

**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE  
May 12, 2016**

A meeting of the Land Development and Transportation Committee was held on, May 12, 2016 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

Vincent Jarboe, Chair  
Donnie Blake, Vice Chair  
Jeff Brown  
Marilyn Lewis

**Committee Members absent were:**

Cliff Turner

**Staff Members present were:**

Emily Liu, Planning Director  
Joe Reverman, Planning Assistant Director  
Brian Davis, Planning Supervisor  
Julia Williams, Planner II  
Joel Dock, Planner I  
Michael King, Urban Planner  
Tammy Markert, Roads Operation Manager  
Tony Kelly, MSD  
John Carroll, Legal Counsel  
Kristen Loeser, Management Assistant  
Pamela M. Brashear, Management Assistant

The following matters were considered:

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
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**APPROVAL OF MINUTES**

**NO MINUTES**

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**NEW BUSINESS**

**CASE NO. 16SUBDIV1002**

Case No: 16SUBDIV1002  
Project Name: Glen Lakes, Section 4  
Location: 408 Flat Rock Road  
Owners: IH of KY, Inc.  
Applicant: IH of KY, Inc – Jim Obert  
Representative(s): Sabak, Wilson & Lingo, Inc. – Kelli Jones  
Project Area/Size: 42.87 Acres  
Existing Zoning District: R-4, Single-Family Residential  
Existing Form District: N, Neighborhood  
Jurisdiction: Louisville Metro  
Council District: 19 – Julie Denton  
**Case Manager: Joel P. Dock, 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:02:39 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

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

Kelly Jones, 608 South 3<sup>rd</sup> Street, Louisville, Ky. 40202

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

00:05:05 Ms. Jones gave a power point presentation. The proposed site is the last remaining portion of Glen Lakes to be developed. The revisions are to create a more efficient lot pattern.

**Deliberation**

00:10:37 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.**

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**NEW BUSINESS**

**CASE NO. 16SUBDIV1002**

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Case No. 16SUBDIV1002, a Revised Major Preliminary Subdivision plan for the Glen Lakes, Section 4 **ON CONDITION** that public right-of-way frontage shall be provided for the open space lot number 183 as shown on the development plan based on the staff report and testimony heard today and **SUBJECT** to the following Conditions of Approval:

**CONDITIONS OF APPROVAL**

**DOCKET NO. 10-21-03** 408 Flat Rock Road.

1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
2. The applicant shall submit a plan for approval by the Planning Commission staff's landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by the Planning Commission staff's landscape architect if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
  - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
  - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  - d. Location of construction fencing for each tree/tree mass designated to be preserved.
3. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
4. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the

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drip-line of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

5. 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 in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
  - b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
  - c. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
6. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
7. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
8. When limits of disturbance are shown on the plan. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
9. The signature entrance shall be submitted to the Planning Commission staff for review prior to recording the record plat.
10. A minor plat creating the proposed subdivision boundary will need to be recorded prior to recording of the record plat.
11. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
12. Trees will be preserved and/or provided on site as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree

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Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.

13. Prior to requesting certificates of occupancy, the developer shall post street signs and address numbers.
14. **Protection of Trees within the rear yard setback of certain lots.** (a) Within the rear setback area of lots 23 to 33 and 53 to 57 (the "Setback Lots") no hardwood or evergreen tree of 6-inch caliper or greater may be cut down unless prior written authorization of the Glen Lakes Community Association is obtained. Such authorization may be granted only if a tree presents a hazard or is diseased, dead or dying. Any tree removed in for utility purposes, including sanitary sewer and storm water runoff, shall not be required to be replaced. (b) Any such tree cut down in violation of this Binding Element must be replaced by the lot owner. Replacement trees shall be of similar species and shall be located within the same setback area.
15. **(a) Adjacent Fence Construction.** Prior to the issuance of any building permit for a residence to be constructed within a section or phase of the Subdivision which includes any Setback Lots (a "Setback Phase"), a metal farm field fence ("fence") shall be constructed parallel to the rear lot line of the Setback Lots within such Setback Phase and located approximately one (1) foot within the boundary of the off-site properties abutting such Setback Lots. Fence construction is conditioned upon permission of each affected abutting property owner being granted prior to commencement of fence construction, together with the prior granting of a temporary easement for construction of the fence having been granted to developer, its successors and assigns by each and all such abutting property owners. Following construction of the fence in each such Setback Section, the owners of the real property upon which the fence is constructed shall be responsible for maintenance.  
Provided that the permission and easements referred to in (a) above are granted the fence shall be constructed prior to issuance of any building permit for any residence in a Setback Section of the Subdivision.
16. **No Lot Subdivision.** No lot owner shall be permitted to subdivide any building lot into 2 or more building lots; however a lot owner shall be

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permitted to subdivide a lot to create one or more additional non-buildable lot(s).

