

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
August 10, 2017**

A meeting of the Land Development and Transportation Committee was held on, August 10, 2017 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
Jeff Brown
Richard Carlson
Ramona Lindsey

Staff Members present were:

Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning and Design Manager
Julia Williams, Planning Supervisor
Beth Jones, Planner II
Laura Mattingly, Planner II
Jay Lockett, Planner I
John Carroll, Legal Counsel
Tammy Markert, Transportation Planning
Tony Kelly, MSD
Pamela M. Brashear, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

JULY 27, 2017 LD&T COMMITTEE MEETING MINUTES

On a motion by Commissioner Brown, 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 July 27, 2017.

The vote was as follows:

YES: Commissioners Brown, Lindsey, Peterson and Lewis

ABSTAINING: Commissioners Carlson

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NEW BUSINESS

CASE NO. 17PARK1009

Case No: 17PARK1009
Project Name: PLS Check Cashers
Location: 6602 Preston Highway
Owner(s): PLS Property Management of KY
Applicant: PLS Property Management of KY
Jurisdiction: Louisville Metro
Council District: 21 – Dan Johnson
Case Manager: Jay Luckett, 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:

00:07:31 Mr. Luckett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Chris Brown, BTM Engineering, 3001 Taylor Springs Drive, Louisville, Ky. 40220
Thomas Serrano, 2659 North Central Park, Chicago, Il. 60618

Summary of testimony of those in favor:

00:10:07 Mr. Brown gave a power point presentation. "There is interior landscaping being provided within the lot that meets the Chapter 10 Land Development Code requirements, as well as VUA (vehicular use area) LBA (landscape buffer area) being provided on both street frontages. There is a reduction in the overall pavement on the site by providing those required landscape areas, in addition to being able to provide the requested parking at 23 spaces."

00:15:41 Mr. Serrano said there's not enough parking for the employees, so they wish to increase the parking to 23 – 25 spaces.

Deliberation

00:16:53 Commissioner Peterson said it's a good reuse of the site, more attractive with additional green space and the parking looks unobtrusive and shouldn't be an issue. Commissioner Carlson said the new building will make that intersection more attractive. Commissioner Brown said the applicant has adequately justified the waiver.

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NEW BUSINESS

CASE NO. 17PARK1009

Commissioner Lindsey and Chair Lewis agree with statements made by the other commissioners.

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

WHEREAS, Guideline 7 Policy 10 states that parking requirements should take into account the density and relative proximity of residences to businesses in the market area, the availability and use of alternative modes of transportation, and the character and pattern of the form district. Additional considerations including hours of operation and opportunities for shared parking may be factored on a site by site basis. On-site parking standards should reflect the availability of on-street and public parking. A parking study provided by the applicant demonstrates the need for this specific use, check cashing facility, to offer the number of spaces requested due to the parking needs of employees on a maximum shift and peak hour customer demand, specifically for pay-day on Friday. The subject site does not have on-street parking available; and

WHEREAS, the applicant has proposed to redesign the site in compliance with the regulations of the Land Development Code and in accordance with applicable guidelines of the Comprehensive Plan. The applicant has significantly reduced the existing Vehicle Use Area of the site and added significant buffering that is to the benefit of surrounding uses with respect to landscaping, accessibility, and pedestrian connections; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use as the parking study demonstrates a need for the number of spaces requested based on the number of employees on a maximum shift and peak hour demand of similar facilities throughout Jefferson County. The parking requirements of Table 9.1.2 are based on square footage and the peak employees on site would occupy nearly all of those allowed spaces. Once peak customer parking demand is incorporated, a demand for 11 additional spaces is needed beyond the 10 employee spaces and the 2 required ADA spaces; and

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WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds this request is the minimum number of spaces that is needed on site to accommodate for employees and customers, specifically during peak hours of demand.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 17PARK1009, a parking waiver with the addition of the sidewalk access to Fern Valley based on the staff report, testimony heard today and the design presented by the applicant.

The vote was as follows:

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

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NEW BUSINESS

CASE NO. 17DEVPLAN1093

Case No: 17DEVPLAN1093
Project Name: HOS Properties
Location: 8727 Old Bardstown Road
Owner(s): HOS Properties, LLC
Applicant: HOS Properties, LLC
Jurisdiction: Louisville Metro
Council District: 22 - Robin Engel
Case Manager: Jay Lockett, Planner I

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the 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. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Ashley Bartley, Qk4, 1046 East Chestnut Street, Louisville, Ky. 40204

Summary of testimony of those in favor:

00:25:14 Ms. Bartley gave a power point presentation and discussed the waivers.

Deliberation

00:29:16 Planning Commission deliberation. Commissioner Lindsey stated the case is an appropriate use of the land, follows the Land Development Code except the waivers, and they are justified.

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 Lindsey, the following resolution was adopted.

Waiver of 5.8.1.B to not provide sidewalks in the Bardstown Rd. right-of-way

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WHEREAS, the waiver will not adversely affect adjacent property owners since adequate screening and buffering will still be provided onsite; and

WHEREAS, Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since sidewalks will still be provided within the Old Bardstown Rd. ROW; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the strict application of the regulation would deprive the applicant of the reasonable use of the land, as the grade of the Bardstown Rd. ROW is unsuitable for sidewalks in this location.

