

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

**January 25, 2018**

A meeting of the Land Development and Transportation Committee was held on Thursday, January 25, 2018 at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

Marilyn Lewis, Chair  
Jeff Brown  
Richard Carlson  
Ramona Lindsey

**Committee Members absent were:**

Rob Peterson, Vice-Chair

**Staff Members present were:**

Emily Liu, Director, Planning & Design Services  
Julia Williams, AICP, Planning Supervisor  
Laura Mattingly, AICP, Planner II  
Dante St. Germain, Planner I  
Joel Dock, Planner II  
John Carroll, Legal Counsel  
Chris Cestaro, Management Assistant (minutes)

**Others Present:**

Mark Dutrow, Transportation Planning  
Tony Kelly, MSD

The following matters were considered:

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**Approval of Minutes**

**Approval of the January 11, 2018 LD&T Committee Meeting Minutes**

00:10:47 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

**RESOLVED**, the Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on January 11, 2018.

**The vote was as follows:**

**YES: Commissioners Lindsey, Brown, Carlson, and Lewis.**

**NOT PRESENT: Commissioner Peterson.**

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**New Business**

**Case No. 16ZONE1083**

**Request:** Change in zoning from PEC to OR-1 on approximately 6.72 acres  
**Project Name:** Tucker Station Senior Housing  
**Location:** 1408-1412 Tucker Station Road  
**Owner:** Arnold Family Living Trust  
**Applicant:** Clover Construction Management West  
**Representative:** McBride Dale Clarion  
Blomquist Design Group  
**Jurisdiction:** Louisville Metro  
**Council District:** 20 – Stuart Benson

**Case Manager:** **Julia Williams, RLA, AICP, Planning Supervisor**

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:11:36 Julia Williams explained that the applicant will not be able to attend the February 1, 2018 Planning Commission public hearing date, and so has requested that the case be continued to the February 15, 2018 hearing.

00:12:30 Commissioner Carlson asked if the opposition is aware of the proposed change of date. Ms. Williams said all interested parties, including the opposition, will receive the updated, mailed-out notices.

**The following spoke in favor of the request:**

No one spoke.

**The following spoke in opposition to the request:**

No one spoke.

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**New Business**

**Case No. 16ZONE1083**

**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.**

00:13:53 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the **February 15, 2018** Planning Commission public hearing.

**The vote was as follows:**

**YES: Commissioners Lindsey, Brown, Carlson, and Lewis.**

**NOT PRESENT: Commissioner Peterson.**

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**New Business**

**Case No. 16ZONE1086**

**NOTE: This case was heard out of order. It was heard following Case No. 17ZONE1064.**

<b>Request:</b>	R-5 to OR
<b>Project Name:</b>	KY Hospitality Bookkeeping Office
<b>Location:</b>	4511 South 3 <sup>rd</sup> Street
<b>Owner:</b>	Georgetta Duncan, GDP
<b>Applicant:</b>	Georgetta Duncan, GDP
<b>Representative:</b>	Georgetta Duncan, GDP
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	21 – Vitalis Lanshima

**Case Manager:** **Laura Mattingly, AICP, Planner II**

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:46:20 Laura Mattingly presented the case. She discussed and handed out to the Committee members some opposition e-mails that came in after the staff report was published (see staff report and recording for detailed presentation.)

00:49:32 In response to a question from Commissioner Lindsey, Ms. Mattingly pointed out the location of proposed parking on the site plan.

**The following spoke in favor of the request:**

Georgetta Duncan, 4511 South Third Street, Louisville, KY 40214

**Summary of testimony of those in favor:**

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**Case No. 16ZONE1086**

00:50:14 Georgetta Duncan, the applicant, presented her case (see recording for detailed presentation.) She discussed her company, what work is being done in the building, and what she intends to do on the site. She pointed out that a busy Thornton's right across from the site, and discussed other commercial uses in the neighborhood. She addressed the letter from the neighborhood association regarding cars from her business parking at the Thornton's, and also the gravel on the site.

