

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

October 13, 2016

A meeting of the Land Development and Transportation Committee was held on Thursday, October 13, 2016 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

Committee Members absent were:

Rob Peterson, Vice-Chair
Clifford Turner

Staff Members present were:

Emily Liu, Director, Planning & Design Services (arrived at 1:30 p.m.)
Joseph Reverman, Assistant Director, Planning & Design Services (arrived at 1:40 p.m.)
John Carroll, Legal Counsel
Julia Williams, Planning Supervisor
Brian Davis, Planning & Design Manager
Laura Mattingly, Planner I
Chris Cestaro, Management Assistant (minutes)

Others Present:

Joey Ashby, MSD
Tony Kelly, MSD

The following matters were considered:

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Approval of Minutes

Approval of the September 22, 2016 LD&T Committee Meeting Minutes

00:05:06 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, the Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on September 22, 2016.

The vote was as follows:

YES: Commissioners Brown, Carlson, and Lewis.

NO: No one.

NOT PRESENT: Commissioners Peterson and Turner.

ABSTAINING: No one.

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Old Business

LRZC Traffic 10132016

NOTE: This was an informational presentation only. No vote was taken.

Request: LRZC Traffic Study Update
Representative: Patrick Dominik, Sabak Wilson & Lingo
Jurisdiction: Louisville Metro
Council District: 13 – Vicki Aubrey Welch

Case Manager: **Brian Davis, AICP, Planning Manager**

An audio/visual recording of the Planning Commission hearing 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:

00:05:44 Brian Davis introduced the case (see recording for detailed presentation.) He explained that, during the June 23, 2016 LD&T meeting, the Committee was hearing Case No. 16DEVPLAN1103 (the UPS Centennial Hub project.) During the discussion of the case, the Committee members asked about potential updates on traffic and road conditions in the Renaissance zone area.

The following spoke in favor of the request:

Patrick Dominik, Sabak Wilson & Lingo, 608 S. Third Street, Louisville, KY 40202

Summary of testimony of those in favor:

Patrick Dominik, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He explained that successful business growth in the Renaissance zone has increased traffic on Outer Loop, and discussed how State and local projects could affect the area. He said the applicant is committed to going ahead with the Outer Loop Widening Project. The Interchange Assessment is scheduled to be done in January, with a report being given to the LD&T Committee on February 9, 2017.

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Commissioner Carlson commented that, travelling west on Outer Loop, there is a “tremendous” traffic backup during peak hours, which can hinder emergency vehicles. Commissioner Brown discussed signal-timing modifications.

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New Business

CASE NO. 16WAIVER1037

Request: Waiver for Pedestrian and Vehicular Connections and Landscape Waiver for Internal Landscape Areas

Project Name: LAL Center

Location: 9502 Taylorsville Road

Owner: Kishin Dodwani, Jhoolay Lal Properties, LLC

Applicant: Kishin Dodwani, Jhoolay Lal Properties, LLC

Representative: Missy Legel, Civil Design Inc.

Jurisdiction: City of Jeffersontown

Council District: 11 – Kevin Kramer

Case Manager: **Laura Mattingly, Planner I**

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

An audio/visual recording of the Planning Commission hearing 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:

00:14:55 Laura Mattingly presented the case and showed the site plan (see staff report and recording for detailed presentation.)

00:18:35 Commissioner Brown and Ms. Mattingly discussed how to possibly reduce or eliminate the requested Internal Landscape Area Waiver.

The following spoke in favor of the request:

Missy Legel, Civil Design Inc., 3404 Stony Springs Circle, Louisville, KY 40220

Summary of testimony of those in favor:

00:20:04 Missy Legel, the applicant's representative, first addressed Commissioner Brown's comments regarding the ILA Waiver.

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00:22:20 Commissioner Brown requested that, if re-development ever occurs on adjacent sites, attempts will be made to establish pedestrian and/or vehicular connections on this site. He asked that a note be made on the plan to this effect. Ms. Mattingly said connections are required to be shown on development plans.

