

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

March 22, 2018

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

Committee Members present were:

Marilyn Lewis, Chair
Rob Peterson, Vice-Chair
Richard Carlson
Jeff Brown

Committee Members absent were:

Ramona Lindsey

Staff Members present were:

Joseph Reverman, Assistant Director, Planning & Design Services
Julia Williams, Planning Supervisor
Laura Mattingly, Planner II
Ross Allen, Planner I
Jay Lockett, Planner I
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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Approval of Minutes

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

00:12:04 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

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

The vote was as follows:

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

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New Business

Case No. 17ZONE1079 & 17STREETS1027

Request:	Change in zoning from R-4 & C-1 to R-6 & C-2 and street closure of a portion of Old 18 th Street and Old Dixie Highway
Project Name:	River Pointe Apartments
Location:	12503 Dixie Highway
Owner:	RWD Properties
Applicant:	RWD Properties
Representative:	Daniel Senn
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler

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:

00:15:58 Laura Mattingly presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Daniel Senn, 2244 Taylorsville Rd, Louisville, KY 40205

Alex Rosenberg, 13000 Middletown Industrial Boulevard Suite A, Louisville, KY 40223

David Richardson, 6807 West Pages, Louisville, KY 40258 (signed in but did not speak)

Councilwoman Cindi Fowler, 601 West Jefferson Street, Louisville, KY 40202

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New Business

Case No. 17ZONE1079 & 17STREETS1027

Summary of testimony of those in favor:

00:20:03 Daniel Senn, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

00:24:22 In response to a question from Commissioner Carlson, Mr. Senn explained why the project cannot move forward without the related proposed street closure.

00:26:44 Alex Rosenberg, the engineer for the project, answered questions about the traffic study and the street closure (see recording for detailed discussion.) Commissioner Carlson explained that an "interrupted street" (gate across it; a closed portion, etc.) can be a problem for emergency services. Mr. Senn said the closed portions of the streets will have their pavement/s removed; the ROW will also be closed.

00:35:47 Commissioner Carlson and the applicant's representatives had a detailed discussion about the closure of the Old Dixie Highway portion. Commissioner Brown said he had some of the same concerns, and did not want a 100-foot residual ROW to remain after a road closure. He discussed the street closure.

00:38:01 - 00:45:16 There was detailed discussion about the closure of the Old Dixie Highway portion, including the emergency gates (see recording.) Issues included adjoining properties with frontage/s and/or accesses on Old Dixie and Dixie Highway and emergency responder access, among others.

00:46:08 In response to a question from Commissioner Lewis, Tony Kelly, representing MSD, discussed sewer easement issue/s and MSD comments about detention basin calculations.

00:48:00 Councilwoman Cindi Fowler spoke in support. She said adjoining property owners usually use the Orell Road entrance to access their properties, not the portion of Old Dixie Highway proposed for closure.

00:49:35 In response to a question from Commissioner Brown, Councilwoman Fowler said there were no C-2 uses that she would request "binding out" for the site but would prefer retail uses.

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New Business

Case No. 17ZONE1079 & 17STREETS1027

The following spoke in opposition to the request:

No one spoke.

Deliberation:

00:51:42 Commissioners' deliberation.

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.

00:54:02 The Committee by general consensus **initially** scheduled this case to be heard at the May 10, 2018 Planning Commission public hearing.

***NOTE: the applicant came back at the end of today's hearing to request an earlier public hearing date.**

02:30:39 Mr. Senn came back to ask for a reconsideration of the public hearing date. He said that he has contacted two property owners who would be affected by the street closure and both have agreed that they do want to close the ROW and they will sign documents to that effect. Mr. Senn said

02:31:44 The Committee by general consensus **re-scheduled** this case to be heard at the **April 19, 2018** Planning Commission public hearing.

