

**MINUTES OF THE MEETING OF THE
LOUISVILLE METRO LAND DEVELOPMENT & TRANSPORTATION COMMITTEE**

March 9, 2017

A meeting of the Louisville Metro Land Development and Transportation Committee was held on March 9, 2017, at 1:00 p.m. at the Old Jail Building, 514 W Liberty Street, Louisville, KY 40202.

Committee Members present:

Marilyn Lewis, Chair
Robert Peterson, Vice Chair
Richard Carlson
Marshall Gazaway

Committee Members absent:

Jeff Brown

Staff Members present:

Brian Davis, Planning Manager
Beth Jones, Planner II
Jay Lockett, Planner I
Joel Dock, Planner I
Tammy Markert, Transportation Planning
Tony Kelly, MSD
Paul Whitty, Legal Counsel
James Carey, Legal Counsel
Kristen Loeser, Management Assistant

The following cases were heard:

Note: Vice Chair Peterson arrived at approximately 1:10 p.m.

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APPROVAL OF MINUTES

00:02:55 On a motion by Commissioner Carlson, seconded by Commissioner Gazaway, the following resolution was adopted:

RESOLVED, that the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on February 23, 2017.

The vote was as follows:

Yes: Carlson, Lewis, and Gazaway

Absent: Peterson and Brown

Abstain: None

No: None

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NEW BUSINESS

CASE NUMBER 16ZONE1078

Project Name:	Stonestreet Apartments
Location:	Stonestreet Road
Owner(s):	Dorothy J. Yates, Wanda L. Nally
Applicant:	Greenwood Properties LLC
Representative:	Bardenwerper Talbott & Roberts PLLC
Project Area:	3.8 acres
Jurisdiction:	Louisville Metro
Council District:	25 – David Yates
Case Manager:	Beth Jones, 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 Land Development and Transportation Committee meeting (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S 5th Street).

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.

Agency Testimony:

00:03:30 Beth Jones presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Bill Bardenwerper, 1000 N Hurstbourne Pkwy., Louisville, KY 40223
Kevin Young, 503 Washburn Ave., Louisville, KY 40222

Summary of testimony of those in favor:

00:06:32 Bill Bardenwerper spoke on behalf of the applicant. He stated that the project has been reduced to 50 townhome-style units and that the neighborhood meeting went well. The adjacent site is owned by the same developer and features similar housing structures.

00:09:44 Kevin Young with Land Design & Development stated that this project will become a continuation of the existing Kennedy Place property and will provide access to more 3-bedroom units. They will be utilizing the existing entrance at Kennedy Place, so there is no need for an additional curb cut.

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00:11:45 In response to Commissioner Carlson, Mr. Bardenwerper stated that the construction materials used for this project will be similar to those of Kennedy Place.

00:12:11 By general consensus, the Committee scheduled Case Number 16ZONE1078 for the April 6, 2017 Planning Commission public hearing.

The following spoke neither for nor against the request:

Joe Woodruff, 9020 Stonestreet Road, Louisville, KY 40272

Summary of testimony of neutral parties:

00:13:40 Joe Woodruff spoke on behalf of the Christian Assembly Church. He expressed concern for the waiver of buffer requirements that was listed on the LD&T notice he received through the mail. Ms. Jones explained why this waiver was no longer being requested, and Mr. Woodruff stated he had no additional concerns.

There was no change to the public hearing date following this discussion.

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NEW BUSINESS

CASE NUMBER 16DEVPLAN1240

Request:	Revised Detailed District Development Plan, Revised Preliminary Subdivision Plan and Waiver
Project Name:	Orell Station III
Location:	11917 Lower River Rd
Owner:	TSB Development, Inc.
Applicant:	TSB Development, Inc.
Representative:	BlueStone Engineers, PLLC
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Jay Lockett, Planner I

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

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.

