

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

February 22, 2018

A meeting of the Land Development and Transportation Committee was held on Thursday, February 22, 2018 at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Committee Members present were:

Richard Carlson (Acting Chair)
Ramona Lindsey
Jeff Brown

Committee Members absent were:

Marilyn Lewis, Chair
Rob Peterson, Vice-Chair

Staff Members present were:

Brian Davis, Planning & Design Manager
Joel Dock, Planner II
Laura Mattingly, Planner II
Julia Williams, Planning Supervisor
Beth Jones, Planner II
Jay Lockett, Planner I
John Carroll, Legal Counsel
Travis Fiechter, Legal Counsel
Chris Cestaro, Management Assistant (minutes)

Others Present:

Beth Stuber, Transportation Planning
Tony Kelly, MSD

The following matters were considered:

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Election of Chairperson for today's meeting

00:04:54 On a motion by Commissioner Brown, seconded by Commissioner Lindsey, the following resolution was adopted:

RESOLVED, the members of the Louisville Metro Land Development and Transportation Committee elect Commissioner Richard Carlson to Chair today's meeting.

YES: Commissioners Brown and Lindsey.

NO: No one.

NOT PRESENT: Commissioners Lewis and Peterson.

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Approval of Minutes

Approval of the February 8, 2018 LD&T Committee Meeting Minutes

00:05:27 On a motion by Commissioner Lindsey, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on February 8, 2018.

The vote was as follows:

YES: Commissioners Lindsey and Carlson.

ABSTAINING: Commissioner Brown.

NOT PRESENT: Commissioners Lewis and Peterson.

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New Business

Case No. 18STREETS1002

Request:	Rename part of Sundrop Lane to Truman Way
Project Name:	Sundrop Lane Name Change
Location:	Sundrop Lane north of Bayport Road
Owner:	City of Jeffersontown
Applicant:	City of Jeffersontown
Representative:	Steve Rusie
Jurisdiction:	City of Jeffersontown
Council District:	20 – Stuart Benson

Case Manager: **Jay Lockett, Planner I**

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

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

Agency Testimony:

00:07:51 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Steve Rusie, City of Jeffersontown, 10416 Watterson Trail, Louisville, KY 40299

Summary of testimony of those in favor:

00:09:33 Steve Rusie, representing the City of Jeffersontown, said he was available to answer any questions.

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

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New Business

Case No. 18STREETS1002

00:11:53 On a motion by Commissioner Brown, seconded by Commissioner Lindsey, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby place this case to be heard on the Business Session of the **March 1, 2018** Planning Commission public hearing.

YES: Commissioners Brown, Lindsey and Carlson.
NOT PRESENT: Commissioners Lewis and Peterson.

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New Business

Case No. 17STREETS1028

Request:	Rename Kenzie Ridge Way to Mona Ridge Way
Project Name:	Kenzie Ridge Way name change
Location:	Kenzie Ridge Way
Owner:	Louisville Metro
Applicant:	Dove Point Estates, LLC
Representative:	Kelly Jones - Sabak, Wilson & Lingo
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson

Case Manager: **Jay Luckett – Planner I**

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

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

Agency Testimony:

00:12:58 Jay Luckett presented the case (see staff report and recording for detailed presentation.) In response to a question from Commissioner Carlson, Mr. Luckett said parts of the subdivision have started construction, but the properties around this planned street are all vacant and are all owned by the applicant.

The following spoke in favor of the request:

Kelly Jones, Sabak Wilson & Lingo, 608 South Third Street, Louisville, KY 40202

Summary of testimony of those in favor:

00:14:52 Kelly Jones, the applicant's representative, presented the applicant's case and showed a brief Power Point presentation (see recording for detailed presentation.)

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New Business

Case No. 17STREETS1028

The following spoke in opposition to the request:

No one spoke.

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

00:16:21 On a motion by Commissioner Brown, seconded by Commissioner Lindsey, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby place this case to be heard on the Business Session of the **March 1, 2018** Planning Commission public hearing.

YES: Commissioners Brown, Lindsey and Carlson.
NOT PRESENT: Commissioners Lewis and Peterson.

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New Business

Case No. 17ZONE1049

Request:	R-4 & C-1 to C-2 with Conditional Use Permit
Project Name:	Williams Self Storage
Location:	4627 Bardstown Road
Owners:	John & Shirley Maquire, Raymond & Florence Bischoff
Applicant:	John Fox – Williams Properties
Representative:	Clifford Ashburner – Dinsmore & Shohl, LLP
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel

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

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

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

Agency Testimony:

00:17:02 Laura Mattingly presented the case (see staff report and recording for detailed presentation.) This case was heard previously at the February 8, 2018 LD&T Committee meeting. She discussed the technical issues that had needed to be addressed, which were:

- Approval from KYTC regarding the access along Bardstown Road. The applicant has worked with the State and developed a binding element to resolve this (see proposed binding element #10 on page 7 of the staff report.)
- MSD comments were addressed and they have given their preliminary approvals.
- Metro Transportation Planning still maintains their request for ROW dedication along Watterson Trail. This still needs to be resolved.

