

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
April 25, 2019**

A meeting of the Land Development and Transportation Committee was held on, April 25, 2019 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Marilyn Lewis, Chair
Rob Peterson, Vice Chair
Richard Carlson
Jeffrey Brown – Left approximately 1:45 p.m.
Ruth Daniels

Staff Members present were:

Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning and Design Manager
Julia Williams, Planning and Design Supervisor
Dante St. Germain, Planner II
Jay Lockett, Planner I
Lacey Gabbard, Planner I
John Carroll, Legal Counsel
Mark Dutrow, Engineer II
Pamela M. Brashear, Management Assistant

The following matters were considered:

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
Date

APPROVAL OF MINUTES

APRIL 11, 2019 LD&T COMMITTEE MEETING MINUTES

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted.

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on April 11, 2019.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Peterson and Lewis

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 18STREETS1024

Request: Alley closure
Project Name: Shelbyville & Madison
Location: Alley south of Shelbyville Road and east of Madison Avenue
Owner: Middletown
Applicant: William Joe Roberts, Robert's Electronics
Representative: Mark Willmoth, Willmoth International PSC
Jurisdiction: Middletown
Council District: 19 – Anthony Piagentini
Case Manager: Lacey Gabbard, AICP, 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.)

Agency Testimony:

00:03:18 Ms. Gabbard discussed the case summary, standard of review and staff analysis from the staff report.

00:04:30 Commissioner Carlson asked if any of the emergency services had comments regarding the closure. Ms. Gabbard said the Middletown fire department has given approval.

00:05:36 Ms. Williams stated this case can be forwarded to the Planning Commission Consent Agenda because there's 100% consent for the closure. It will be sent to the city of Middletown for final approval.

The following spoke in favor of this request:

Mark Willmoth, 205 South Birchwood Avenue, Louisville, Ky. 40206

William J. Roberts, 11704 Shelbyville Road, Louisville, Ky. 40243

Summary of testimony of those in favor:

00:06:31 Mr. Willmoth, the land surveyor, stated the alley has not been opened for a long time. There are other neighbors using it for parking. There's a 17 foot grade difference between the western and eastern terminus.

00:06:42 Mr. Roberts stated he runs an electronics business and wants to rent the building next door. Right now the property is landlocked and there's no room for growth. The back portion will be used for parking.

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NEW BUSINESS

CASE NO. 18STREETS1024

Deliberation

00:09:35 Planning Commission deliberation.

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

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the staff report and information heard today was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby schedule this case for the May 9, 2019 Planning Commission Consent Agenda.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Peterson and Lewis

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NEW BUSINESS

CASE NO. 18STREETS1029

Request: Alley closure
Project Name: 2070 Eastern Parkway Alley Closure
Location: Alley south of Eastern Parkway
Owner: Louisville Metro
Applicant: Laura Jones, Eagle Glen LLC
Representative: Cliff Ashburner/Daniel O’Gara, Dinsmore & Shohl LLP
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan
Case Manager: Lacey Gabbard, AICP, 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.)

Agency Testimony:

00:11:32 Ms. Gabbard discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, LLP, 101 South 5th Street, Suite 2500, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:12:52 Mr. Ashburner stated he doesn’t know why the one portion wasn’t closed. It doesn’t connect to anything. Please set this case for the May 9, 2019 Planning Commission Consent Agenda.

Deliberation

00:14:30 Planning Commission deliberation.

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

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the staff report and testimony heard today was adopted.

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NEW BUSINESS

CASE NO. 18STREETS1029

RESOLVED, that the Louisville Metro Planning Commission does hereby schedule this case for the May 9, 2019 Planning Commission Consent Agenda.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Peterson and Lewis

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NEW BUSINESS

CASE NO. 19STREETS1001

Request: Street closure
Project Name: Springwood Lane Street Closure
Location: Terminus of Springwood Lane
Owner: St. Matthews
Applicant: Leslie R. Shell and David A. White
Representative: Dennis L. Kraus, Sabak Wilson & Lingo
Jurisdiction: St. Matthews
Council District: 7 – Paula McCraney
Case Manager: Lacey Gabbard, AICP, 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.)

