering
Location: 2425 Portland Avenue
Owner(s): PAF, LLC
Applicant: Mosely Putney
Jurisdiction: Louisville Metro
Council District: 5 - Cheri Bryant Hamilton
Case Manager: Joel Dock, 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:

00:04:08 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

Deliberation

00:08:06 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.

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

WHEREAS, no changes to the exterior of the structure or site are proposed in this request; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community were established during the review and approval of the revised detailed district development plan in case 14DEVPLAN1014; and

WHEREAS, there are no open space requirements pertinent to the current proposal; and

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WHEREAS, the Metropolitan Sewer District will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the overall site design and land uses are compatible with the existing and future development of the area as established in the review and approval of the revised detailed district development plan in case 14DEVPLAN1014. The amendment to binding element will not create conflict with zoning regulations (parking, landscaping, or setback); and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the amendment to binding element conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, as well as the economic development recommendations of the Portland Neighborhood Plan that encourage neighborhood-serving, locally owned business development. Promote “neighborhood-friendly” commercial uses and scale. Recruit locally-owned banks and credit unions to locate branches in Portland. Support existing, locally-owned businesses. Recruit sit-down restaurants. Recruit “high-profile, locally-trusted businesses” to improve Portland’s overall marketability. ABC licensed establishments allowing consumption of alcoholic beverages are a permitted use within the C-2, commercial zoning district.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 17MOD1005, the amendments to the binding element on pages 6 and 7 of the staff report based on the staff report and testimony heard today.

Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission’s designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) (NOTE: to be used for sites within an historic preservation district) is requested:

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- a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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.
3. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times 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.
4. The curb cut and sidewalk along Portland Avenue adjacent to the subject site shall be removed and restored per Public Works standards. Construction plans, bond, and encroachment permit are required prior to construction approval by Public Works.
5. All C-2 uses are permitted on the subject site with the following exceptions:
- Package liquor stores
 - Taverns, bars, saloons
 - Used Car Sales
 - Automobile Rental Agencies
 - Restaurants, tea rooms and cafes are specifically authorized as defined:
A Commercial establishment, the main business of which is serving food, which may include the sale of alcoholic beverages; Provided, however, that a place wherein both food and alcoholic beverages are sold for consumption on premises and within which the total receipts from the sale of alcoholic beverages exceed the total receipts from the sale of food shall be a tavern

The vote was as follows:

YES: Commissioners Brown, Lindsey, Peterson and Lewis
NOT PRESENT AND NOT VOTING: Commissioner Carlson

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NEW BUSINESS

CASE NO. 17MOD1006

Case No: 17MOD1006
Project Name: 1399 Lexington Road BE Mod
Location: 1399 Lexington Road
Owner(s): Volks 1
Applicant: David George
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander
Case Manager: **Jay Lockett, 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.)

Agency Testimony:

00:09:16 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

David George, 1399 Lexington Road, Louisville, Ky. 40206

Summary of testimony of those in favor:

00:13:35 Mr. George stated when he bought the property, he didn't know about the landscaping requirement. The property is now rented out as a coffee shop with a drive through.

Deliberation

00:21:17 Commissioner Peterson is in support of the request. It's been without the landscaping for 30 years now and the new owner should not be responsible for the previous owner not providing it.

Commissioner Brown disagrees. If someone applies for a change of use, the first thing he/she needs to do is look at the approved development plan and make sure it's in compliance. "We're not out actively looking for this, but as we're made aware of it, we have to take proper action. This area has changed immensely and we've got some big improvements planned for Lexington Rd. to improve safety and I think the landscaping required is below the minimum that would be required today if he had rezoned it and it's

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not unreasonable. It's there to provide screening for the vehicular use area (VUA) and is important for this neighborhood."

Commissioner Lindsey agrees with Commissioner Peterson.

Chair Lewis remarked, "I would certainly like to see some more greenery around the area, but I too agree that given from 30 years ago, to put in 18 inch shrubs and take out all that asphalt, I'm not sure is going to do for that area what the current requirement would."

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.

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **SCHEDULE** this case to be heard at the August 3, 2017 public hearing at the Old Jail Building.