17. **Pump Station Screening.** If a pump station is located on lot 190 it shall be screened with evergreen plantings and maintained by the homeowners association.
18. **Downward Street Lighting.** Street lighting shall be directed generally downward, but not upward.
19. **No dumping of construction debris.** (a) In the memoranda of understanding between Developer and its contractors, and in the Declaration of Covenants, Conditions and Restrictions for the Glen Lakes Subdivision, the Developer shall include provisions instructing lot purchasers construction workers, contractors and subcontractors, as applicable (i) to refrain from trespassing on neighboring properties, and (ii) not to place or allow construction-related debris to be dumped on neighboring properties.(b) Developer shall advise all lot purchasers, contractors and sub-contractors that they may be prosecuted by adjacent landowners for intentional or negligent off-site dumping of construction-related debris or for other violations of law.
20. **No commercial logging.** Developer agrees that it shall not engage in commercial logging activities on the site prior to, during, or after construction. This Binding Element applies solely to Developer.
21. **No additional lakes.** No additional lakes than as generally shown on the preliminary subdivision plan shall be constructed.
22. **No higher density.** Developer shall not apply for a change in the subdivision which would result in a higher density than as approved by the Planning Commission at LD&T on October 9, 2003.
23. The Developer shall contribute a sum, not to exceed \$7500.00, as a sharing of cost for a signal to be erected at the intersection of Shelbyville Road and Flat Rock Road. Payment of the cost share shall be made upon request by the Louisville Metro Works Department.
24. Prior to issuance of a Certificate of Occupancy Developer shall widen Flat Rock Road to a width of 3-lanes from the present terminus of the 3-lane section of Flat Rock Road at Kilcott Way northward to the entrance of

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Glen Lakes Subdivision, including appropriate tapers, all as required by the Louisville Metro Department of Public Works.

25. Prior to recording the record plat, the existing access road off Flat Rock Road and serving adjacent property 17W shall be released as noted on the plan. Access to adjacent lot 17W shall be provided through the subdivision roads and the 30' access easement on lot 181 as shown on the plan. All costs related to releasing, removing and reestablishing this easement shall be borne by the developer. The developer shall also bear the costs of relocating the driveway to adjacent lot 25 to align with Street B of the subdivision.
26. Roadway improvements along Flat Rock Road shall include pavement widening of existing road from a point north of Shelbyville Road and the Flat Rock Road intersection where pavement tapers to two lanes to a point north of the proposed entrance of the proposed subdivision. Roadway design will be in accordance with the proposed Option B Plan submitted in September 2004 to Public Works. Construction of the Flat Rock Road improvement will be completed prior to approval of construction plans for the second section (the first section will not exceed 39 buildable lots).

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Jarboe and Lewis**  
**NOT PRESENT AND NOT VOTING: Commissioner Turner**



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**NEW BUSINESS**

**CASE NO. 16AREA1001**

Case No: 16area1001  
Request: Area-wide Change in Form and Zoning for Beecher Terrace Housing Complex  
Project Name: Russell area-wide rezoning  
Location: 1000 West Jefferson Street  
(Beecher Terrace Housing Complex)  
Owner: Louisville Metro  
Applicant: Louisville Metro  
Representative: Louisville Metro  
Jurisdiction: Louisville Metro  
Council District: 4 - David Tandy  
**Case Manager: Michael King, Urban Planner**

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:12:24 Mr. King discussed the case summary, standard of review and staff analysis from the staff report.

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

Gretchen Miliken, 1031 South 4<sup>th</sup> Street, Louisville, Ky. 40202

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

00:29:10 Ms. Miliken, Director of Advanced Planning, said the final plan will be submitted January 2017 and the plan will have to show that the city can move forward with or without the grant monies.

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

Marshall Gazaway, 425 Claver Court #56, Louisville, Ky. 40203-1823

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

00:20:21 Mr. Gazaway is the president of the Beecher Terrace Residential Council and is glad to see the proposal moving forward. "My own personal concern is the fact that C-2 is allowed to take place before July when we hear about the monies we'll get from HUD. If they don't get the money, how cautious will they be as far as letting other

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**CASE NO. 16AREA1001**

developers come in after the C-2 has been rendered?" Commissioner Blake said it's owned by Metro Housing Authority and they'd have to sell or lease the land (not likely going to happen).