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New Business

Case No. 17ZONE1078

Request: Change in zoning from UN to OR-2 and a Conditional Use Permit for off-street parking in a residential zone

Project Name: ACME Artworks

Location: 952 & 953 S. Clay Street

Owner: Sarah Ferguson Holdings, LLC

Applicant: ACME Artworks, LLC

Representative: Wyatt, Tarrant & Combs LLP

Jurisdiction: Louisville Metro

Council District: 4 – Barbara Sexton Smith

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:

00:54:52 Laura Mattingly presented the case (see staff report and recording for detailed presentation.)

00:56:45 Commissioner Brown asked if the project development would be “phased in” to allow for on-street parking, followed by off-street parking. Ms. Mattingly said she believed so, but that the applicant could address that. Commissioner Brown also asked if the on-street parking across the street ^{could} ~~could~~ also be counted for this project, since the applicant owns both properties. Ms. Mattingly said she believes it is being counted, because it is adjacent to the CUP site.

The following spoke in favor of the request:

Jon Baker, Wyatt Tarrant & Combs, 500 West Jefferson Street Suite 2800, Louisville, KY 40202

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Case No. 17ZONE1078

Kelli Jones, 608 South Third Street, Louisville, KY 40202

Sarah Ferguson, 1422 Debarr Street, Louisville, KY 40204

James W. May, 1422 Debarr Street, Louisville, KY 40204

Randall Webber, 325 East Kentucky Street, Louisville, KY 40203

Summary of testimony of those in favor:

00:57:47 Jon Baker, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:04:01 Kelli Jones, an applicant's representative, gave more details about the site plan (see recording for detailed presentation.) She addressed Commissioner Brown's questions about phasing in the plan, and parking.

01:08:11 In response to a question from Commissioner Brown, Ms. Jones said bike racks will be located on a concrete pad. Commissioner Brown requested that the applicant show the dimensions of the bike rack on the plan.

01:10:35 James May and Sarah Ferguson were called, but declined to speak (said they were available to answer questions.)

01:10:48 Randall Webber, speaking on behalf of the Smoketown Neighborhood Association, spoke in support. He said the proposed use is consistent with what is already in the neighborhood; the 3-foot masonry wall would not be consistent with the architecture in the neighborhood; and does not think there are any traffic concerns. He did express some concern about an art gallery serving alcohol at openings/etc. Otherwise, he said the Neighborhood Association supports the request for zoning change and waivers.

01:15:24 Commissioner Brown asked that the applicant show on the plan whether the alley to the south is public or not. In response to a question from Commissioner Brown, Ms. Jones said there is a gate on the alley.

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New Business

Case No. 17ZONE1078

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 **April 19, 2018** Planning Commission public hearing.

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New Business

Case No. 17ZONE1065

Request:	Change in zoning from R-7 Multi-Family Residential to C-1 Commercial on 1.1 acres
Project Name:	Marshall Avenue Retail
Location:	101 & 103 Marshall Drive
Owners:	Triple T Shelbyville Road Properties, LLC
Applicant:	Triple T Shelbyville Road Properties, LLC
Representative:	John Talbott – Bardenwerper, Talbott & Roberts PLLC
Jurisdiction:	Louisville Metro
Council District:	7 – Angela Leet

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:

01:17:28 Laura Mattingly presented the case (see staff report and recording for detailed presentation.)

01:20:04 In response to a question from Commissioner Brown, Ms. Mattingly said the area across the street on Marshall has been recently rezoned for auto sales. They also discussed the building orientation.

The following spoke in favor of the request:

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

Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

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Case No. 17ZONE1065

John Barnett, 1325 South Fourth Street, Louisville, KY 40208

Brandon Jagers, Mayor of Beechwood Village, 4516 Cordova Road, Louisville, KY 40207

Summary of testimony of those in favor:

01:21:03 John Talbott, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:35:35 Commissioner Brown said he would like to see the sidewalk extended on to the existing entrance that will access the site (the one in the Shelbyville Road ROW, extended east.)