Agency Testimony:

00:15:33 Ms. Gabbard discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Dennis Kraus, Sabak, Wilson and Lingo, 608 South 3rd Street, Louisville, Ky. 40202
Leslie Shell, 417 Springwood Lane, Louisville, Ky. 40207

Summary of testimony of those in favor:

00:16:54 Mr. Kraus submitted photographs into the record. The photographs were taken while the survey work was being done. The pavement coming down to the area to be closed is approximately a 6% grade. Once off the pavement there's an abrupt 20% grade change leading to the bottom of the hill. The applicants want to keep the property as natural as possible to encourage wildlife. Also, there will be 2 easements - sanitary sewer and LG&E.

00:18:29 Ms. Shell said she's here to answer questions.

Deliberation

00:19:01 Planning Commission deliberation.

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

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NEW BUSINESS

CASE NO. 19STREETS1001

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

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby schedule this case for the June 6, 2019 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Peterson and Lewis

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NEW BUSINESS

CASE NO. 19DEVPLAN1040

Request: Revised District Development Plan with Waivers
Project Name: Chamberlain Crossing
Location: 2635 Chamberlain Lane
Owner: Ian LLC
Applicant: Ian LLC
Representative: Land Design and Development
Jurisdiction: Louisville Metro
Council District: 17 – Markus Winkler
Case Manager: Jay Luckett, AICP, 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.)

Agency Testimony:

00:20:28 Mr. Luckett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jim Calvery, 6060 Dutchmans Lane, Suite 110, Louisville, Ky. 40205

Summary of testimony of those in favor:

00:23:26 Mr. Calvery stated this project wraps up the Chamberlain Ln. Industrial Park. There are 3 buildings designed for Ford vendors. The plan was approved last year and the last piece of property is very small and will more than likely be used as small office. There's not much room for truck storage. The design has not been decided, but it will be code compliant.

Deliberation

00:28:30 Planning Commission deliberation.

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

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NEW BUSINESS

CASE NO. 19DEVPLAN1040

1. Waiver of Land Development Code section 10.2.4.B.8 to allow a truck parking area to encroach into the 15 foot PEC property perimeter buffer.

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners, as the truck parking is actually proposed to serve the adjacent property and all required plantings will still be provided on the subject site; and

WHEREAS, Community Form goal 1, policy 16 says we should Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected. Community Form goal 2, policy 5 says we should locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it. Community Form goal 2, policy 6 says we should encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment. The proposed waiver will allow for the development of appropriate retail commercial within an existing activity center. The waiver will allow for a portion of the site to serve as truck parking for an adjacent light industrial use resulting in a more compact and efficient land use pattern. All required plantings will be provided on the subject site, and any potential negative impacts from the proposed development will be mitigated appropriately; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as all required plantings will still be provided; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds The strict application of the provisions would deprive the applicant of the reasonable use of the land, as the site is being developed in a unified manner with the adjacent site which was part of the same rezoning application. The adjacent site needs an area to accommodate additional truck parking and the subject site has the space to provide it, while still providing all required plantings.

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CASE NO. 19DEVPLAN1040

2. Waiver of Land Development Code section 10.2.10 to allow the parking lot to encroach into the 10 foot Vehicle Use Area Landscape Buffer Area along Chamberlain Ln.

WHEREAS, the waiver will not affect adjacent property owners as all required plantings and screening will still be provided; and

WHEREAS, Community Form goal 1, policy 16 says we should Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected. Community Form goal 2, policy 5 says we should locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it. Community Form goal 2, policy 6 says we should encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment. The waiver will allow for a compact development of appropriate retail commercial. As the site is narrow and has a significant grade change in the rear, the encroachment allowed by the waiver will allow for minimal disturbance of the existing site grades. All required plantings will be provided on the subject site and any potential impacts of the development on the surrounding community will be mitigated appropriately; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, as all required planting and screening will be provided on site; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as it would necessitate significant grading along the rear of the site which is much steeper than the rest of the property.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** a waiver of Land Development Code section 10.2.4.B.8 to allow a truck parking area to encroach into the 15 foot PEC property perimeter buffer and a waiver of Land Development Code section 10.2.10 to allow the parking lot to encroach into the 10 foot Vehicle Use Area Landscape Buffer Area along Chamberlain Ln.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Peterson and Lewis

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NEW BUSINESS

CASE NO. 19DEVPLAN1040

Revised District Development Plan

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the testimony heard today and the Standard of Review and Staff Analysis was adopted.