**Rebuttal:**

00:28:03 Mr. King said the city wants to see and will dictate the best uses for the land. Also, if the city receives the grant, we will not be able to sell the property.

**Deliberation**

00:30:38 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 May 19, 2016 public hearing at the Old Jail Building.**

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**NEW BUSINESS**

**CASE NO. 16ZONE1004**

Case No: 16ZONE1004  
Request: Change in zoning from R-6 to C-2 on approximately 0.3 acres with a variance, waivers and Detailed District Development Plan with binding elements  
Project Name: Butcher Block  
Location: 115 N. Wenzel Street and 1004, 1006 and 1006R East Washington Street  
Owner: Butcher Block Properties LLC  
Applicant: Andy Blieden  
Representative: Sabak Wilson & Lingo; Stites & Harbinson  
Jurisdiction: Louisville Metro  
Council District: 4-David Tandy  
Case Manager: **Julia Williams, RLA, 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:**

00:31:50 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

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

Kelly Jones, 608 South 3<sup>rd</sup> Street, Louisville, Ky. 40202  
Andy Blieden, 1075 Cherokee Road, Louisville, Ky.

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

00:35:56 Ms. Jones said the site is intended to be one cohesive development. There's a mixed zoning uses in the area. All the buildings are being restored. The applicant is meeting the code regulations as much as possible.

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

Tim Bowling, 3401 Hanover Court, Louisville, Ky. 40207

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

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**NEW BUSINESS**

**CASE NO. 16ZONE1004**

00:45:28 Mr. Bowling said the property has been an eyesore for 20 years. Mr. Bowling's concerns are as follows: parking; hours of operation for the restaurant; dump trucks; deliveries noise and extra traffic.

**Rebuttal:**

00:50:47 Ms. Jones said there's a note #8 on the plan addressing the alley issues. Parking will meet the guidelines.

00:53:17 Mr. Blieden said he will clear the alley at his own expense. He doesn't know the hours of operation for the restaurant but will have that information at the public hearing. Also, the intentions are to create some walkability for the neighborhood.

**Deliberation**

01:01:11 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 June 2, 2016 public hearing at the Old Jail Building.**

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**NEW BUSINESS**

**CASE NO. 16ZONE1012**

Case No: 16zone1012  
Request: R-6 to OR-3 with Variances and Waivers  
Project Name: Glenview Trust Office Building  
Location: 6700 Overlook Drive  
Owner: Fred M. Ferriell  
Applicant: Glenview Trust Company  
Representative: Land Design and Development; Duncan,  
Galloway, Egan & Greenwald  
Jurisdiction: Louisville Metro  
Council District: 16-Kelly Downard  
Case Manager: **Julia Williams, RLA, 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:**

01:02:57 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

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

Kyle Galloway, 9750 Ormsby Station Road, Louisville, Ky. 40223

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

01:05:32 Mr. Galloway gave a power point presentation. The proposal will be a nice 3-story building with a great design. There are setback issues and therefore, we will be asking for a variance. There are also grading issues.

**Deliberation**

01:10:00 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 June 16, 2016 public hearing at the Old Jail Building.**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
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**NEW BUSINESS**

**CASE NO. 15ZONE1025**

Case No:	15ZONE1025
Request:	Change in zoning from R-7 to CN on 0.11 acre with waivers
Project Name:	Best Choice Office Residential
Location:	3151 West Broadway
Owner:	Best Choice LLC
Applicant:	Best Choice LLC
Representative:	Best Choice LLC
Jurisdiction:	Louisville Metro
Council District:	5 – Cheri Bryant Hamilton
<b>Case Manager:</b>	<b>Brian Davis, AICP, Planning Manager</b>

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:**

01:11:00 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report.

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

Katrina Scott, 1839 Cypress Street, Louisville, Ky.

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

01:14:14 Ms. Scott purchased the property last year. She said she opted for commercial zoning for flexibility purposes. Also, although a privacy fence is not required, it will be provided.

**Deliberation**

01:16:46 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.**

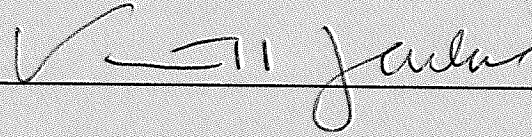
**The Committee by general consensus placed this case on the June 16, 2016 public hearing at the Old Jail Building.**

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**ADJOURNMENT**

The meeting adjourned at approximately 2:19 p.m.

**Chair**

A handwritten signature in cursive script, appearing to read "V. J. Janda", written above a horizontal line.

**Planning Director**

A handwritten signature in cursive script, appearing to read "D. J. Janda", written above a horizontal line.