The vote was as follows:

YES: Commissioners Brown, Lindsey, Peterson and Lewis
NOT PRESENT AND NOT VOTING: Commissioner Carlson

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NEW BUSINESS

CASE NO. 17DEVPLAN1062

Case No: 17DEVPLAN1062
Project Name: Commerce Crossings Apartment Homes
Location: 9707 Cooper Church Drive
Owner(s): Interchange Properties, LLC
Applicant: Interchange Properties
Jurisdiction: Louisville Metro
Council District: 24 – Madonna Flood
Case Manager: Jay Lockett – 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.)

Agency Testimony:

00:28:52 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

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

Summary of testimony of those in favor:

00:35:41 Mr. Madison stated multiple trees will be planted and requests the deletion of binding elements 10, 14 and 15.

Deliberation

00:46:48 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.

Waiver of section 10.3.7 to allow a vehicle use area to encroach into the 50 foot Snyder Freeway buffer

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NEW BUSINESS

CASE NO. 17DEVPLAN1062

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

WHEREAS, the waiver will not adversely affect adjacent property owners since all required screening and plantings will still be provided onsite; and

WHEREAS, Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of 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 impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 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 airborne and waterborne pollutants; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the encroachments are limited to VUA areas necessary for safe vehicular circulation, and all required plantings will still be provided onsite; and

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, as the parcel is oddly shaped and constrained by Fishpool Creek to the south and west in addition to the Snyder freeway to the north.

Revised Detailed District Development Plan

WHEREAS, there is a minor encroachment into the outer stream buffer for Fishpool Creek, which is being compensated for elsewhere on the site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

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WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

WHEREAS, provisions for open space, including required recreational open space for multifamily development are being provided on site; and

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

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code with the exception of the requested waiver.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 17DEVPLAN1062, a waiver from the Land Development Code section 10.3.7 to allow a vehicular use area to encroach into the 50 foot Gene Snyder Freeway buffer, the Revised Detailed District Development Plan for 160 apartments in OR-3 zoning and the amended binding elements listed on pages 7-9 of the staff report in addition to the deletion of binding elements 10, 14 and 15 based on the staff report and testimony heard today, **SUBJECT** to the following Binding Elements:

Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

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2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. 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.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties

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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.

8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 27, 2017 Land Development and Transportation Committee meeting.
9. As part of the landscape plan approval, the applicant shall work with PDS staff on a re-vegetation plan for the 100 foot stream buffer and compensation basin. Plantings shall include but not be limited to a mix native groundcover, shrubs, and trees (live stakes and saplings).
10. The area on the plan outside of the limits of disturbance to the western side of the site shall not be mowed and be left to naturalize.
11. The applicant shall work with staff landscape architect to determine plant materials for the bioretention areas to capture run off from the Vehicle Use Areas above Fishpool Creek. The plantings shall be approved on the landscape plan.
12. At such time as the adjoining property to the south of the subject property is proposed for development, the applicant/property owner shall coordinate with planning and design services staff and the adjoining property owner to provide pedestrian access through the subject property along Fishpool Creek.
13. The applicant shall install any sound dampening equipment required by the Planning Commission or committee thereof prior to requesting a certificate of occupancy on the affected building(s).

The vote was as follows:

YES: Commissioners Brown, Lindsey, Peterson and Lewis

NOT PRESENT AND NOT VOTING: Commissioner Carlson

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NEW BUSINESS

CASE NO. 17DEVPLAN1083

Case No: 17DEVPLAN1083
Project Name: Trajan Property Building 4
Location: 4605 Poplar Level Road
Owner(s): Trajan, LLC.
Applicant: Trajan, LLC.
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Jay Luckett, 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.)

Agency Testimony:

00:49:18 Mr. Luckett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jennifer Caummisar, 2780 Jefferson Centre Way, Suite 204, Jeffersonville, In. 47130

Summary of testimony of those in favor:

00:54:04 Ms. Caummisar stated the building to be demolished will be replaced. The majority of the building will be warehouse with docks on both sides along the existing access easements. There will be some offices as well.

Deliberation

00:56:43 Commissioner Peterson stated the elevations do not match the building layout. Ms. Caummisar said the final elevation will look substantially similar to the drawings presented today.

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.

Detailed District Development Plan

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NEW BUSINESS

CASE NO. 17DEVPLAN1083

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

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

WHEREAS, there are no open space requirements pertinent to the current proposal; and

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

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 17DEVPLAN1083, a Detailed District Development Plan for a warehouse along with the binding elements proposed for the site on page 5 of the staff report in addition to the General Binding Elements already established for the subdivision based on the staff report and testimony heard today, **SUBJECT** to the following Binding Elements:

Binding Elements

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

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CASE NO. 17DEVPLAN1083

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Signs shall be in accordance with Chapter 8.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, or site disturbance permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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.
 - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
6. 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.