01:36:34 John Barnett and Kevin Young were called but declined to speak at this time (said they were available to answer questions.)

01:36:59 Brandon Jagers, the Mayor of Beechwood Village, discussed pervious surface, drainage, tree canopy/tree count, parking, lighting, the design of the building/s, the brick wall, and sidewalks.

01:39:03 He said the neighboring site (a BMW dealership that was approved last summer) has been sitting vacant for about five months. He requested a binding element that would specify construction timelines for this development to avoid buildings sitting empty.

01:42:06 Mr. Jagers also mentioned that, at Beechwood Village's last city meeting, an apartment resident circulated a petition stating opposition to the project, signed by 94 residents. He said that a lot of facts were not known to the residents at that time. He said the Beechwood city council is trying to put together facts for the residents to read; they are also having a commercial appraiser come out to the site.

The following spoke in opposition to the request:

Robert Hall, 4440 Cordova Road, Louisville, KY 40207

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New Business

Case No. 17ZONE1065

Summary of testimony of those in opposition:

01:44:35 Robert Hall, a Beechwood Village resident, said most of the signers of the petition are apartment residents. He said he is opposed to “unnecessary encroachment” of commercial property into residential areas. He spoke for affordable housing and apartment rentals in the St. Matthews area that could be endangered with commercial development.

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 **April 19, 2018** Planning Commission public hearing.

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New Business

Case No. 18DEVPLAN1010

***NOTE: Commissioner Brown was not present for this vote.**

Request:	Revised District Development Plan with a Landscape Waiver
Project Name:	Chenoweth Lane Medical Office
Location:	224 Chenoweth Lane
Owner:	Maguire Properties
Applicant:	Maguire Properties
Representative:	Cliff Ashburner – Dinsmore & Shohl
Jurisdiction:	City of St. Matthews
Council District:	9 – Bill Hollander

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:

01:50:29 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Cliff Ashburner, Dinsmore & Shohl, 101 South Fifth Street Suite 2500, Louisville, KY 40202

Summary of testimony of those in favor:

01:50:29 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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New Business

Case No. 18DEVPLAN1010

01:55:00 In response to a question from Commissioner Peterson, Mr. Ashburner said that there are no sidewalks on this side of the street. However, he did read Binding Element #16 to the Commissioners regarding future sidewalk construction.

01:56:21 Commissioner Carlson asked for clarification regarding Binding element #15. After some discussion, Mr. Ashburner suggested striking it, since this binding element was a carryover from a previous case (see recording for detailed discussion.) Mr. Lockett said many of these binding elements are from 1980 and are outdated. He suggested fully eliminating the old ones, except for the ones that are site-specific (with cleaned up language for standard binding elements.) He said it may be appropriate to eliminate binding element #15. Mr. Ashburner said neither the City of St. Matthews nor the State have requested any additional ROW.

The following spoke neither for nor against 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.

01:58:54 Commissioners' deliberation.

Waiver of Development Code (St. Matthews) article 12.D.1.b.C.2 to allow a proposed parking lot to encroach into a 5' Vehicle Use Area Landscape Buffer Area (VUA LBA)

02:00:11 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the staff report and evidence and testimony heard today, was adopted:

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Case No. 18DEVPLAN1010

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver will not adversely affect adjacent property owners since the proposed parking lot will generally be more compliant with the Development Code than current conditions, as there is currently no buffer in these areas, and the existing lot encroaches into the public right-of-way; and

WHEREAS, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. The waiver will not violate Guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for screening and buffering of parking areas adjacent to streets. The waiver will not violate Guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs; and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is eliminating the encroachment into the right-of-way, and has limited space on site to fit the required parking for the use; and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as the southern part of the site cannot be used for parking per a binding element. This leaves a limited area on the site to meet parking requirements and provisions for safe circulation through the site; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **RECOMMEND** to the City of St. Matthews that the proposed Waiver of Development Code (St. Matthews) article 12.D.1.b.C.2 to allow a proposed parking lot to encroach into a 5' Vehicle Use Area Landscape Buffer Area (VUA LBA) be **APPROVED**.