00:25:58 In response to some of the Committee members' questions, Brian Davis read the LDC text into the record regarding provision of vehicular and pedestrian connections between abutting non-residential sites.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

- **Waiver #1 – Waiver of Section 10.2.11 to decrease the Internal Landscape Area requirement.**
- **Waiver#2 – Waiver of Section 5.9.2.B to not provide both pedestrian and vehicular connections to adjacent sites.**

00:29:17 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution 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 applicant is proposing more tree plantings than what currently exists on site, therefore potentially decreasing runoff to adjacent properties; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 13, Policy 5 calls for standards to ensure the creation and/or preservation of tree canopy as a valuable community resource. The purpose of interior landscape areas is to break up large impervious areas and allow for a greater distribution of tree canopy coverage. This policy is not violated as there are currently two trees on site that will be removed that are located along the southeast property line, but the applicant will

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be providing a net increase of tree canopy. One new tree is proposed in an Internal Landscape Area and nine trees in the Landscape Buffer Area along Taylorsville Road, as well as two Type B trees in the substandard ILA and four trees along the southeastern property line. The number and location of these trees increases the site's natural resources; 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 applicant needs the Vehicle Use Area space in order to provide the minimum parking requirement with the desired size of the retail building; 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 as sufficient parking could not have been provided while also meeting the Internal Landscape Requirement; and

(Waiver #2) **WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners as ingress and egress is being improved on the proposal site and both adjacent sites have existing access from Taylorsville Road; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 2, policy 13 calls to encourage adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. Guideline 7, policy 13 calls for the requirement of joint and cross access easements according to standards set forth in the Land Development Code, to reduce traffic on major thoroughfares and to reduce safety hazards. The purpose of the requirements to be waived are to allow similar, compatible non-residential and multi-family uses to access adjacent sites without use of the main road to reduce curb cuts, the amount of surface parking, and to reduce traffic on the main thoroughfare. These policies are not violated as all access points currently exist and the number of access points are not being increased; 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 to allow the layout of the parking and building as the use requires; and

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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 lose parking and possibly requiring a parking waiver; and

WHEREAS, the Committee further finds that, based the staff report, the applicant's justification and the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **RECOMMEND** to the City of Jeffersontown that the requested Waiver of Section 10.2.11 to decrease the Internal Landscape Area requirement be **APPROVED ON CONDITION** that the non-compliant ILA be widened to 9 feet and two additional trees are planted in this Internal Landscape Area; and does hereby **RECOMMEND** to the City of Jeffersontown that the Waiver of Section 5.9.2.B to not provide both pedestrian and vehicular connections to adjacent sites be **APPROVED ON CONDITION** that the plan be modified to show a note for connections that could be made if adjacent uses change.

The vote was as follows:

YES: Commissioners Brown, Lewis, and Carlson.

NO: No one.

NOT PRESENT: Commissioners Peterson and Turner.

ABSTAINING: No one.

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New Business

CASE NO. 16DEVPLAN1167

Request: Revised Detailed District Development Plan and Amendment to General Plan Binding Element

Project Name: Trajan Property: Building 3

Location: 4607 Poplar Level Road

Owner: Brian Lowe, Trajan LLC

Applicant: Brian Lowe, Trajan LLC

Representative: Jennifer Caummisar-Kern, Accurus Engineering

Jurisdiction: Louisville Metro

Council District: 10 – Patrick Mulvihill

Case Manager: **Laura Mattingly, Planner I**

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

An audio/visual recording of the Planning Commission hearing 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:

00:31:31 Laura Mattingly presented the case and showed the site plan (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Jennifer Caummisar-Kern, Accurus Engineering, 2780 Jefferson Centre Way, Jeffersonville, IN 47130

Brian Lowe, 4603 Poplar Level Road, Louisville, KY 40213

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Summary of testimony of those in favor:

00:33:53 Jennifer Caummisar-Kern, the applicant's representative, said she was available for questions. She said she has spoken with KYTC and the applicant will answer all their traffic questions.

00:34:57 Brian Lowe was called but declined to speak. He said he was available to answer questions.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

No one spoke.

Commissioners' deliberation:

00:35:24 In response to a question from Commissioner Carlson, Ms. Mattingly said the project will be new construction. She also showed the new elevations that the applicant had submitted (see recording.)