Agency Testimony:

00:17:18 Jay Lockett presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Chris Crumpton, 3703 Taylorsville Road, Suite 205, Louisville, KY 40220
Ken Thieneman, 833 Valley College Drive, Louisville, KY 40272

Summary of testimony of those in favor:

00:20:08 Chris Crumpton spoke on behalf of the applicant. He stated that Tracts 1a – 1e were initially going to be developed with townhomes, but they will now be developed as individual lots with single family homes.

00:22:00 After a brief discussion with Mr. Crumpton and Mr. Lockett, the Commissioners agreed to eliminate binding element 12 since townhomes are no longer being proposed for this project.

00:24:39 Tammy Markert with Transportation Planning explained that it is typical of Transportation Planning to restrict the number of access points on a collector level road

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like Lower River Road. She suggested that the driveways could remain mostly separated and share an access point, and she stated that there are other properties along Lower River Road that feature shared driveways of this kind.

00:29:23 Applicant Ken Thieneman stated that he will be unable to sell these properties if he is required to construct shared driveways, and he responded to questions from the Commissioners. If the waiver is approved, he would like to have the driveway locations decided upon as well.

00:39:24 Ms. Markert stated collector level roads are required by code to have as few access points as possible due to higher traffic volume and higher travel speeds.

00:42:14 Vice Chair Peterson feels that due to the size of the lots, the developer makes a good point against the requirement of shared driveways.

00:43:15 In response to County Attorney Paul Whitty, Ms. Markert stated that Lower River Road has over 3,000 vehicle trips per day, which qualifies it as a collector road.

00:48:25 Deliberation

00:52:43 On a motion by Commissioner Carlson, seconded by Commissioner Gazaway, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that there are many properties along West Orell Road that have direct driveway access to the street; therefore the request is in keeping with the existing character of the area and appears to not have a significant impact on traffic flow along the street, and

WHEREAS, the Committee further finds that the waiver does not violate Community Form/Land Use Guideline 3 Policy 1 Compatibility and Policy 3 Residential Compatibility because nearly all of the single family residential developments in the area have direct access to the roadway, and

WHEREAS, the Committee further finds that the applicant states that potential homebuyers prefer to have individual driveways, and

WHEREAS, the Committee further finds that the applicant has agreed to provide the 50' Scenic Corridor setback recommended per the Ohio River Corridor Master Plan recommendation SW-21; now, therefore be it

RESOLVED, that the Louisville Metro Land Development and Transportation Committee, in Case Number 16DEVPLAN1240, does hereby **APPROVE** the waiver of

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CASE NUMBER 16DEVPLAN1240

Section 5.4.2.B.1 to allow single family access to collector level roadway without providing either the access road or alley and also not providing the 20' landscape buffer area based on the Staff Report and testimony heard today.

The vote was as follows:

Yes: Gazaway, Carlson, Lewis and Peterson

Absent: Brown

Abstain: None

No: None

00:53:50 On a motion by Commissioner Carlson, seconded by Vice Chair Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Land Development and Transportation Committee, in Case Number 16DEVPLAN1240, does hereby **APPROVE** the Revised Preliminary Subdivision Plan based on the Staff Report and the testimony heard today.

The vote was as follows:

Yes: Gazaway, Carlson, Lewis and Peterson

Absent: Brown

Abstain: None

No: None

00:54:33 On a motion by Commissioner Carlson, seconded by Vice Chair Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that 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, 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, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan, and

WHEREAS, the Committee further finds that the open space requirements for the development have been met, and

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WHEREAS, the Committee further finds that 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 Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area, 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; now, therefore be it

RESOLVED, that the Louisville Metro Land Development and Transportation Committee, in Case Number 16DEVPLAN1240, does hereby **APPROVE** the Revised Detailed District Development Plan, noting the elimination of binding element 12, based on the Staff report and testimony heard today.