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7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times 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.

8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 27, 2017 Land Development and Transportation Committee meeting.

The vote was as follows:

YES: Commissioners Brown, Lindsey, Peterson and Lewis

NOT PRESENT AND NOT VOTING: Commissioner Carlson

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NEW BUSINESS

CASE NO. 16ZONE1056

Case No: 16zone1056
Project Name: Prospect Cove Senior Residences
Location: 6500 Forest Cove Lane and 7301 River Road
Owner(s): Prospect Development LLC
Applicant: LDG Multi-Family LLC
Jurisdiction: Louisville Metro
Council District: 16-Scott Reed
Case Manager: Julia Williams, RLA, 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.)

Agency Testimony:

01:01:221 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, LLP, 101 South 5th Street, Suite 2500, Louisville, Ky. 40202

Kelli Jones, Sabak, Wilson and Lingo, 608 South 3rd Street, Louisville, Ky. 40202

Tony Butler, Studio A Architecture, 2330 Frankfort Avenue, Louisville, Ky. 40206

Summary of testimony of those in favor:

01:06:13 Mr. Ashburner gave a power point presentation on the following matters as requested by the Planning Commission: Re-visit building design; binding element on occupancy; and binding element on open space portion of the site.

01:08:39 Ms. Jones remarked, "Most of the plan revisions from the old to the new plan were based on revisions to the architecture." The outline of the plan is very similar. There's an increase of 7 parking spaces and there will be more trees where MSD ran the sanitary sewers.

01:11:24 Mr. Butler stated he gave the building a more traditional look with lots of strong vertical elements. The scale was greatly reduced and there are now more earth tone colors.

01:14:03 Mr. Ashburner also mentioned the proposed binding elements for the open spaces (WPA) and senior housing.

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NEW BUSINESS

CASE NO. 16ZONE1056

The following spoke in opposition to this request:

Rachael Zollman, 5924 Timber Ridge Drive, Suite 201, Prospect, Ky. 40059
Roberta Wassexstrom, 7407 Smithfield Green Lane, Prospect, Ky. 40059
Arthur Rockwood, 7118 River Road, Prospect, Ky. 40059
Jeffrey M. Goldberg, 7405 Wycliffe Drive, Prospect, Ky. 40059
John Herb Shulhafer, 2 Autumn Hill Court, Prospect, Ky. 40059
Mayor John Evans, 8101 Montero Drive, Prospect, Ky. 40059
George Brutcher, 7405 Smithfield Greene Lane, Prospect, Ky. 40059
Grover Potts, Wyatt, Tarrant and Combs, 2500 PNC Plaza, Louisville, Ky. 40202

Summary of testimony of those in opposition:

01:21:25 Ms. Zollman stated construction will tear up the roads again (about 4X in past). Additional traffic to this small area will be detrimental, "More people equals more crime".

01:24:26 Ms. Wassexstrom is concerned about the size of the building.

01:28:53 Mr. Rockwood stated that the parking cannot adequately serve the development.

01:31:46 Mr. Goldberg commends the developer for the new elevations and look. The density is too great for the area.

01:35:19 Mr. Shulhafer stated he knows the site very well. Half the site is a very steep ravine and not usable for the seniors. Every unit will face one direction but only about 20% of the residents will have a nice view. Please think about quality over quantity.

01:39:07 Mr. Evans stated he agrees with the other speakers. The Prospect police provided a traffic count on Timber Ridge Dr. – 6,000 to 8,000 cars a day. There's only one access road and it feeds to Timber Ridge Dr. There are enough accidents in that area.

01:45:19 Mr. Brutcher stated the tree canopy started at 4.8 acres and decreased to 1.35 acres.

Mr. Brutcher is also concerned about the density - the proposal destroys the nature of the area.

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CASE NO. 16ZONE1056

01:48:54 Mr. Potts, city attorney of Prospect, is concerned about the mass and scale of the project.

The following spoke neither for nor against the request:

John Simpson, 8501 Harrods Bridge Way, #201, Prospect, Ky. 40059

Summary of testimony of those neither for nor against:

01:19:00 Mr. Simpson stated that the location is not eligible for FHA insurance. It can't be located within 100 meters of a gas station.