- **Revised Detailed District Development Plan review for warehouse**
- **Amendment to Binding Element**

00:37:36 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

(RDDDP) **WHEREAS**, the Louisville Metro Land Development and Transportation Committee finds that LOJIC indicates potential hydric soils on site. If any of these soils are found to be wetlands, Army Corps of Engineers approval will be required. No other natural resources were identified; and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided through the existing vehicular access and existing sidewalks with which the development will connect. Transportation has given their preliminary approvals; 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 land uses are compatible with the existing and future development of the area, as warehouse/office uses as well as a mix of other uses are prevalent in the area; and

(Amendment to Binding Element #2) **WHEREAS**, the Committee further finds that the amendment to Binding Element #2 has no further impact on the conservation of natural resources on the property; and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will continue to be provided with the increase in building area; and

WHEREAS, the Committee further finds that the Metropolitan Sewer District will continue to 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 land uses are compatible with the existing and future development of the area. The binding element amendment will have no effect on this; and

WHEREAS, the Committee further finds that, based the staff report, the applicant's justification and the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan review for warehouse and Amendment to Binding Element#2 for General Development Plan Docket No. 11015, **SUBJECT** to the following binding elements:

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

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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. Signs shall be in accordance with Chapter 8.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, or site disturbance 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 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.
 - 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.
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.

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7. 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.
- ~~8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 30, 2008 Development Review Committee meeting.~~
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~July 30, 2008 Development Review Committee meeting.~~ **October 13, 2016 Land Development & Transportation meeting.**

Binding Element #2 for Docket No. 11015 shall read:

2. The total square footages are: ~~130,165~~ **137,900** sf office/warehouse and three out lots.

The vote was as follows:

YES: Commissioners Brown, Lewis, and Carlson.

NO: No one.

NOT PRESENT: Commissioners Peterson and Turner.

ABSTAINING: No one.

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New Business

CASE NO. 16ZONE1026

Request: Change in zoning from R-4 to R-5A and OR-1 on 1.90 acres with a Variance and Waivers
Project Name: Taylor Cove
Location: 4208 Taylorsville Road
Owner: Teulu Homes LLC
Applicant: Teulu Homes LLC
Representative: Jon Henney, Gresham Smith & Partners
Jurisdiction: Louisville Metro
Council District: 11 – Kevin Kramer

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

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.)

An audio/visual recording of the Planning Commission hearing 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:

00:39:53 Julia Williams presented the case and showed the development plan (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Anthony Waits, 11802 Brinley Avenue Suite 201, Louisville, KY 40243

Jon Henney, Gresham Smith & Partners, 101 South Fifth Street, Louisville, KY 40202

Summary of testimony of those in favor:

00:44:15 Anthony Waits (sp), the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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00:49:10 Jon Henney, another applicant's representative, discussed some of the backgrounds behind the waiver and variance requests (see recording for detailed presentation.)

The following spoke in opposition to the request:

John Tino, 4207 Martha Avenue, Louisville, KY 40220

KC Kehoe, 3005 Houston Boulevard, Louisville, KY 40220

Charles Bartman, 4302 Martha Avenue, Louisville, KY 40220

Dean Donovan, 3010 Michael Drive, Louisville, KY 40220

Summary of testimony of those in opposition:

00:57:28 Dean Donovan said his property backs up to the site. He said the encroachments, waivers, and variances “push [the applicant’s] property into” his. He said the project is too dense, whether it is a 12 or 16-unit development; the surrounding sites are all one-story single family homes. He is also concerned about the impact of dumpsters on the neighborhood.

01:01:48 Mr. Donovan used the site plan to illustrate his concerns, particularly about the waivers and variances, and the location of the dumpsters (see recording for detailed presentation.) He discussed 16 dump-truck loads of dirt that were illegally dumped on the property, and said the removal of the foliage (bamboo) was also illegal.

01:12:47 Charles Bartman, Mayor of the City of Houston Acres, spoke in opposition. His particular concerns are flooding, drainage and water runoff onto adjoining properties. He also discussed traffic issues – this is a very busy part of Taylorsville Road. He said the opposition engaged a traffic engineer to study traffic patterns. He also questioned the applicant’s statement/s about sufficient water for fire protection.