The vote was as follows:

Yes: Gazaway, Carlson, Lewis and Peterson

Absent: Brown

Abstain: None

No: None

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NEW BUSINESS

CASE NUMBER 17DEVPLAN1008

Request: Revised Detailed District Development Plan with a waiver and amendments to the General Plan binding elements

Project Name: Middletown Shops 6

Location: 12965 Aiken Rd

Owner: Middletown Partners, LLC

Applicant: Hagan Properties

Representative: Mindel Scott and Associates

Jurisdiction: Middletown

Council District: 19-Julie Denton

Case Manager: Jay Lockett, Planner I

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

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.

Agency Testimony:

00:56:10 Jay Lockett presented the case and noted that MSD has approved the plan (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Amy Cooksey, 5151 Jefferson Blvd., Louisville, KY 40219

Summary of testimony of those in favor:

01:01:13 Amy Cooksey spoke on behalf of the applicant. The previously approved development plan from 2006 featured two buildings; they are proposing to construct only one building at this time.

01:02:20 Tony Kelly with MSD stated that there was a downstream detention basin developed for this entire development. Engineers plan to make updates to the current roadside system so that drainage from the bottom 3.5 acres will flow into the existing detention basin.

01:04:37 Ms. Cooksey provided the Commissioners with renderings of the proposed structure.

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CASE NUMBER 17DEVPLAN1008

01:05:35 On a motion by Commissioner Carlson, seconded by Vice Chair Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver will not adversely affect adjacent property owners since the landscape requirements will still be met on the site, and

WHEREAS, the Committee further finds that Guideline 3, Policy 9 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. These policies will not be violated as the development still provides the required screening and buffering while allowing for the efficient circulation of traffic, 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 since landscape requirement will still be met onsite, 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 since moving the VUA LBA outside of the existing easement would significantly constrict the site; now, therefore be it

RESOLVED, that the Louisville Metro Land Development and Transportation Committee, in Case Number 17DEVPLAN1008, does hereby **APPROVE** the waiver from 10.2.9 to allow for over 50% overlap of an easement into a VUA LBA along Development Way based on the Staff Report and testimony heard today.

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The vote was as follows:

Yes: Gazaway, Carlson, Lewis and Peterson

Absent: Brown

Abstain: None

No: None

01:07:07 On a motion by Commissioner Carlson, seconded by Vice Chair Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site being disturbed by the proposal. Tree canopy requirements of the Land Development Code will be provided on the subject site, 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, and Metro Public Works has approved the preliminary development plan, and

WHEREAS, the Committee further finds that open space requirements are being met on the site, and

WHEREAS, the Committee further finds that the Metropolitan Sewer District has not yet approved the preliminary development plan due to ongoing discussions with the City of Middletown regarding the need for onsite detention, and whether an offsite regional detention basin will adequately serve the site, 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. 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 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; now, therefore be it

RESOLVED, that the Louisville Metro Land Development and Transportation Committee, in Case Number 17DEVPLAN1008, does hereby **APPROVE** the Revised Detailed District Development Plan, including the amendments to the General Plan

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CASE NUMBER 17DEVPLAN1008

binding elements, based on the Staff Report and testimony heard today and **SUBJECT** to the following binding elements:

General Plan Binding Elements

1. The following uses permitted in a C-2 district will not be allowed in any phase of Middletown Station Center:
 - (a) Bowling Alleys
 - (b) Ice Storage Houses
 - (c) Funeral Homes
 - (d) Veterinary Hospitals
 - (e) Automobile Garages and used Car Sales Area, except as part of a new automobile sales agency.
 - (f) Dance Halls
 - (g) Kennels
 - (h) Monument Sales
 - (i) Plumbing and Heating Shops
 - (j) Refrigerated Lockers
 - (k) Sign Painting
 - (l) Skating Rinks
 - (m) Storage Garages
 - (n) Trade Schools
 - (o) Upholstery and Furniture Repair Shops
2. The development shall not exceed 730,245 of gross floor area. (Tract A to have 537,981 sf retail and 1,738 non-retail; Consolidated Tracts B1 and B2 to have 5,875 sf of restaurant and 16,525 sf of retail in a single 22,400 sf building; and Tract D to have 17,500 sf office. The remaining square footage is taken up by outlots.) Prior to the submittal of any detailed plan for tracts A, B and D, an updated traffic study shall be submitted at the direction of Planning and Design staff.
3. The only permitted development identification signs shall be located as shown on the approved general district development plan. The primary entrance sign shall not exceed 255 square feet in area per side and 40 feet in height. The secondary entrance signs (2) shall not exceed 71 square feet in area per side and 10 feet in height. No sign shall have more than two sides.
4. The size and location of any proposed freestanding sign must be approved by the Planning Commission and the City of Middletown. The Planning Commission or the City of Middletown may require that the signs be smaller than would otherwise be permitted by the Zoning District regulations.

