

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
January 8, 2015**

A meeting of the Land Development and Transportation Committee was held on, January 8, 2015 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Vince Jarboe, Vice-Chair
Jeff Brown, Commissioner
David Tomes, Commissioner

Committee Members absent were:

Donnie Blake, Chair
Clifford Turner, Commissioner
Carrie Butler, Commissioner

Staff Members present were:

Joe Reverman, Planning Manager
Joe Haberman, Planning Manager
David Wagner, Planner II
Chris Brown, Planner II
Julia Williams, Planner II
Tammy Markert, Transportation Planning
Jon Baker, Legal Counsel
Pamela M. Brashear, Management Assistant

The following matters were considered:

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
January 22, 2015**

APPROVAL OF MINUTES

DECEMBER 11, 2014 LD&T COMMITTEE MEETING MINUTES

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

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on December 11, 2014.

The vote was as follows:

YES: Commissioners Brown, Jarboe and Tomes

NO: No one

NOT PRESENT FOR THIS CASE: Commissioners Blake, Butler and Turner

ABSTAINING: No one

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NEW BUSINESS

CASE NO. 14DEVPLAN1140

Request:	Detailed District Development Plan
Project Name:	Lot 4 – Clearwater Farm
Location:	5501 Clearwater Farm Blvd
Owner:	South Coast Plaza, LLC
Applicant:	Shalimar Investments, LLC
Representative:	Michael Evans
Jurisdiction:	Louisville
Council District:	2 – Barbara Shanklin
Case Manager:	Christopher Brown, Planner II

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

Agency Testimony:

00:14:39 Mr. Brown discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Michael S. Evans, 6625 Colonial Avenue, Evansville, In. 47725
Such Bands, Shalimar Investments, LLC, 14619 Inspiration Court, Louisville, Ky. 40245
Charolette Holcamp, 301 Mill Street Place, Louisville, Ky. 40222

Summary of testimony of those in favor:

00:17:41 Mr. Evans said they will be providing a left turn lane on Fern Valley Rd. It will serve the proposed site and future properties.

00:19:04 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 Tomes, the following resolution was adopted.

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NEW BUSINESS

CASE NO. 14DEVPLAN1140

WHEREAS, There does 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 with the current proposal; and

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

WHEREAS, the 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. 14DEVPLAN1140, a Detailed District Development Plan and the amendment to binding elements listed in the staff report based on the testimony heard today and the staff report.

Binding Elements

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

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

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- 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, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Develop Louisville Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - 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.
 - d. 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.
 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.
 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.

The vote was as follows:

YES: Commissioners Brown, Jarboe and Tomes

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Blake, Butler and Turner

ABSTAINING: No one

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NEW BUSINESS

CASE NO. 14ZONE1044 and 14STREETS1024

Case No: 14zone1044 and 14streets1024
Request: Change in Zoning from OR-2 to CM and Alley Closure for the alleys between 7th and 8th Streets and Garland Avenue and Breckinridge Street
Project Name: Life Safety Warehouse
Location: 701-713 Garland Avenue
Owner: Dover Resources Inc.
Applicant: Lichteinfeld Development Trust
Representative: Alex Rosenberg; Norman Graham
Jurisdiction: Louisville Metro
Council District: 6-David James
Case Manager: **Julia Williams, AICP, Planner II**

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

Agency Testimony:

00:25:29 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Norm Graham, 1300 Clear Springs Trace, Suite 4, Louisville, Ky. 40223
Paul Lichteinfeld Jr., Lichteinfeld Inc., 908 South 8th Street, Louisville, Ky. 40203
Alex Rosenberg, 2518 Hermitage Way, Louisville, Ky. 40242

Summary of testimony of those in favor:

00:29:33 Mr. Graham said his business is leasing the 5th floor of a building and the new tenants need warehouses near the offices. Also, the property to the west is owned by Lichteinfeld and it will have parking for the Breckinridge Tech. Center building. The developer is agreeable to a crossover access easement that would provide access between the properties on the east and west.

00:31:57 Mr. Rosenberg said they will remove the existing curb cut and put in a new 24 foot wide entrance with a swing gate. The gate will be closed when the facility is closed.

The following spoke in opposition to this request:

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CASE NO. 14ZONE1044 and 14STREETS1024

Neville Barrett, EuroTech, Inc., 4012 Dupont Circle No. 406, Louisville, Ky. 40207
Fran Neal, 36 College Court, Louisville, Ky. 40203

Summary of testimony of those in opposition:

00:36:01 Mr. Barrett said the 2 blocks between Garland and Kentucky, The College Court Condominium Association, is a nice (100 condos) historical property. He doesn't think rezoning from OR to CM is the best use for the proposed property.

00:43:23 Ms. Neal is concerned about how the proposal will affect College Ct. Chairman Jarboe said the proposed zoning change will not affect other zoning in the area.

Deliberation

00:51:05 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 Case Numbers 14STREETS1024 and 14ZONE1044 on the February 5, 2015 Planning Commission meeting to be held at the Old Jail Building at 1:00 p.m. The cases will be heard together as Public Hearing items.

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NEW BUSINESS

CASE NO. 14ZONE1051

Request: Re-Zoning from R-4 and C-1 to CM for Mini Storage, Waivers, Detailed District Development Plan, and Binding Elements

Project Name: Buechel Mini Storage

Location: 3818 – 3824 Bardstown Road

Owner: KSB Sycamore, LLC

Applicant: Pinnacle Properties

Representative: Bardenwerper, Talbott & Roberts, PLLC
Mindel, Scott & Associates, Inc.

Jurisdiction: Louisville Metro

Council District: 10 – Jim King

Case Manager: **David B. Wagner – 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:

00:54:10 Mr. Wagner 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, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Kathy Linares, Mindel, Scott & Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

01:00:40 Mr. Bardenwerper said the mini storage facilities are the best when located on a busy road because they pick up a lot of business from people driving by and they're convenient. "We don't know exactly what the sizes of the units or how many units there will be but I don't know if that makes any difference. We try to achieve a good street appearance and a good appearance from the sides that need to be meaningfully screened and buffered."

01:04:54 Ms. Linares said the drainage will flow to the 2 front detention basins into the existing storm system. "Along the boundary where we abut residential, there's a landscape requirement and we will comply." There will be an 8+ foot tall screen with

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some plantings. Also, the buildings were shifted slightly and some configurations changed.

Deliberation

01:10:08 Planning Commission deliberation.

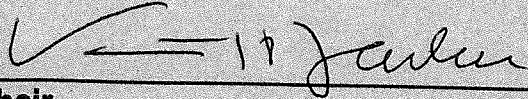
An audio/visual recording of the Land Development & Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

The Committee, by general consensus, placed Case No. 14ZONE1051 on the February 5, 2015 Planning Commission meeting to be held at the Old Jail Building at 1:00 p.m.

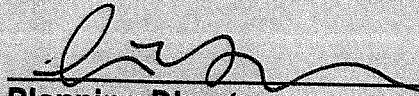
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ADJOURNMENT

The meeting adjourned at approximately 2:10 p.m.



Chair



Planning Director