01:24:04 KC Kehoe expressed concerns that the illegal dumping of the dirt may have filled in a draining sinkhole, and requested a more thorough geological survey of the site.

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01:24:47 John Tino lives behind the project. He said the proposal is too high-density for the site.

The following spoke neither for nor against:

No one spoke.

Rebuttal:

01:26:18 Mr. Waits resumed the podium for the applicant's rebuttal. He said much of the drainage on the site is coming from other properties, and explained how the applicant plans to resolve drainage issues. He addressed density and traffic flow.

01:28:28 Commissioner Brown asked if the karst survey was done before or after the dirt was dumped on the site (date on the survey is July 22, 2016.) Mr. Waits said the survey was done after.

01:28:50 Commissioner Lewis asked if there was only one proposed dumpster on the property. Mr. Henney said yes, and it was located where it is due to needed access for the waste-removal vehicle.

01:30:55 Mr. Waits also discussed the location and screening of the dumpster.

01:31:40 Commissioner Lewis asked a representative from MSD (Joey Ashby) for MSD's perspective regarding drainage.

01:33:01 Ms. Williams said a petition has been received requesting a Planning Commission night hearing at a remote location. The McMahan Firehouse was initially proposed for the hearing; after some discussion, it was decided to hold the night hearing on November 14, 2016 at 6:30 p.m. at the East Government Center, located at 200 Juneau Drive, Louisville, Kentucky.

01:40:01 Commissioners' deliberation

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CASE NO. 16ZONE1026

01:43:51 The Committee by general consensus scheduled this case to be heard at a Planning Commission public hearing, to be held on November 14, 2016 at 6:00 p.m. at the East Government Center, located at 200 Juneau Drive, Louisville, Kentucky.

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New Business

CASE NO. 14ZONE1064

Request: Change in zoning from R-R to C-1 on approximately 5.89 acres with Variances and Waivers

Project Name: Pope Lick Station

Location: 14005 Taylorsville Road

Owner: Church of Christ

Applicant: Pope Lick Station LLC

Representative: Norm Graham; R.W. Moore Consulting Engineers

Jurisdiction: Louisville Metro

Council District: 20 – Stuart Benson

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

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.)

An audio/visual recording of the Planning Commission hearing 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:

01:44:43 Julia Williams presented the case and showed the site plan (see staff report and recording for detailed presentation.) She specifically reviewed items on the plan (listed in the staff report) which did not comply with the Floyds Fork DRO.

The following spoke in favor of the request:

Norm Graham (applicant's attorney), 7508 New LaGrange Road #3, Louisville, KY 40222

Richard W. Moore, 10213 Linn Station Road Suite 3, Louisville, KY 40223

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CASE NO. 14ZONE1064

Joe Johnson, 10712 Linn Station Road, Louisville, KY 40223

Mark Boardman, 908 South Eighth Street Suite 102, Louisville, KY 40205

Stan Lichtefeld, 629 South Fourth Avenue #102, Louisville, KY 40202

Summary of testimony of those in favor:

01:51:19 Norm Graham, the applicant's representative, presented the applicant's case (see recording for detailed presentation.) He noted that this site does not have access to sewers; however, the applicant has a letter from the Health Department stating that the site can be constructed with on-site sanitary services in accordance to State law. He added that the restaurant may need to wait for future development, until sanitary sewers become available.

02:00:30 Commissioner Carlson and Mr. Graham discussed bicycle parking, and the connection of the site to the Louisville Loop.

02:03:45 Richard Moore, the engineer for the project, discussed the 25-foot easement for MSD for future sanitary sewers which will be provided.

02:05:01 Joe Johnson, an applicant, explained his idea to tie a bike shop to the Louisville Loop.