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5. There shall be no direct vehicular access from outlots to Shelbyville Road.
6. There shall be no further creation of outlots along Shelbyville Road. Outlots are subject to all original binding elements.
7. 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 and to the City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
8. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
9. 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 Inspections, Permits and Licenses, 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 reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. 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.
10. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

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11. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
12. 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.
13. The materials and design of the proposed Wal-Mart shall be substantially the same as depicted in the rendering as presented at the November 29, 2006 Development Review Committee meeting. The materials and design of the proposed Target shall be substantially the same as depicted in the rendering as presented at the June 18, 2008 Development Review Committee meeting.
Modified by the DRC on June 18, 2008.
14. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
15. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
16. The developer shall contribute up to 50% of the cost of signal installation at Aiken Rd and N. English Station Rd., not to exceed \$35,000. This shall be paid within 30 days of the request by the Director of Metro Public Works. The request shall be made to the developer when Metro Public Works obtains the balance of the cost of installation, no sooner than construction plan approval of the Target building.
Added by the DRC on June 18, 2008.

Revised Detailed District Development Plan Binding elements

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All binding elements from the approved General 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 designee and the City of Middletown 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) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument 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.
 - 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 reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.

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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 or designee and the City of Middletown.
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 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 9, 2017 Land Development and Transportation meeting.

The vote was as follows:

Yes: Gazaway, Carlson, Lewis and Peterson

Absent: Brown

Abstain: None

No: None

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NEW BUSINESS

CASE NUMBER 15DEVPLAN1208

Project Name:	Old Henry Crossings Lot 12
Location:	13906 Promenade Green Way
Owner(s):	OREO 3 LLC
Applicant(s):	OREO 3 LLC
Representative(s):	Vice Cox & Townsend PLLC; Land Design & Development
Project Area/Size:	1.44 Acres
Existing Zoning District:	C-1, Commercial
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 Land Development and Transportation Committee meeting (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S 5th Street).

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.

Agency Testimony:

01:08:30 Joel Dock presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Kevin Young, 503 Washburn Ave., Louisville, KY 40222

Summary of testimony of those in favor:

01:10:10 Kevin Young spoke on behalf of the applicant and provided information about the detailed district development plan.

01:14:21 Tammy Markert stated that she that last traffic study in this area was conducted a few years ago and that results were favorable for this type of project.

01:16:01 On a motion by Commissioner Carlson, seconded by Vice Chair Peterson, the following resolution was adopted:

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CASE NUMBER 15DEVPLAN1208

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that there do not appear to be any environmental constraints or other natural resources located on the site, and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within the development and the community is provided through pedestrian connection to the public sidewalk, as well as proposed private roadways. An internal network of pedestrian connectivity through parking areas to proposed office building is also provided to provide for the safe movement of vehicles and pedestrians, and

WHEREAS, the Committee further finds that all landscaping is being provided as required. A courtyard has been proposed that connects the primary entrances of the office buildings which provide a focal point and an area for outdoor amenity, and

WHEREAS, the Committee further finds that 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 Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area as the site is surrounded by, and proposed to be surrounded by, a mixture of commercial and office uses within an activity center to which the architectural style of the proposed structure will be compatible, and