**The following spoke in opposition to the request:**

Nicole George, 4517 Southern Parkway, Louisville, KY 40214

Loretta Walker, 4514 South Second Street, Louisville, KY 40214

Lara Heidorn, 106 West Wellington Avenue, Louisville, KY 40214

Voncile Ellison, 4510 South Second Street, Louisville, KY 40214

**Summary of testimony of those in opposition:**

00:57:45 Nicole George said the proposal is incompatible; is already creating safety and nuisance issues; has had multiple property maintenance violations, and disregards the character of the neighborhood. She showed a Power Point presentation (see recording for detailed presentation.) She pointed out that vehicles from this site are backing in to four lanes of traffic, and is in conflict with Thornton's traffic. She said the site is already being used without the appropriate permits, and questioned whether there are other uses on the site besides bookkeeping, since there are so many cars parked there and at the Thornton's.

01:05:07 Loretta Walker said she is mainly concerned with traffic and traffic patterns.

01:06:01 Voncile Ellison lives directly behind the site. Her concerns are parking - she said there are many people parking there already, not just two or three. She said the proposed parking lot directly adjoins her property. She said the owner has already removed screening/trees between the two properties.

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**Case No. 16ZONE1086**

01:07:14 Lara Heidorn said her mother lives directly behind the site. She said the landscape buffer area is currently being used for parking. She said there are at least five vehicles parked on the site every day; also, there are vehicles parking across the street at Thornton's.

**Commissioners' Discussion**

01:10:11 Commissioner Carlson said there seems to be a lot of vehicle traffic for a small business, and asked that the applicant address this at the public hearing. Commissioners Brown and Lindsey asked for applicant's justification statements for the waiver requests.

**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.**

The Committee by general consensus scheduled this case to be heard at the **March 1, 2018** Planning Commission public hearing.

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**New Business**

**Case No. 17ZONE1040**

<b>Request:</b>	R-6 to OR-1
<b>Project Name:</b>	Massage for Healing
<b>Location:</b>	842 Mulberry Street
<b>Owner:</b>	Kimberley Curran
<b>Applicant:</b>	Kimberley Curran
<b>Representative:</b>	Kimberley Curran
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith

**Case Manager:**                               **Laura Mattingly, AICP, Planner II**

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:14:47     Laura Mattingly presented the case (see staff report and recording for detailed presentation.)

00:16:48     Commissioner Carlson asked what kind of sign will be proposed. Ms. Mattingly said the applicant will address that, and added that any signage will need to conform to the LDC requirements. She said that only an attached sign would be allowed, because there is not enough frontage to allow for a freestanding sign.

**The following spoke in favor of the request:**

Kimberly Curran, 842 Mulberry Street, Louisville, KY 40217

**Summary of testimony of those in favor:**

00:19:01     Kimberly Curran, the applicant, said she has not picked out any kind of signage yet, but understood that she could only have it attached.



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**Case No. 17ZONE1040**

Commissioner Brown asked that, at the public hearing, she show a photo or drawing of the sign as it would look attached to the building.

**The following spoke in opposition to the request:**

No one spoke.

**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.**

The Committee by general consensus scheduled this case to be heard at the **February 15, 2018** Planning Commission public hearing.

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**New Business**

**Case No. 17DEVPLAN1198**

**Request:** Revised Detailed District Development Plan for an 81-room hotel with associated waivers  
**Project Name:** Candlewood Suites  
**Location:** 11350 Maple Brook Drive  
**Owner:** Dream Hospitality Inc. & KPM  
**Applicant:** BTM Engineering  
**Representative:** Christopher Brown – BTM Engineering  
**Jurisdiction:** Louisville Metro  
**Council District:** 17 – Glen Stuckel

**Case Manager:** **Dante St. Germain, Planner I**

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:20:47 Dante St. Germain presented the case (see staff report and recording for detailed presentation.)

**The following spoke in favor of the request:**

Christopher Brown, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

**Summary of testimony of those in favor:**

00:24:44 Christopher Brown, the applicant's representative, handed out color elevations of the building and presented the applicant's case (see recording for detailed presentation.)