Waiver of 5.9.2.A.1.b.ii to not provide connections to adjacent sites

WHEREAS, the waiver will not adversely affect adjacent property owners since safe access between sites can still be achieved through sidewalks and roadways; and

WHEREAS, Guideline 2, Policy 13 encourages 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 requires 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. Guideline 7, Policy 16 calls for the promotion of joint access and circulation systems for development sites comprised of more than one building site or lot. 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 traffic on the main thoroughfare; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there are only two adjacent sites; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the strict application of the regulation would deprive the applicant of the

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reasonable use of the land, as the grade difference between the subject site and adjacent sites make direct connections between parking lots infeasible.

Detailed District Development Plan and Binding Elements

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, open space requirements are not part of this request; 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; 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, with the exception of the waiver requests under consideration today and the variance considered by the Board of Zoning adjustment.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 17DEVPLAN1093, a waiver of 5.8.1.B to not provide sidewalks in the Bardstown Rd. right-of-way and a waiver of 5.9.2.A.1.b.ii to not provide connections to adjacent sites based on the applicant's justification statements and the staff report; also, **APPROVE** the Detailed District Development Plan to include the binding elements listed on pages 7 and 8 of the staff report based on the testimony heard today and the staff report **SUBJECT** to the following Binding Elements:

Binding Elements

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The site is subject to all general plan binding elements approved under docket 9-67-88, in addition to the following:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's 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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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.

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6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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 August 10, 2017 Land Development and Transportation Committee meeting.
9. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

The vote was as follows:

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

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NEW BUSINESS

CASE NO. 17DEVPLAN1148

Case No: 17DEVPLAN1148
Project Name: Tennis Club
Location: 13501 and 13613 Factory Lane
Owner: James Klemenz
Applicant: STC Management
Jurisdiction: Dinsmore & Shohl LLP
Council District: 17 – Glen Stuckel
Case Manager: Beth Jones, AICP, Planner II

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

Agency Testimony:

00:33:02 Ms. Jones discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

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

Summary of testimony of those in favor:

00:36:57 Mr. Ashburner gave a power point presentation. The site is unique for CUP uses. Large pieces of the site will be effectively buffered from the adjacent neighborhood (as well as on site buffering).

Deliberation

00:48:03 Commissioner Peterson stated the proposal is a good use and there is a strong need for the area. Commissioner Carlson said sidewalk connections would be valuable to the neighborhood. Commissioner Lindsey stated this is a great facility to encourage health and wellness.

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. 17DEVPLAN1148

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 17DEVPLAN1148, a Category 3 Review for a Private Proprietary Club in an R-4 zoning based on the staff report and testimony heard today.

The vote was as follows:

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

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NEW BUSINESS

CASE NO. 17MOD1002

Case No: 17MOD1002
Project Name: The Vinings
Location: 9502 Williamsburg Plaza
Owners: BEC JDGV I, LLC
Applicant: Jefferson Development Group
Representative: Bardenwerper Talbott & Roberts
Jurisdiction: Hurstbourne
Council District: 18 – Marilyn Parker
Case Manager: Laura Mattingly, 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:

00:51:45 Ms. Mattingly spoke with the applicant and they request a continuance.

The following spoke in favor of this request:

John Talbott, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne, 2nd floor, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:51:58 Mr. Talbott stated he's working on a binding element and needs to continue this case to the next DRC meeting.

Deliberation

00:53:25 Commissioner Carlson stated that he doesn't like to see cases continued on the docket for long periods of time.

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 was adopted.

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NEW BUSINESS

CASE NO. 17MOD1002

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** Case No. 17MOD1002 to the August 16, 2017 DRC meeting based on the applicant's request.

The vote was as follows:

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

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NEW BUSINESS

CASE NO. 17ZONE1007

Case No: 17ZONE1007
Request: C-1 to C-2
Project Name: JPAT Investments
Location: 4213 Bardstown Road
Owner: Convenient Stores and Leasing Management
Applicant: JPAT Investments
Representative: Alex Rosenberg P.E., AL Engineering INC.
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill
Case Manager: Laura Mattingly, 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:

00:55:44 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Alex Rosenberg, 13000 Middletown Industrial Boulevard, Suite A, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:58:06 Mr. Rosenberg gave a power point presentation. The canopy and tanks were removed in September 2016 (old use-gas station). There are improvements to the entrance and the sidewalks will be continued in the back.

Deliberation

01:02:25 Planning Commission deliberation.

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

The Committee by general consensus placed this case on the September 7, 2017 public hearing at the Old Jail Building.

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NEW BUSINESS

CASE NO. 17ZONE1013

Case No: 17ZONE1013
Request: PRO to PEC
Project Name: FW Owens Company, LLC
Location: 4011 Shepherdsville Road
Owner: The Williams Group, LLC
Applicant: FW Owens Company, LLC
Representative: Bardwnwerper Talbott & Roberts, PLLC
Jurisdiction: West Buechel
Council District: 10 – Pat Mulvihill
Case Manager: Laura Mattingly, AICP, Planner II

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

Agency Testimony:

01:03:34 Ms. Mattingly discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

John Talbott, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne, 2nd floor, Louisville, Ky. 40223
David Garber, 2249 Commerce Parkway, LaGrange, Ky. 40031

Summary of testimony of those in favor:

01:07:28 Mr. Talbott gave a power point presentation. The intent for PRO and PEC are very similar. The plan is consistent with everything in the area. The swale is very important.

01:19:01 Mr. Garber stated, "It's an at-grade loading facility and will have a covering over it for when they bring things out in inclement weather so a truck can back up to it. It's not actually a depressed loading dock."

Deliberation

01:20:23 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. 17ZONE1013

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

The Committee by general consensus placed this case on the September 7, 2017 public hearing at the Old Jail Building.

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ADJOURNMENT

The meeting adjourned at approximately 2:17 p.m.



Chair



Planning Director