00:18:47 In response to a question from Commissioner Lindsey, Ms. Mattingly clarified the access issue.

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New Business

Case No. 17ZONE1049

00:19:36 In response to a question from Commissioner Brown, Ms. Mattingly discussed a parcel of property that is an R-4 / C-1 mix (see recording for detailed discussion.)

The following spoke in favor of the request:

Clifford Ashburner, Dinsmore & Shohl, 101 S 5th Street Suite #2500, Louisville, KY 40202

Summary of testimony of those in favor:

00:21:08 Cliff Ashburner, the applicant's representative, reviewed the information presented at the last LD&T meeting. He then discussed the ROW dedication along Watterson Trail and the proposed reconfiguration of the entrance along Bardstown Road (see recording for detailed presentation.)

00:22:46 Mr. Ashburner read the following binding element into the record, as follows:

Upon development or redevelopment of the property adjacent to the subject property to the west (4609-4623 Bardstown Road, the "West Property") a unified access and circulation system shall be developed that will provide the subject property commercially reasonable access through the West Property to Bardstown Road, as determined by the parties in conjunction with Louisville Metro Public Works and the Kentucky State Transportation Cabinet. Upon the completion and opening of said access point, the existing access point on the subject property shall be closed. The property owner of the West Property and the owner of the subject property shall enter into a construction and maintenance agreement concerning the access, which shall be on commercially reasonable terms and under which the owner of the subject property shall pay no more than 50% of the construction costs directly attributable to the construction of the access nor more than 50% of the maintenance of the access. This agreement shall be memorialized in an easement agreement that is approved by the Jefferson County Attorney's office.

00:25:04 Commissioner Carlson asked if binding elements be enforced against adjacent property that the applicant does not own (the "West Property".) Mr. Ashburner said the West Property is for sale and will likely be developed as

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Case No. 17ZONE1049

commercial property. He discussed the location of the entrance and the issues that the State has expressed concerns about, which is what this binding element and entrance location are trying to address (see recording for detailed discussion.) He said he tried to word the proposed binding element to ensure that there would be room to negotiate on both parts.

00:29:04 Commissioner Carlson asked if the binding element should address who bears the expenses of closing the entrance that is planned for eventual closure. Mr. Ashburner said he assumed that his client would be responsible for that. He said he could add that language into the binding element prior to the public hearing.

00:30:04 Commissioner Brown said that, if the West Property comes in for a rezoning, they would be required to provide a cross-connection to the abutting property without any compensation.

00:31:21 Julia Williams, Planning Supervisor, discussed enforceability issues with the binding element. She said the part that talks about cost-sharing should be a private agreement between the adjacent owner/s and should not be part of the binding element. Mr. Ashburner agreed to work with staff and KYTC before the public hearing.

00:33:18 Commissioner Brown discussed the ROW dedication on the residual tract.

The following spoke in opposition to the request:

No one spoke.

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

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

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New Business

Case No. 16ZONE1072

Request: R-4 Single Family Residential to EZ-1
Enterprise Zone
Project Name: Greenbelt Warehouse
Location: 7001 Greenbelt Highway
Owner: Louisville and Jefferson County Riverport
Authority
Applicant: Eagle Point CD LLC
Representative: Clifford Ashburner – Dinsmore & Shohl, LLP
Jurisdiction: Louisville Metro
Council District: 1 – Jessica Green

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

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

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

Agency Testimony:

00:35:24 Laura Mattingly presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Cliff Ashburner, Dinsmore & Shohl, 101 S 5th Street Suite #2500, Louisville, KY 40202

Kelly Jones, Sabak Wilson & Lingo, 608 South Third Street, Louisville, KY 40202

Summary of testimony of those in favor:

00:38:23 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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Case No. 16ZONE1072

00:44:38 In response to a question from Commissioner Brown, Mr. Ashburner said that right now there is currently no final design for the fence that will surround the loading dock, but that one will be presented at the Planning Commission public hearing.

00:44:59 Commissioner Carlson asked about the mature trees (species; effectiveness as buffers, etc.) Kelly Jones, an applicant's representative, discussed landscaping. Commissioner Carlson also asked if any consideration had been given to a sound-barrier type of wall. Ms. Jones said the applicant is open to discussion about a sound wall or fence. Commissioners Carlson and Lindsey asked that a sound engineer be present at the public hearing.