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

WHEREAS, there are no open space requirements pertinent to the current proposal; and

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

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, except where relief is requested.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised District Development Plan **SUBJECT** to the following Binding Elements:

Existing Binding Elements with proposed addition

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed

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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. 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 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 Land Development Code, 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. An Individual Historic Resource Survey Form shall be completed for any historic resources on the subject site. The documentation must occur prior to the issuance of a demolition permit or ground disturbance at the site. The documentation shall be submitted to Urban Design/Historic Preservation Staff upon completion.
 - e. A geotechnical report shall be submitted to staff for incorporation into the record.
 - f. A reciprocal access and crossover easement agreement for "truck access" 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
 - g. A legal instrument shall be recorded consolidating the property as shown on the approved development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.

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- h. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 6. 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. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
 8. No heavy-truck shall enter or exit the facility via Old La Grange Road. All heavy-truck access shall be limited to Chamberlain Crossing Drive.
 9. The design of the façade and landscaping along Old La Grange Road, including a four-board fence shall be substantially the same as depicted in the renderings as presented at the 01/04/18 Planning Commission meeting and stamped "received 01/18/2018".

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Peterson and Lewis

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NEW BUSINESS

CASE NO. 19SUBDIV1003

Request: Revised Major Preliminary Subdivision Plan
Project Name: Cedar Creek Conservation Subdivision
Location: 10803 Cedar Creek Road
Owner: JS Acquisitions
Applicant: JS Acquisitions
Representative: Mindel Scott and Associates
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
Case Manager: Jay Lockett, AICP, Planner I

NOTE: Commissioner Brown left at approximately 1:45 and did not vote on this case.

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

Agency Testimony:

00:31:00 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

David Mindel, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

00:32:31 Mr. Mindel gave a power point presentation. The existing ponds and streams will be saved. A cul-de-sac was added with no change to the number of lots. There's a slight reduction in the total conservation area, but still above the requirement. This is a better plan.

The following spoke in opposition to this request:

Ruth Puentes, 11107 Cedar Creek Road, Louisville, Ky. 40229

Summary of testimony of those in opposition:

00:36:54 Ms. Puentes gave a power point presentation. The primary concern are the environmentally constrained areas on the property. The revisions have reduced the

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impact but the mitigation measures fall short. There are streams in the line of construction and one of the sycamore trees is going to be removed. There needs to be more of a balance.

00:45:22 Ms. Puentes requests that the committee consider revisions that align with the mandate and spirit of the Land Development Code, the residents and making the community more in harmony with the environment.

Rebuttal:

00:46:15 Mr. Mindel stated the property is zoned R-4 and on a typical R-4 subdivision, there is no requirement for open space. Instead a substantial amount of open space is being preserved. The Core of Engineers has been on the site and made recommendations for preservation. The tree planting requirements will be adhered to as well. Commissioner Daniels asked how many streams will be eliminated. Mr. Mindel said they will follow the guidance from the Core of Engineers. Chair Lewis asked if there's any difference of the tree canopy percentage for this revision. Mr. Mindel said it was 308,867 square feet from the first plan and 333,941 square feet from the second plan, to be made up by an insignificant 5 trees.

Deliberation

00:50:12 Planning Commission deliberation.

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

Revised Major Preliminary Subdivision

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the revision to the Major Preliminary Subdivision, **SUBJECT** to the following Conditions of Approval:

Existing Conditions of Approval

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1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
2. The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by Planning Commission staff if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
3. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
4. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
5. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

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6. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
7. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
8. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
9. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
10. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
11. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.