Rebuttal:

01:50:22 Mr. Ashburner remarked, "The existing tree canopy is 4.7 acres and about 2.9 of that will be preserved. Two additional acres equivalent in terms of tree canopy credit will be planted so we'll actually end up with an increase in tree canopy at the conclusion of development of the site."

Deliberation

01:51:17 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 scheduled this case for a Night Hearing on August 29, 2017 at the Kentucky Country Day School at 6:30 p.m.

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NEW BUSINESS

CASE NO. 16ZONE1059

Case No: 16ZONE1059
Request: R-7 to C-2
Project Name: Eta Omega Chapter of AKA
Location: 1049 Dixie Highway
Owner: Hortense B Perry Foundation
Applicant: Christie McCravy, Hortense B Perry Foundation AKA Eta Omega Chapter
Representative: Mohammad Nouri, Concepts 21
Jurisdiction: Louisville Metro
Council District: 6 – David James
Case Manager: Laura Mattingly, 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:

01:53:06 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

Ms. Mattingly requests that binding element number 10 be stricken from the staff report.

The following spoke in favor of this request:

Ana Nouri, 1119 Rostrevor Circle, Louisville, Ky. 40205
Dr. Mary Stoddard, Esq., 1002 Springside Way, Louisville, Ky. 40223
Christie McGravie, 2902 Wade Lee Court, Louisville, Ky. 40216
Darnell A. Farris, 3104 Teal Avenue, Louisville, Ky. 40213

Summary of testimony of those in favor:

01:56:55 Ms. Nouri introduced her team.

01:57:35 Dr. Stoddard gave a power point presentation. The organization has served the neighborhood for 95.5 years. Middle school and high school aged children are the focus for this project.

02:04:11 Ms. McGravie remarked, "This site was chosen because it's in the heart of what we call our community."

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
July 27, 2017

NEW BUSINESS

CASE NO. 16ZONE1059

02:10:59 Mr. Farris stated, "We tried to incorporate as many of the urban design principles as possible including the design of the structure right at the corner, so it would mimic a lot of the other structures."

Deliberation

02:16:53 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 August 17, 2017 public hearing at the Old Jail Building.

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
July 27, 2017

NEW BUSINESS

CASE NO. 17ZONE1018

Case No: 17ZONE1018
Request: R-4 to C-2 with CUP
Project Name: Mud Lane Storage
Location: 11212 Preston Highway
Owner: Little Bear, LLC
Applicant: Pinnacle Properties of Louisville, LLC
Representative: Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction: Louisville Metro
Council District: 13 – Vicki Aubrey Welch
Case Manager: Laura Mattingly, 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:

02:18:07 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bill Bardenwerper, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, Louisville, Ky. 40222

Summary of testimony of those in favor:

02:21:20 Mr. Bardenwerper gave a power point presentation.

02:26:46 Commissioner Brown asked Mr. Bardenwerper to be prepared to explain the CUP at the public hearing – have some elevations showing relief along the western façade.

Deliberation

02:27:16 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.

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
July 27, 2017**

NEW BUSINESS

CASE NO. 17ZONE1018

The Committee by general consensus placed this case on the August 17, 2017 public hearing at the Old Jail Building.

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
July 27, 2017

NEW BUSINESS

CASE NO. 17ZONE1020

Case No: 17ZONE1020
Request: R-4 to R-6
Project Name: Morat Avenue Apartments
Location: 1701 Alpha Avenue
Owner: John and Holly Bartlett, Edward and Mary Allgeier, Darrell Metcalfe, Manuel Tapia
Applicant: Continental Properties Company, LLC
Representative: Bardenwerper, Talbott, & Roberts, PLLC
Jurisdiction: Lyndon
Council District: 18 – Julie Denton
Case Manager: Laura Mattingly, 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:

02:27:57 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bill Bardenwerper, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, Louisville, Ky. 40222
Kent Gootee, 5151 Jefferson Boulevard, Louisville, Ky. 40219
Diane B. Zimmerman, 12803 High Meadows Pike, Prospect, Ky. 40059

Summary of testimony of those in favor:

02:32:21 Mr. Bardenwerper gave a power point presentation.

02:49:27 Mr. Gootee discussed the fence and buffering.