The vote was as follows:

YES: Commissioners Carlson, Peterson, and Lewis.

NO: No one.

NOT PRESENT: Commissioners Lindsey and Brown.

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New Business

Case No. 18DEVPLAN1010

Revised District Development Plan with the removal of existing binding elements to be replaced by the proposed binding elements.

02:02:04 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, 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 there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Development Code will be provided on the subject site; and

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

WHEREAS, the Committee further finds that there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Committee further finds that 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 Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways, except in the area of the waiver requested; and

WHEREAS, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Development Code, with the exception of the waiver requested today, and the variance being considered by the Board of Zoning Adjustment; now, therefore be it

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Case No. 18DEVPLAN1010

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **RECOMMEND** to the City of St. Matthews that the proposed Revised District Development Plan with the removal of existing binding elements to be replaced by the proposed binding elements, and with the deletion of Binding Element #15, be **APPROVED, subject to the following binding elements**:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Development Code and agreed upon binding elements unless amended pursuant to the Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee (and to the St. Matthews) for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition is requested:
 - a. The development plan must receive full construction approval from Develop Louisville Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the Chenoweth Lane ROW.

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Case No. 18DEVPLAN1010

- c. A minor subdivision plat or legal instrument shall be recorded (creating the lot lines as shown on the development plan/dedicating additional right-of-way to the rear alley.)
 - d. The appropriate variance shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - e. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- 5. If a certificate of occupancy or building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
 - 6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 - 7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system (audible beyond the property line or permitted on the site).
 - 8. 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.

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New Business

Case No. 18DEVPLAN1010

9. No vehicular access driveway shall cross the front property line.
10. The structures on the property shall not be externally altered in any way such that their appearance, separately or collectively, would be incompatible with nearby residential uses. Plans and specifications for any external alterations must first be approved by the City Council.
11. No part of the property between the front of the structures and Chenoweth Lane may be paved except for use as a pedestrian walkway parallel to Chenoweth Lane.
12. The property may only be used for one or more of the following uses:
 - a. Antique Shops
 - b. Interior Decorating Shops
 - c. Bookstores
 - d. Stationery Stores
 - e. Florist Shops
 - f. Gift Shops
 - g. Offices
 - h. Dressmaking or Millinery Shops
 - i. Jewelry Stores
 - j. Household Accessory Stores Excluding Major Appliances
 - k. Ready-to-Wear Apparel Shops
 - l. Retail Art Stores or Galleries
 - m. Any Residential Use Permitted in R-7 Zone Districts
 - n. Accessory Uses
13. Free-standing signs shall not exceed twenty-four square feet in area, which area shall include all faces of such signs, if located between the front of the structures and Chenoweth Lane. No free-standing sign shall have interior illumination. No free-standing sign shall have a height exceeding ten feet from the ground to the top of the sign. The total area of signs attached to the buildings on the side shall not exceed twelve square feet in area, and shall not extend more than twelve inches in front of any wall or any structure, shall not extend beyond any wall or above any roof line, and shall not be internally illuminated.

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Case No. 18DEVPLAN1010

14. All vehicular parking areas shall be located in the rear yard and north side of existing structures.
- ~~15. Upon request by the City when the City deems improvements are necessary, the owners of the property described in section 1 of this ordinance shall dedicate to the City of St Matthews, without further compensation, a strip of land ten feet in width and lying adjacent to and parallel with Chenoweth Lane, for improvements to said Chenoweth Lane.~~
16. When sidewalks are constructed along the portion of Chenoweth Lane adjacent to this property, a clearly defined, safe pedestrian access will be provided by the owner of the property from the public sidewalk through off street parking to building entrances.

