

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
September 24, 2020**

A meeting of the Land Development and Transportation Committee was held on, September 24, 2020 at 1:00 p.m. via Cisco Webex Video Teleconferencing. On the recommendation of the Louisville Metro Department of Health and Wellness regarding congregate events and social distancing, the Land Development & Transportation Committee meeting set for today was held online.

Committee Members present were:

Marilyn Lewis, Chair
Rob Peterson, Vice Chair
Jeffrey Brown
Ruth Daniels

Committee Members absent were:

Richard Carlson

Staff Members present were:

Emily Liu, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Joe Haberman, Planning and Design Manager
Brian Davis, Planning and Design Manager
Julia Williams, Planning Supervisor
Joel Dock, AICP, Planner II
Dante St. Germain, AICP, Planner II
Jay Lockett, AICP, Planner I
Lacey Gabbard, AICP, Planner I
Laura Ferguson, Legal Counsel
Beth Stuber, Engineering Supervisor
Rachel Dooley, Planning and Design Management Assistant

Others present:

None

The following matters were considered:

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APPROVAL OF MINUTES

SEPTEMBER 10, 2020 LD&T COMMITTEE MEETING MINUTES

00:04:05 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 August 27, 2020.

The vote was as follows:

YES: Commissioners Peterson, Brown, and Lewis.

NO: No one

ABSTAIN: Commissioner Daniels

ABSENT: Commissioner Carlson

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NEW BUSINESS

CASE NO. 20-STRCLOSURE-0014

Request: Closure of public right-of-way
Project Name: Hahn ST Alley Closure
Location: Unnamed Alley between Hahn St and Eastern Pkwy, west of S Floyd St
Owner: Louisville Metro
Applicant: University of Louisville Foundation
Representative: Sabak, Wilson and Lingo
Jurisdiction: Louisville Metro
Council District: 15 – Kevin Triplett

Case Manager: Jay Luckett, AICP, 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.)

Discussion

00:05:03 Jay Luckett presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Mr. Luckett stated there is 100% consent from adjacent property owners for this closure of public right-of-way.

The following spoke in favor of this request:

Doug Shultz, 608 South 3rd Street, Louisville, Kentucky, 40202

Summary of testimony of those in favor:

00:07:25 Doug Shultz, representing the applicant, stated the adjacent properties, Louisville Metro Water Company (MSD), and Louisville Gas & Electric (LG&E) are in support of this project.

Commissioner Deliberation:

00:08:40 Commissioner Deliberation (see recording for detailed presentation.)

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.

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CASE NO. 20-STRCLOSURE-0014

00:09:42 On a motion by Commissioner Peterson, seconded by Commission Brown, the following resolution was adopted:

RESOLVED, that the Louisville Metro Land Development and Transportation Committee does hereby place this case on the Consent Agenda for the October 1, 2020 Planning Commission public hearing **ON THE CONDITION** that the easements for MSD and LG&E are approved.

The vote was as follows:

YES: Commissioners Brown, Peterson, and Lewis.

NO: No one

ABESNT: Commissioner Daniels and Carlson

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NEW BUSINESS

CASE NO. 20-DDP-0038

Request: Revised Detailed District Development Plan and a Preliminary Subdivision Plan with Waivers
Project Name: Lakeview Villas
Location: 16900 Mallet Hill Drive
Owner: Tiffany L. Nolot, Poe Family Realty Partnership, LTD
Applicant: Don Karem, Karem Built Homes, Inc.
Representative: Kevin Young, Land Design & Development
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini

Case Manager: Lacey Gabbard, AICP, 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.)

Discussion

00:11:30 Lacey Gabbard presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Ms. Gabbard stated the applicant is proposing to construct a 20-lot single family residential subdivision and to change binding elements and conditions of approval for the proposed development. Lacey detailed the previous approved development plan and the submitted proposed development plan (see recording for detailed presentation.)

The following spoke in favor of this request:

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

Don Karem, P.O. Box 99447, Louisville, Kentucky, 40269

Summary of testimony of those in favor:

00:25:20 Kevin Young, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Young stated Don Karem is present for questions today. He detailed the proposed revised detailed district development plan, the preservation of the existing tree canopy, the existing sewer line waivers, and variance requests. Kevin noted the proposed revisions to Binding Elements # 2, 5, 9, 10, 11, and 12 (see recording for detailed presentation.)