The following spoke in opposition to this request:

Steve Porter, 2406 Tucker Station Road, Louisville, Ky. 40299
Susan Althaus, 1052 Eagle Pines Lane, Louisville, Ky. 40223
Deborah Rattle, 10515 Eagle Pines Lane, Louisville, Ky. 40223
Dr. Martin Monson, 1600 Grey Owl Court, Louisville, Ky. 40223
Dennis Barnett, 10410 Morat Avenue, Louisville, Ky. 40223
Vicki Warren, 10513 Eagle Pines Lane, Louisville, Ky. 40223

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
July 27, 2017

NEW BUSINESS

CASE NO. 17ZONE1020

Barbara Dunne, 10600 Eagle Pines Lane, Louisville, Ky. 40223
Drew Deener, 10611 Red Birch Court, Louisville, Ky. 40223
Edgar Bruner, 10514 Eagle Pines Lane, Louisville, Ky. 40223

Summary of testimony of those in opposition:

03:02:29 Mr. Porter stated today is the first time he has heard about the right turn only coming out of Morat. There are a lot of unknowns. "I think there needs to be more planning and discussion before this goes to the public hearing."

03:10:26 Ms. Althaus said she likes to think about the development of Lyndon as a whole.

03:14:23 Ms. Rattle stated she opposes the development because of additional and potentially dangerous traffic and there's only one access – Morat. It needs to be developed responsibly.

03:22:44 Dr. Monson gave a power point presentation.

03:33:27 Mr. Barnett stated there should be some discussion with the Ky. Transportation Cabinet. He has received some statistics regarding the hazards and poor design of the road. He's also against the density and mass.

03:42:49 Ms. Warren, president of the Pinehurst Green Homeowners Association, stated their concerns as follows: one way in one way out; road very narrow – hard for school buses and emergency vehicles to get through; drainage; traffic; and density. "Consider delaying this so the applicant can make changes."

03:48:56 Ms. Dunne mentioned overpopulation in the area. "You're turning us into Dixie Highway."

03:51:39 Mr. Deener stated he lives in the community and feels safe because the homes are owner occupied. "The biggest concern I have is it fundamentally changes the dynamic of a neighborhood that is built on families and safety."

03:54:16 Mr. Bruner stated that being able to make a right turn only would make things more difficult.

03:55:12 Mr. Porter requests an extended time to speak at the public hearing.

The following spoke neither for nor against the request:

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NEW BUSINESS

CASE NO. 17ZONE1020

Marilyn Parker, 601 West Jefferson Street, Louisville, Ky. 40202
Merle Barnett, 714 Greenridge Lane, Louisville, Ky. 40207
Anthony Bisig, 2821 Breckenridge Lane, Louisville, Ky. 40220

Summary of testimony of those neither for nor against:

02:52:37 Councilperson Parker stated that the people living off Morat Ave. (small road) are landlocked. The left turn lane onto Hurstbourne is very dangerous.

02:54:51 Mr. Barnett remarked, "I am not opposed to present and future development in the area. The design and density of any future development should enhance the appearance and value of the neighborhood, while also attempting to seamlessly blend into the existing landscape and roads with the least amount of disruption as possible."

Rebuttal:

03:55:39 Mr. Bardenwerper stated there aren't very many 2-story apartments anymore because it's not an efficient use of the land. The regulations state that high and low densities are to be blended together. This is the best proposal for this site.

04:06:21 Ms. Zimmerman answered Commissioner Brown's question regarding the traffic study and improvement to the signals.

04:16:24 Mr. Bisig remarked, "I'm co-owner of the property at 1600 Alpha Ave. It's been mentioned numerous times that it's too small and narrow to be developed. I disagree with that. It's 2/3 of an acre and I intend to develop it."

Deliberation

04:18:25 Commissioner Brown remarked, "This was introduced yesterday afternoon with this change in access which will redistribute the traffic that Diane has used to model and prepare the study. So with a change in access, there will be a change in the traffic distribution and that's something that needs to be considered." Also, Commissioner Brown wants to see an accident history report.

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**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
July 27, 2017**

NEW BUSINESS

CASE NO. 17ZONE1020

The Committee by general consensus placed this case on the September 21, 2017 public hearing at the Old Jail Building.

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
July 27, 2017

ADJOURNMENT

The meeting adjourned at approximately 5:49 p.m.



Chair



Planning Director