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**The following spoke in opposition to the request:**

No one spoke.

**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.**

**00:27:17 Commissioners' discussion**

Commissioner Carlson expressed some concern about the waiver regarding the cross-access waiver and asked for Commissioner Brown's opinion.

Commissioner Brown said Maple Brook Drive fulfills the intent of the cross access. Having additional access to the parking lot will not provide any additional connectivity.

- **Waiver #1** from Land Development Code section 10.2.10 to allow a structure to encroach into the required 10' vehicular use area Landscape Buffer Area
- **Waiver #2** from Land Development Code section 10.2.4.B.3 to allow utility easements to encroach more than 50% into the required perimeter Landscape Buffer Area
- **Waiver #3** from Land Development Code section 5.5.2.B.1.a to not provide vehicular cross access between the subject site and an abutting site

00:28:18 On a motion by Commissioner Carlson, seconded by Commissioner Lindsey, the following resolution based on the staff report, the evidence and testimony heard today, and the adoption of the staff's analysis and review, was adopted:

**(Waiver #1) WHEREAS**, the Louisville Metro Land Development and Transportation Committee finds that the waiver will not adversely affect adjacent property owners as the VUA LBA is a significant distance from adjacent property owners and separated from adjacent properties by areas with steep slopes which are proposed to remain wooded; and

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**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 characterizes the Regional Center form district as a development form that typically contains a mixture of high intensity uses including regional shopping, office, services, entertainment facilities and medium to high-density residential uses. Such Regional Centers may include a variety of stores under one roof, or may consist of freestanding structures. The amount of floor space in regional centers usually exceeds 400,000 square feet, reflecting a market area designed to serve a population of at least 100,000. Redevelopment and infill development are encouraged; and

**WHEREAS**, the Committee further finds that Regional Center site design should provide screening of the parking lot and outbuildings as the site is viewed from the arterial roadway. The rear or loading area of buildings should be well screened from arterials, freeways and adjacent residential areas. These guidelines are being followed with the significant screening being provided by preserved wooded areas; 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 the retaining wall cannot be placed elsewhere on the property without creating significant engineering challenges; and

**WHEREAS**, the Committee further finds that the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as the applicant is preserving 18% of the site as existing tree canopy and providing an additional 7.9% of the site as new tree canopy, which exceeds the form district minimums by 10.9%; and

**(Waiver #2) WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners as the utility easements already exist and are wooded at this time. The applicant proposes to retain the tree canopy within the easements; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 characterizes the Regional Center form district as a development form that typically contains a mixture of high intensity uses including regional shopping, office, services, entertainment

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facilities and medium to high-density residential uses. Such Regional Centers may include a variety of stores under one roof, or may consist of freestanding structures. The amount of floor space in regional centers usually exceeds 400,000 square feet, reflecting a market area designed to serve a population of at least 100,000. Redevelopment and infill development are encouraged; and

**WHEREAS**, the Committee further finds that landscaping, building design and unified signs in the Regional Center give character to the development, defines and reinforces identity and provides a human scale. These guidelines are being followed as the area involved is currently wooded and is proposed to remain wooded; 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 the easements are existing, and reducing the overlap between the LBA and the easements would require the applicant to eliminate necessary parking in order to shift the location of the principal structure on the lot; and

**WHEREAS**, the Committee further finds that the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as the applicant is preserving 18% of the site as existing tree canopy and providing an additional 7.9% of the site as new tree canopy, which exceeds the form district minimums by 10.9%; and

**(Waiver #3) WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners as the proposed use of the property, the use of the neighboring property, and the layout of the two sites make it unlikely that significant vehicular circulation will take place between the two sites if the cross access is provided. Pedestrian cross access is being provided; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 Element C, Guideline 7, Policy 13, Joint and Cross Access, states that joint and cross access easements should be required according to standards set forth in the Land Development Code, to reduce traffic on major thoroughfares and to reduce safety hazards. This guideline is not violated because Maple Brook Drive is a local-class private road, and cross access between the two sites will not reduce traffic on a major thoroughfare or reduce safety hazards; and