00:47:09 In response to a question from Commissioner Carlson, Mr. Ashburner said hours of operation could potentially be 24-hours a day. He also discussed binding element #7 and truck idling. Commissioner Carlson also asked for further information about lighting.

00:49:49 In response to a question from Commissioner Lindsey, Mr. Ashburner said tree preservation is reflected on the plan.

The following spoke in opposition to the request:

James Chambers, spokesperson for Hunters Hill subdivision,

Summary of testimony of those in opposition:

00:51:08 James Chambers, spokesperson for Hunters Hill subdivision, discussed some of the concerns of the residents. Concerns include traffic; the close proximity of idling semi –trucks; the close proximity of the loading docks to the residents' homes; noise; pollution; and drainage. He requested a retaining wall. He said the trees cannot be used as a buffer due to the lack of leaves for half of the year. He added that trucks would back up onto Greenbelt as they wait to turn into the property.

00:56:43 Tony Kelly, MSD representative, discussed the floodplain ordinance, floodplain compensation, and drainage (see recording for detailed discussion.)

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Rebuttal:

01:03:04 Mr. Ashburner addressed the floodplain area around Mill Creek in relation to the site; tree preservation on the site; and how this use will affect the residential areas along the north property line. He discussed the berm waiver that is being requested (will actually go all the way around the site.)

01:05:14 Commissioner Carlson referenced Mr. Chambers' concerns about trucks using the north access. He suggested that the applicant could do some more work on the internal design to discourage trucks from using that access; also, that a possible binding element could restrict trucks. Mr. Ashburner said that could be worked on before the public hearing.

01:05:58 Commissioner Brown discussed the location of the basin to preserve trees on the site. Kelly Jones said the reason for the proposed location of the basin is due to some wetlands in a location (see recording for detailed explanation.) The applicant was trying to avoid affecting the intermittent streams and wetland areas.

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

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

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New Business

Case No. 17ZONE1016

Request:	R-6 to OR-1
Project Name:	Triple C's Barber Shop
Location:	826 Humler Street
Owner:	John Cole III
Applicant:	John Cole III
Representative:	Milton R. Haskins Jr.
Jurisdiction:	Louisville Metro
Council District:	6 – David James

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

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

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

Agency Testimony:

01:07:39 Laura Mattingly presented the case (see staff report and recording for detailed presentation.)

01:09:16 In response to a question from Commissioner Brown, Ms. Mattingly used the site plan to point out the areas that are proposed for rezoning. Commissioner Brown also had a question about whether a parking study is required for this site.

01:09:45 Commissioner Brown and Ms. Mattingly discussed the parking waiver. Commissioner Brown said that Chapter 9 of the Land Development Code requires a parking study to justify using on-street parking that is not adjacent to the site. Ms. Mattingly said the applicant is fine with doing that before the public hearing.

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Case No. 17ZONE1016

The following spoke in favor of the request:

Milton Haskins, 900 West Market Street, Louisville, KY 40202

Summary of testimony of those in favor:

01:10:21 Milton Haskins, the applicant's representative, said he was available to answer questions or address issues. Hours of operation are estimated to be 8:00 a.m. to 5:00 p.m., with Saturday hours being 8:00 a.m. to 12:00 p.m.

The following spoke in opposition to the request:

No one spoke.

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

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

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New Business

Case No. 18WAIVER1002

Request:	Waiver to permit an accessory structure building footprint to exceed the footprint of the principle structure
Project Name:	Residential Garage
Location:	1716 Kurz Way
Owner:	David A. Nicholson
Applicant:	David A. Nicholson
Representative:	David A. Nicholson
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell

Case Manager: **Beth Jones, AICP, Planner II**

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

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

Agency Testimony:

01:11:30 Beth Jones presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

David Nicholson, 1716 Kurz Way, Louisville, KY 40216

Summary of testimony of those in favor:

01:14:42 David Nicholson, the applicant, explained the purpose of the extended garage and the request/s.

01:16:10 In response to a question from Commissioner Lindsey, Mr. Nicholson said this will be a metal garage. He added that the design will adhere

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New Business

Case No. 18WAIVER1002

to residential requirements. In response to a question from Commissioner Carlson, Mr. Nicholson said this garage is not intended for any kind of commercial use.

**The following spoke in opposition to the request:
No one spoke.**

The following spoke neither for nor against the request:
JoAnn and Kenneth Bryant, 1718 Kurz Way, Louisville, KY 40216

Summary of testimony of those neither for nor against:

01:19:05 JoAnn Bryant, a next-door neighbor, said she is concerned about drainage.

01:20:48 Tony Kelly, from MSD, explained about erosion control and drainage patterns as related to the building permit (see recording for detailed presentation.)