WHEREAS, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan as Guideline 2, Policy 2 encourages non-residential development and mixed-uses to be developed in designated activity centers. Guideline 3, Policies 1 and 4 call for compatible development that does not expand into residential areas. The proposal is located in a designated activity center intended for a mix of commercial, light industrial, office, and multi-family residential development with a defined boundary between these uses and adjacent single-family residential uses and the design of the proposed development is compatible with surrounding uses. The proposal complies with the requirements of the Land Development Code (LDC), with the exception of those requirements that will be reviewed by the BOZA on March 20, 2017; now, therefore be it

RESOLVED, that the Louisville Metro Land Development and Transportation Committee, in Case Number 15DEVPLAN1208, does hereby **APPROVE** the Detailed District Development Plan based on the Staff Report and testimony heard today and **SUBJECT** to the following binding elements:

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Binding Elements - All binding elements from the approved General 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 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 Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument 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.
 - c. The appropriate variance shall be obtained to allow the development as shown on the approved district development plan.
 - 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

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CASE NUMBER 15DEVPLAN1208

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 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: Gazaway, Carlson, Lewis and Peterson

Absent: Brown

Abstain: None

No: None

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
March 9, 2017

NEW BUSINESS

CASE NUMBER 16ZONE1053

Project Name: The Woods of Farnsley Moorman
Location: 6635 Woods Mill Drive
Owner(s): Corcoran Home Building & Remodeling
Applicant: Corcoran Home Building & Remodeling
Representative(s): Land Design & Development, Inc. – Kevin Young
Project Area/Size: 13.2 acres
Jurisdiction: Louisville Metro
Council District: 14 – Cindi Fowler
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 Land Development and Transportation Committee meeting (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S 5th Street).

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.

Agency Testimony:

01:17:19 Joel Dock presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Nick Pregliasco, 1000 N Hurstbourne Pkwy., Louisville, KY 40223
Kevin Young, 503 Washburn Ave., Louisville, KY 40222

Summary of testimony of those in favor:

01:23:25 Nick Pregliasco spoke on behalf of the applicant. The developer is now proposing single family homes rather than condominiums.

01:27:50 Kevin Young spoke about improvements to Moorman Road. Mr. Pregliasco stated that proposed road improvements can remain on the plan as a binding element until it can be proved they have been completed.

01:29:25 By general consensus, the Committee scheduled Case Number 16ZONE1053 for the April 6, 2017 Planning Commission public hearing.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
March 9, 2017

NEW BUSINESS

CASE NUMBER 16ZONE1077

Project Name:	Signature Point
Location:	1111 Rose Hill Lane
Owner(s):	PBI Bank, Inc.;
	Signature Point Development, LLC
Applicant:	Elite Homes, Inc.
Representative(s):	Bardenwerper, Talbott, & Roberts, PLLC – Bill Bardenwerper
Project Area/Size:	88.5 acres (Total); 1.6 acres (Tract 4)
Existing Zoning District:	R-5A, R-6, & PRD
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
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 Land Development and Transportation Committee meeting (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S 5th Street).

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.

Agency Testimony:

01:30:18 Joel Dock presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Nick Pregliasco, 1000 N Hurstbourne Pkwy., Louisville, KY 40223

Summary of testimony of those in favor:

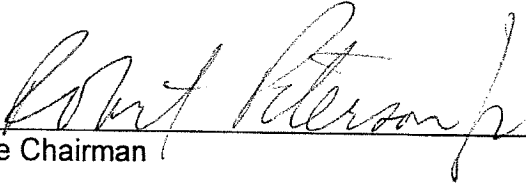
01:35:10 Nick Pregliasco spoke on behalf of the applicant and responded to questions from the Commissioners (see recording for detailed presentation).

01:42:00 By general consensus, the Committee scheduled Case Number 16ZONE1077 for the April 6, 2017 Planning Commission public hearing.


LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
March 9, 2017

ADJOURNMENT

The meeting adjourned at approximately 2:45 p.m.



Vice Chairman



Division Director