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**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 the applicant would have to redesign the parking lot and reduce necessary parking in order to provide the cross access, or shift the parking lot to encroach into the stream buffer for nearby Hite Creek; 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 or would create an unnecessary hardship on the applicant by requiring the applicant to reduce the amount of parking provided, or shift the parking to encroach into the stream buffer for nearby Hite Creek in order to provide cross access which is unlikely to be used; now, therefore be it

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested **Waiver #1** from Land Development Code section 10.2.10 to allow a structure to encroach into the required 10' vehicular use area Landscape Buffer Area; **Waiver #2** from Land Development Code section 10.2.4.B.3 to allow utility easements to encroach by more than 50% into the required perimeter Landscape Buffer Area; and **Waiver #3** from Land Development Code section 5.5.2.B.1.a to not provide vehicular cross access between the subject site and an abutting site.

**The vote was as follows:**

**YES: Commissioners Lindsey, Brown, Carlson, and Lewis.**

**NOT PRESENT: Commissioner Peterson.**

**Revised Detailed District Development Plan**

00:29:51 On a motion by Commissioner Carlson, seconded by Commissioner Lindsey, the following resolution based on the staff report, the evidence and testimony heard today, and the adoption of the staff's analysis and review, was adopted:

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**WHEREAS**, the Louisville Metro Land Development and Transportation Committee finds that LOJIC has not identified any hydric soils, steep slopes, or unstable soils on the site. The site is located partially within the stream buffer for nearby Hite Creek, and the applicant has located all structures except the retaining wall and a small portion of the parking lot outside this buffer. The applicant is also providing stream buffer compensation area in accordance with LDC section 4.8.4.A in excess of the encroachment. No karst features were identified on the site by survey; and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, except for the vehicular cross access which is requested to be waived. Metro Public Works has approved the preliminary development plan; and

**WHEREAS**, the Committee further finds that no open space is required for the development. However, the applicant is preserving significant wooded space on the lot, and is providing a gazebo and patios in the rear of the principal structure for the use of employees and guests of the hotel; and

**WHEREAS**, the Committee further finds that 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 Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Landscaping will exceed that provided by the abutting commercial development and will ensure compatibility with future residential development on the abutting site to the north-east; and

**WHEREAS**, the Committee further finds that 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 variances and waivers; now, therefore be it

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, **SUBJECT** to the following binding elements:

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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. 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 or alteration permit) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.



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5. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. 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.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 25, 2018 Land Development and Transportation Committee meeting.
10. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
11. There shall be no outdoor storage on the site.
12. Outdoor lighting 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. Light levels due to lighting on the subject site shall not exceed .5 foot

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candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter.

13. The dumpster shall not be emptied between the hours of 10 PM and 7 AM.
14. The developer/owner/applicant shall work with the adjacent commercial property across Maple Brook Drive at the time the adjacent lot is developed on the construction of a crosswalk across Maple Brook Drive, unless not permitted by Public Works or designee in compliance with MUTCD (Manual on Uniform Traffic Control Devices) standards.

**The vote was as follows:**

**YES: Commissioners Lindsey, Brown, Carlson, and Lewis.**

**NOT PRESENT: Commissioner Peterson.**

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**New Business**

**Case No. 17ZONE1064**

**Request:** Change in zoning from OR-3 to C-1; variances for encroachments into front, side, and rear yards; and a Revised Detailed District Development Plan

**Project Name:** St. Matthews Animal Clinic

**Location:** 107-113 Fairfax Avenue

**Owner:** Multiple Owners

**Applicant:** Reidlee Construction and Development

**Representative:** John Talbott – Bardenwerper, Talbott & Roberts PLLC

**Jurisdiction:** City of St. Matthews

**Council District:** 9 – Bill Hollander

**Case Manager:** **Joel Dock, Planner II**

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:30:32 Joel Dock presented the case (see staff report and recording for detailed presentation.)