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00:27:30 Commissioner Peterson asked if Binding Element 12.b regarding the maintenance of the WPAs will be removed. Kevin Young replied it that portion will be removed and there will be maintenance of common open space.

00:28:16 Joe Reverman asked the applicant to check with Emergency Services to have one street name for this development rather than two. Kevin Young and Don Karem replied one street name is acceptable for the size of this development.

00:29:23 Commissioner Lewis asked if the water level in the adjacent pond fluctuates and if there is an outlet for the pond that controls the water level. Kevin Young replied the pond is a wet detention basin and irrigation pond for the golf course. The pond does have a controlled outlet for flood control.

Commissioner Deliberation:

00:31:36 Commissioner Deliberation (see recording for detailed presentation.) Commissioner Lewis asked staff if this case can be approved today when there is a variance request waiting to be approved by the Board of Zoning Adjustment (BOZA) for this site. Lacey Gabbard replied the development plan can be approved today on the condition that the variance be approved by BOZA.

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 from Land Development Code section 7.3.30.E and 7.3.30.F to waive more than 15% occupation of a rear yard with a drainage easement and to waive the 15 foot buffer yard (20-WAIVER-0070)

00:35:45 On a motion by Commissioner Brown, seconded by Commission Peterson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted:

WHEREAS, the Land Development & Transportation Committee finds the waiver will not adversely affect adjacent property owners as the rear yards overlap with easements that will only affect the property owners of the new lots. The rear yards mainly abut the Polo Fields property; and

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WHEREAS, the Land Development & Transportation Committee further finds the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 does not address drainage easements, and addresses yard requirements only as buffers between incompatible uses. The adjacent uses are not incompatible with the proposed use. The Polo Fields property is zoned residential but it is used as a golf course; and

WHEREAS, the Land Development & Transportation Committee further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the overlap is made necessary by a easements to the rear of the new lots, which is the appropriate place for easements. Additionally, there is a 25 foot rear yard that is being provided; an

WHEREAS, the 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 would create an unnecessary hardship on the applicant by requiring the applicant to move the easement or extend the rear yards, either of which would reduce the usability of the property; now, therefore be it,

RESOLVED, that the Land Development and Transportation Committee does hereby **APPROVE** the Waiver from Land Development Code section 7.3.30.E and 7.3.30.F to waive more than 15% occupation of a rear yard with a drainage easement and to waive the 15 foot buffer yard (20-WAIVER-0070).

The vote was as follows:

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

NO: No one

ABESNT: Commissioner Carlson.

Revised Detailed District Development Plan

00:36:41 On a motion by Commissioner Brown, seconded by Commission Peterson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted

WHEREAS, the Land Development & Transportation Committee finds there do not appear to be any environmental constraints or historic resources on the subject site, aside from the 100 foot Streambank Buffer for which there is a separate variance

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request. Tree canopy requirements of the Land Development Code will be provided on the subject site. There is a small area of floodplain that will not be significantly impacted; and

WHEREAS, the Land Development & Transportation Committee further finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Public Works and MSD have provided preliminary approvals; and

WHEREAS, the Land Development & Transportation Committee further finds there are no Outdoor Amenity Area or open space requirements with this proposal, though approximately one acre of open space is being provided; and

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

WHEREAS, the Land Development & Transportation Committee further 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 will meet all required setbacks; and

WHEREAS, the 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; now, therefore be it

RESOLVED, that the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the Revised Detailed District Development Plan **ON THE CONDITION** the Board of Zoning Adjustment grants the variances being requested and the removal of 12.b in the Binding Elements **SUBJECT** to the following binding elements:

Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s)

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shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, 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 (and in conformance with the Parkway Policy) prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
4. If a building permit is not issued within two years of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
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. 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

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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.

7. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to commencement of any clearing, grading, or construction activities.
8. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County.
 - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common areas and open space) and other issues required by these binding elements / conditions of approval.
 - c. Bylaws of the Subdivision in a form approved by the Counsel for the Planning Commission.

The vote was as follows:

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

NO: No one

ABESNT: Commissioner Carlson.

Revised Preliminary Subdivision Plan

00:37:44 On a motion by Commissioner Brown, seconded by Commission Peterson, the following resolution based on the staff report and testimony heard today was adopted:

RESOLVED, that the Louisville Metro Land Development and Transportation Committee does hereby **Approve** the Revised Preliminary Subdivision Plan, 20-MSUB-0006

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The vote was as follows:

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

NO: No one

ABESNT: Commissioner Carlson.