01:22:30 Mr. Nicholson said that MSD required him to put a note on his drawings requesting that he get the construction permit prior to getting the building permit. He said he is aware of the issue of erosion control and water runoff.

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.

On a motion by Commissioner Brown, seconded by Commissioner Lindsey, the following resolution based on the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver will not adversely affect adjacent property owners as the placement and size of the proposed garage is not out of character for the vicinity; and

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WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. The proposal meets Guideline 3, Policies 1 and 2 which calls for compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district; and

WHEREAS, the Committee further finds that the extent of the waiver is the minimum necessary to afford relief to applicant as the proposal meets all remaining requirements; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested Waiver of LDC 5.4.2.c.1. to permit an accessory structure building footprint to exceed the footprint of the principal structure.

The vote was as follows:

YES: Commissioners Brown, Lindsey, and Carlson.

NOT PRESENT: Commissioners Peterson and Lewis.

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New Business

Case No. 17ZONE1039

Request:	Change in zoning from R-4 Single Family Residential to C-1 Commercial
Project Name:	Crossroads IGA
Location:	6101 Fegenbush Lane
Owner:	Byron R. Pendleton
Applicant:	JR Food Stores, Inc.
Representative:	John Talbott – Bardenwerper, Talbott & Roberts PLLC
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin

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

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

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

Agency Testimony:

01:26:09 Joel Dock presented the case (see staff report and recording for detailed presentation.) He discussed the technical review item related to the dumpster location. He said the applicant appears to have addressed that comment by submitting new plans this morning showing the revised dumpster location.

01:28:57 Commissioner Brown asked if the applicant needs to provide pedestrian connections to the public sidewalks along both frontages, or just one? Mr. Dock said this can be discussed between the applicant and the Committee (see recording for detailed discussion.)

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New Business

Case No. 17ZONE1039

The following spoke in favor of the request:

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

Andrew Webb, 700 Church Street, Bowling Green, KY 42102

Summary of testimony of those in favor:

01:30:49 John Talbott, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:41:27 In response to a question from John Carroll, legal counsel for the Planning Commission, Mr. Talbott said the 1951 structure on the site cannot be saved.

01:42:03 In response to a question from Commissioner Lindsey, Mr. Talbott said hours of operation would be 24-hours for the gas pumps, but the store would have a closing time. He said that information would be presented at the Planning Commission hearing.

01:42:40 Commissioner Carlson asked if the gas pumps would be attended, since they would be operational 24-hours. Andrew Webb, representing the applicant, discussed specific operational issues (see recording for detailed discussion.) He said the gas pumps would not be attended after hours; also, only one of their stores is open after 10:00 p.m.

01:44:55 In response to questions from Commissioner Brown, Mr. Webb discussed signage and the façade waivers. He said there will be a freestanding sign which will comply with sign regulations. The façade waiver will be for both Hurstbourne and Fegenbush frontages.

The following spoke in opposition to the request:

No one spoke.

An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning &

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Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

The Committee by general consensus scheduled this case to be heard at the **March 29, 2018** Planning Commission public hearing.

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New Business

Case No. 17ZONE1055

Request:	Highview PDD Text Amendments
Project Name:	Highview PDD Text Amendments
Location:	Highview Town Center (Fegenbush Lane, Beulah Church Road, Outer Loop)
Owner:	N/A
Applicant:	Louisville Metro Planning Commission
Representative:	N/A
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden

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

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

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

Agency Testimony:

01:48:15 Joel Dock presented the case (see staff report and recording for detailed presentation.)

01:58:35 In response to a question from Commissioner Brown regarding Amendment #3 (home occupations), Mr. Dock clarified that “home occupations” would not trigger a sidewalk requirement.

The following spoke in favor of the request:

No one spoke.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

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Case No. 17ZONE1055

Paul Grisanti, 201 Moser Road Suite C, Louisville, KY 40223

Tony Senninger (sp), 11107 Cedar Creek Road, Louisville, KY

Summary of testimony of those neither for nor against:

02:01:50 Paul Grisanti asked if the changes affect his property and what the amendments mean for his property (7401 Fegenbush Lane.) Joel Dock and Mr. Grisanti discussed developing apartments in this area (see recording for detailed discussion.) In response to a question from Mr. Grisanti, Mr. Dock discussed proposed Amendment #1.

02:07:39 Tony Senninger, a property owner, asked, if there are no structural changes made to a building, will he have to do anything to it as a result of these proposed changes. Mr. Dock said existing drive-throughs would be permitted to continue; no new drive-throughs. He addressed footprint changes and sidewalk requirements.

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

The Committee by general consensus scheduled this case to be heard at the **March 29, 2018** Planning Commission public hearing.

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The meeting adjourned at approximately 3:11 p.m.

Chairman

Division Director