00:34:34 In response to a question from Commissioner Lindsey, Mr. Dock discussed and pointed out the location of the pet runs on the site plan.

**The following spoke in favor of the request:**

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

Ann Richard, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

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**Case No. 17ZONE1064**

David Elder Jr., 800 Stonecreek Parkway Suite 5A, Louisville, KY 40223

**Summary of testimony of those in favor:**

00:35:25 John Talbott, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He said that, in response to concerns about the pet runs/kennels, those pet runs will be completely enclosed and will become part of the interior of the building.

00:41:57 Commissioner Brown asked if there will be enhanced landscaping or screening along the south property line where the parking is located. He also asked about access to Fairfax. Ann Richard, an applicant's representative, said the St. Matthews City Engineer (Jim Burch) had reviewed and signed off on the plan. Regarding landscaping, she said the property to the south is also going through a rezoning process, so the variance being requested today may or may not be needed, depending on whether or not their zoning request is approved.

00:43:27 In response to a question from Commissioner Carlson, Mr. Talbott discussed some changes/updates that may be needed to the binding elements. Commissioner Lindsey pointed out a grammatical error on binding element #3. Mr. Talbott added that the second floor will be used for the veterinary clinic, not just pet grooming, so the binding element referencing that will need to be changed.

**The following spoke in opposition to the request:**

No one spoke.

**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.**

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**Case No. 17ZONE1064**

The Committee by general consensus scheduled this case to be heard at the **February 15, 2018** Planning Commission public hearing.

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**New Business**

**Case No. 17ZONE1031**

**Request:** Change in zoning from R-7 to R-8A Multi-Family Residential; sidewalk waiver; variances for height and private yard area, and a detailed district development Plan.

**Project Name:** Cherokee Springs  
**Location:** 1576 Cherokee Road  
**Owner:** Earl W. Reed III  
**Applicant:** Cherokee Springs, LLC  
**Representative:** Glenn Price – Frost Brown Todd, LLC  
**Jurisdiction:** Louisville Metro  
**Council District:** 8 – Brandon Coan

**Case Manager:** **Joel Dock, Planner II**

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

01:12:04 Joel Dock presented the case (see staff report and recording for detailed presentation.) He also discussed proposed binding elements #9 and #10, which were requested by Metro Parks. He handed out copies to the Committee members of letters received, both in support and in opposition, which he received after the publication of the staff report.

01:18:51 Commissioner Carlson asked that, prior to the Planning Commission public hearing, the Commissioners would be able to access the Bonnycastle Neighborhood Plan. Mr. Dock said yes (*NOTE: this will be published online prior to the hearing.*)

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**New Business**

**Case No. 17ZONE1031**

**The following spoke in favor of the request:**

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

W. Earl Reed, 1667 Spring Drive, Louisville, KY 40205

Ann Richard, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Cash Moter, Joseph & Joseph Architects, 550 South Fourth Street, Louisville, KY

**Summary of testimony of those in favor:**

01:19:40 Glenn Price, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:28:01 W. Earl Reed, the applicant, introduced himself and presented his case (see recording for detailed presentation.)

01:32:36 Mr. Price resumed the podium and continued his presentation.

01:39:42 Mr. Price submitted a written request asking that their public hearing presentation time be extended.

**The following spoke neither for nor against:**

Joshua White, 2134 Woodbourne Avenue, Louisville, KY 40205

**Summary of testimony of those neither for nor against:**

01:40:30 Joshua White asked that certain stipulations be made in order to grant the requested variances, namely: tree planting, drainage improvement / stormwater management, and improved mobility. He said he supports the sidewalk waiver, since installing a sidewalk here would require tree removal. He also discussed "cool roofing" as a means of addressing heat islands.