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NEW BUSINESS

CASE NO. 20-ZONE-0063

Request: Change in zoning from R-6 & C-1 to C-2, commercial with detailed district development plan
Project Name: Longtail
Location: 2528-2532 S. 4th Street
Owner: Longtail Ventures, LLC
Applicant: Longtail Ventures, LLC
Representative: Wyatt, Tarrant, & Combs, LLP
Jurisdiction: Louisville Metro
Council District: 6 – David James

Case Manager: Joel P. Dock, 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.)

Discussion

00:38:53 Joel Dock presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Mr. Dock detailed the case summary, staff findings, applicant’s development plan, existing structures, proposed outdoor space, and the parking summary.

00:45:19 Joe Reverman asked if the parking issues on 4th Street have been resolved. Joel Dock replied there will be 5 available parking spaces along Montana Avenue and the removal of a parking space on 4th Street will be made into a TARC bus stop.

The following spoke in favor of this request:

Jon Baker, 400 West Market Street, Suite 2000, Louisville, Kentucky, 40202

Summary of testimony of those in favor:

00:47:00 Jon Baker, representing the applicant, presented the case via Power Point slide show (see recording for detailed presentation.) Mr. Baker detailed the zoning map, proposed TARC stop, street views, development plan, landscape plan, and the parking study data.

001:08:07 Commissioner Brown asked for the hours of operation for this development. Jon Baker replied the hours of operation will be available at the public hearing.

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NEW BUSINESS

CASE NO. 20-ZONE-0063

01:09:52 Joe Haberman read into the record comments in support of this case from Cisco Webex (see recording for detailed presentation.)

Commissioner Deliberation:

01:10:44 Commissioner Deliberation (see recording for detailed presentation.)

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The Committee by general consensus placed this case on the October 15, 2020 Planning Commission public hearing agenda.

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NEW BUSINESS

CASE NO. 20-ZONE-0067

Request: Change in zoning from R-1 & R-4 to PEC, with Detailed District Development Plan and Binding Elements, and associated Waiver

Project Name: Republic National Distribution Center

Location: 11899 – 12009 Rehl Road

Owner: Larry & Sharon Sorrell, William Andrew & Tina Coombs, Sherrill Ray & Joetta Smith, Sherrill Smith & Brent Smith & Teri Medley

Applicant: Republic National Distributing Company LLC

Representative: Bardenwerper Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 20 – Stuart Benson

Case Manager: Dante St. Germain, 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.)

Discussion

01:13:12 Dante St. Germain presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Ms. St. Germain detailed the change in zoning, the waiver to omit connections to adjacent properties, and the applicant’s development plan. Dante noted phase 1 and phase 2 of development for this site.

01:15:52 Commissioner Brown asked if there was a traffic impact study for this site. Dante St. Germain replied there was a turning lane study. Beth Stuber stated the turning study was for Rehl Road turning into the site. The trip counts were not high enough to trigger a traffic impact study.

01:17:10 Commissioner Brown and Beth Stuber discussed the right in right out intersection onto Blankenbaker Parkway (see recording for detailed presentation.)

01:17:30 Commissioner Brown asked regarding the waiver the applicant will not be providing a stub for future development. Dante St. Germain stated the applicant is not proposing to offer connectivity off the main roads between the abutting properties (see recording for detailed presentation.)

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne

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NEW BUSINESS

CASE NO. 20-ZONE-0067

Parkway 2nd Floor, Louisville, KY 40223

Diane Zimmerman, 12803 High Meadows Pike, Prospect, Kentucky, 40059

Summary of testimony of those in favor:

01:27:45 Nick Pregliasco, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Pregliasco detailed history of the site, proposed entrances, and phase 1 and 2 of the development. He noted the waiver for the truck entrances for this development with the left turn lane warrant analysis (see recording for detailed presentation.)

01:30:48 Commissioner Brown asked Dianne Zimmerman asked for the total trip generation for this site. Dianne Zimmerman replied the study includes both phases of development with a peak hour of 88 a.m. and 90 p.m., this includes both phases. Commissioner Brown asked with the amount of available parking spaces how many trips are into the site from Rehl Road. Dianne replied 65 left turns onto the site in the a.m. hours.

Commissioner Deliberation:

01:33:35 Commissioners Deliberation (see recording for detailed presentation.)

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 October 15, 2020 Planning Commission public hearing agenda.

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ADJOURNMENT

The meeting adjourned at approximately 2:35 p.m.

Chair

Planning Director