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12. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
13. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
14. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
15. A deed restriction in a form approved by Counsel to the Planning Commission shall permanently prohibit further subdivision or development of conservations areas.
16. The applicant shall submit a Conservation Area Management Plan detailing the entities responsible for maintaining various elements of the property, and describing management objectives and techniques for each part of the property.
17. In the event the party responsible for maintenance of the Conservation Areas fails to maintain all or any portion in reasonable order and condition according to the Management Plan, Louisville Metro Government may assume responsibility for its maintenance and may enter the premises and take corrective action, including provision of extended maintenance. The cost of maintenance may be charged to the Management Entity, or the individual property owners according to the pro-rata share based on the Management Plan. Costs may include administrative costs in taking such actions as well as penalties as provided under these regulations. Such costs shall become a lien on all subdivision properties.
18. The developer shall work with the State of Kentucky and Louisville Metro Transportation to determine the best mitigation for the intersection of Mount Washington Road and Cedar Creek Road, whether that be a left-turn lane on Mount Washington Road, or a three-way stop, and to have that mitigation determined and outlined on the construction plans. However, construction does not need to be completed until mandated by the State.

The vote was as follows:

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YES: Commissioners Carlson, Daniels, Peterson and Lewis
NOT PRESENT AND NOT VOTING: Commissioner Brown

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NEW BUSINESS

CASE NO. 19ZONE1011

Request: Change in zoning from C-1 to C-2, with associated Detailed District Development Plan with Binding Elements and removal of General Plan Binding Elements

Project Name: Townfair Center Rezoning

Location: 1915 and 1917 South Hurstbourne Parkway

Owner: Hurstbourne Townfair Station LLC

Applicant: Hurstbourne Townfair Station LLC

Representative: Bardenwerper Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 18 – Marilyn Parker

Case Manager: Dante St. Germain, AICP, Planner II

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

Agency Testimony:

00:54:04 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

Ms. St. Germain requests that the case be continued due to the KYTC traffic study request.

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:56:54 Mr. Pregliasco gave a power point presentation. Kentucky Transportation Cabinet, KYTC, has requested a traffic study. The potential tenant won't sign the lease until the correct zoning is in place. The flexibility is needed. A new sign is being proposed. A Trip Generation will be shown to KYTC to prove there will be less trips generated than the old tenant (Walmart). Commissioner Carlson asked if the entire site will be rezoned to C-2. Mr. Pregliasco said yes. Also, how can you do a traffic study if you don't know what the different uses will be? Mr. Pregliasco said they will ask that of KYTC as well. The most significant change with the traffic would be the large Walmart building. It will be proposed as an event venue, which is not a peak hour generator. Commissioner Daniels asked how many nearby stores are vacant. Mr. Pregliasco said 3.

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NEW BUSINESS

CASE NO. 19ZONE1011

The following spoke in opposition to this request:

Jim Lynch, 1903 Hurstbourne Circle, Louisville, Ky. 40220

Summary of testimony of those in opposition:

01:08:45 Mr. Lynch stated C-1 allows many uses and there's a lot of traffic. There are 7 lanes with traffic bumper to bumper from 7 a.m. to 7 p.m. Other neighbors will be negatively impacted with C-2, including a historic home (built in 1855). Noise, pollution and visual impacts are concerns as well.

Mr. Lynch requests postponing any decision for this case until the traffic study is completed. Chair Lewis asked Mr. Lynch if there are specific uses he would want to eliminate through binding elements. Mr. Lynch said yes.

Deliberation

01:14:58 Planning Commission deliberation.

01:15:42 Mr. Reverman asked why the entire property needs to be rezoned to C-2 and not just the Walmart building. Mr. Pregliasco said for flexibility purposes regarding replacing the anchor tenant (Walmart) and to keep the center usable and viable. The objectionable uses can be eliminated.

01:18:47 Chair Lewis stated the 2 properties are under 1 zoning request.

01:19:19 Commissioner Carlson stated he's concerned about setting a precedent. Shouldn't the request include a form district change as well? Mr. Pregliasco will discuss it with Planning and Design staff.

01:21:26 Chair Lewis asked if this case needs to be continued to a date certain or uncertain. Mr. Reverman said leave it to the discretion of the applicant. Mr. Pregliasco requests a date certain.

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

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
April 25, 2019

NEW BUSINESS

CASE NO. 19ZONE1011

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the May 16, 2019 LD&T meeting.


The vote was as follows:

YES: Commissioners Carlson, Daniels, Peterson and Lewis
NOT PRESENT AND NOT VOTING: Commissioner Brown


LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
April 25, 2019

ADJOURNMENT

The meeting adjourned at approximately 2:23 p.m.



Chair



Planning Director