**The following spoke in opposition to the request:**

William Barth, 1572 Cherokee Road, Louisville, KY 40205

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Randy Strobo, 239 South Fifth Street Suite 917, Louisville, KY 40202

Ed Henson, 2535 Bonnycastle Avenue, Louisville, KY 40205

Rob Riley, 2101 Murray Avenue, Louisville, KY 40205

Stan Wetzel, 2304 Bonnycastle Avenue, Louisville, KY 40205

Debra Harlan, 1734 Chichester Avenue, Louisville, KY 40205

Linda Christopher, 1578 Cherokee Road #4, Louisville, KY 40205

Claudia Runge, 1578 Cherokee Road #5, Louisville, KY 40205

Ray Brundige, 1718 Edgeland, Louisville, KY 40204

**Summary of testimony of those in opposition:**

01:53:24 William Barth, an adjoining property owner, said a fourteen unit development will increase traffic hazards on the road. He said a seven-story building here will be out of character for the neighborhood.

01:55:24 Randy Strobo said he is an attorney representing three individuals who live in close proximity to this development. He said the development is incompatible with the area and is not in compliance with Comprehensive Plan or the neighborhood plan (see recording for detailed presentation.) He added that over 40 people have signed a petition opposing the project, and the Bonnycastle Homestead Association is also opposed. He requested a later date for the Planning Commission hearing, in order for the opposition to talk to the developer and possibly work out some issues.

01:58:44 Ed Henson said he represents a small group of neighbors who live in the immediate vicinity. He said his main concerns are the incompatible height and the bulk of the building. He is not opposed to development here, but said the proposed plan does not comply with several aspects of Cornerstone 2020 (see recording for detailed presentation.) He is concerned that granting the rezoning would set a precedent. He is also concerned that such a large building would be a barrier between people and Cherokee Park.



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02:03:13 Rob Riley discussed the reasons why the Bonnycastle Neighborhood Plan was created. He is also greatly concerned about setting a precedent.

02:07:01 Stan Wetzel, President of the Bonnycastle Homestead Association, said the Association is in opposition to this proposal. He said the basis for the objections is because the proposal goes against the Bonnycastle Neighborhood Plan.

02:10:13 Debra Harlan handed out photos of other buildings in the neighborhood, and discussed compatibility and the Bonnycastle Neighborhood Plan's role in maintaining that. She added that there is no R-8A zoning in the neighborhood. She emphasized the proposed height of 100 feet as being grossly out of character with anything else in the neighborhood.

02:19:59 Linda Christopher, an adjoining property owner, said she and many others in the neighborhood are opposed.

02:20:53 Claudia Runge said the Cherokee Road Corridor is a one-of-a-kind asset. She said that, of all the photos the applicant had shown of tall buildings in this area, only one (Park Grande) is on Cherokee Road. None of the others are on Cherokee Road. She is concerned that the building height and mass are incompatible.

02:22:59 Ray Brundige said the proposed project is too tall and does not meet the Bonnycastle Neighborhood Plan standards. Some of the taller buildings used by the applicant to justify the height were built before there was zoning or the Neighborhood Plan.

**Rebuttal:**

02:26:36 Mr. Price gave the rebuttal (see recording for detailed presentation.) He emphasized that this is an existing multi-family property that is proposed for re-development as a multi-family use and does not violate the Comprehensive Plan or the Bonnycastle Plan.

**Commissioners' Discussion:**

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02:33:10 Commissioner Carlson asked if the variance should not start at the roof of the penthouse, not the roof of the main portion of the building. Mr. Dock said elevator and utility roofs are not required to comply – they can exceed the height requirements. Cash Moter, the architect for the project, said it was his understanding that the height of the building is defined as the grade plane at the base of the building to the parapet of the building, so the stepped-back penthouse is not part of the height variance. The penthouse area will not be living space, but a mechanical area. There will be a rooftop garden.

**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.**

02:38:15 The Committee by general consensus scheduled this case to be heard at the **April 5, 2018** Planning Commission public hearing, with the following extended time for both sides:

Applicant and his representatives and others in favor of the application: 1 hour  
Persons opposed to the application: 75 minutes  
Applicant's rebuttal and summation: 15 minutes

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**The meeting adjourned at approximately 3:41 p.m.**

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***Chairman***

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***Division Director***