The following spoke in opposition to the request:

Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299

Gary McGruden, Wilderness Trail, Fisherville, KY 40023

Bertram Stockor, 16313 Crooked Lane, Fisherville, KY 40023

Jeff Frank, 16509 Bradbe Road, Fisherville, KY 40023

Aurilla Lesley, 3807 Wilderness Trail, Louisville, KY 40299

George Sotsky, 3805 Wilderness Trail, Louisville, KY 40299

Michael Farmer, 15100 Old Taylorsville Road, Fisherville, KY 40023

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CASE NO. 14ZONE1064

George Hoge, 16320 Taylorsville Road, Fisherville, KY 40023

Kathy Toboben, 345 Williams Road, Louisville, KY 40299

Summary of testimony of those in opposition:

02:08:30 Steve Porter, representing the Fisherville Area Neighborhood Association, spoke in opposition. Main concerns included: inadequate sewage disposal plans; the plan does not include turn lanes; the development will bring more traffic to an already dangerous intersection; tree canopy calculations are "off" and vegetation is not being preserved; the retaining wall; and having the parking in front, along Taylorsville Road. He said a new neighborhood meeting should be held, with the new plan.

02:18:10 George Hoge spoke in opposition. His concerns include increased traffic; sewage; roadways with poor visibility; and the retaining wall. He pointed out that the incline of the site is steep.

02:20:44 Michael Farmer spoke in opposition. His concerns include the location; traffic; and the environment. Also, he said the plan being presented now is different than what was presented at the neighborhood meeting.

02:23:01 George Sotsky was called but declined to speak.

02:23:12 Aurilla Lesley was called but declined to speak.

02:23:13 Jeff Frank spoke in opposition, as a private citizen and on behalf of the Future Fund. He showed a Power Point presentation which included photos of the site and the surrounding area/s. His primary concerns were: lack of sewer service; viewscape; clear-cutting the site; dangerous intersection; and the project is out of character with the rest of the area. He said the Future Fund is "strongly opposed" to this project.

02:37:24 Bertram Stockor said there is a "major traffic concern" in this area, with large back-ups during peak hours. He said that turning lanes will not mitigate the traffic issues already in the area.

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CASE NO. 14ZONE1064

02:38:43 Kathy Toboben spoke in opposition. Her primary concerns include: clear-cutting the site, traffic back-ups and accidents; and particularly the Floyds Fork watershed. She said no consideration has been given to the Floyds Fork DDRO.

The following spoke neither for nor against:

No one spoke.

Rebuttal:

02:42:05 Norm Graham presented the applicant's rebuttal. He said this plan is "virtually identical" to the plan presented at the neighborhood meeting. He said the only change subsequent to the public meeting was a sidewalk, and a few interior landscape areas were added. He said traffic issues were discussed "in great detail" at the neighborhood meeting, along with the sanitary sewer system/service. He said the plan will be amended to include turn lanes before the public hearing. He discussed the retaining wall, and explained that it is not a uniform height along its entire length.

02:46:35 Mark Boardman, an applicant's representative, discussed the sanitary sewer issue and compliance with State and local Health Department regulations.

02:49:43 Stan Lichtefeld discussed changes/additions to the plan, the traffic study, the retaining walls and their dual purpose of buffering the development from Taylorsville Road, and the building density.

02:52:08 Joe Johnson said the bike shop should not open until after morning peak hours, and most of the traffic should be coming from the Parklands bike trail. He said the restaurant is "a distant phase 2" of this proposal.

02:54:52 Tony Kelly - MSD discussed the sewer situation in this area. He said there are no current plans for sewers in this area. He said MSD is beginning the study of the entire "sewershed"; however, there is no construction money in the budget at this time.

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CASE NO. 14ZONE1064

02:57:21 Commissioners' deliberation

Commissioner Carlson asked for more information about the retaining walls (what they will look like, made out of, etc.) and more about the design features on the two retail buildings. Commissioner Brown said the applicant must address the Floyds Fork review comments in the staff report, as well as State requirements for drives and roads.

Mr. Porter asked for an hour-long presentation time, and also that the applicant provide the technical review items discussed above to the public two weeks before the hearing.

The Committee by general consensus scheduled this case for public hearing at the November 17, 2016 Planning Commission public hearing.

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The meeting adjourned at approximately 4:15 p.m.

Chairman

Division Director