The vote was as follows:

YES: Commissioners Carlson, Peterson, and Lewis.

NO: No one.

NOT PRESENT: Commissioners Lindsey and Brown.

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New Business

Case No. 18DEVPLAN1016

***NOTE: Commissioner Brown abstained because he was not present to hear the entire case presentation.**

Request:	Review of a Sidewalk Waiver as associated with a Category 2B Development Plan for two proposed additions totaling 9,500 square feet.
Project Name:	Ford LAP Building Addition
Location:	2000 Fern Valley Road
Owner:	Michael McSweeney – Ford Motor Company
Applicant:	Brooks Benton – Lockett & Farley
Representative:	Brooks Benton – Lockett & Farley
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Aubrey Welch

Case Manager: Ross Allen, 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:

02:03:28 Ross Allen presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Brooks Benton, 737 South Third Street, Louisville, KY 40202

Summary of testimony of those in favor:

02:05:58 Brooks Benton, the applicant's representative, said he was available for questions.

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Case No. 18DEVPLAN1016

02:06:37 Commissioners' deliberation.

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.

Waiver from LDC Section 5.8.1.B/5.9.2.A.b.i to not provide a sidewalk along Fern Valley Road and a sidewalk for a length of 343 from the eastern side of the intersection of Fern Valley Rd. and Grade Lane south from the intersection as associated with the Category 2B Development Plan.

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, 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 applicant believes the waiver meets the intent of the Comprehensive Plan and LDC, which calls for the design intent of the suburban workplace form district to “reserve land for large-scale industrial and employment uses in a suburban location.” The design standards regarding pedestrians as listed in LDC Section 5.3.4 are to ensure “adequate access for employees.” Adequate access for employees is provided on site in the existing employee parking lots; and

WHEREAS, the Committee further finds that the applicant believes that compliance with the regulations in this case is not appropriate based on the relatively small additions that this submission represents in relation to the existing structure. Ford is proposing a building addition that represents less than a 0.31% increase in square footage to the property; and

WHEREAS, the Committee further finds that granting a waiver of the installation of sidewalks along Fern Valley Road and a portion of Grade Lane should have no effect upon adjacent property owners because it would be a continuation of the existing condition that has existed in the area since the plant was developed.

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The area is not frequented by pedestrians as it is located adjacent to I-65 and approximately 2 miles from I-264 and approximately 2 miles from I-265. The property is also adjacent to large industrial properties with heavy vehicular traffic. These properties do not have existing sidewalks they would dead end at the edge of the Ford's property; and

WHEREAS, the Committee further finds that strict application of the provision would create an unnecessary hardship in that the installation of over a ½ mile of sidewalks would be necessary to meet the requirement, in relation to a building addition project that represents less than a 0.31%% increase in the square footage of the existing structure square footage. A ½ mile sidewalks and modifications to the existing drainage systems between the applicant's property and the existing roadway would add considerable cost implications in relation to the scale of the project; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested Waiver from LDC Section 5.8.1.B/5.9.2.A.b.i to not provide a sidewalk along Fern Valley Road and a sidewalk for a length of 343 from the eastern side of the intersection of Fern Valley Rd. and Grade Lane south from the intersection as associated with the Category 2B Development Plan.

The vote was as follows:

YES: Commissioners Carlson, Peterson, and Lewis.

NO: No one.

ABSTAIN: Commissioner Brown.

NOT PRESENT: Commissioner Lindsey.

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

March 22, 2018

New Business

Case No. 18 WAIVER1005

Request: General Waiver from LDC (Shively, KY)
5.5.2.B.1.a to not provide connections between
parking lots

Project Name: 1725 Gagel Avenue

Location: 1725 Gagel Avenue

Owner: Joe Ackerman – Advanced ENT Holdings of
South Louisville, LLC

Applicant: Michael Schoech – Prism Engineering

Representative: Michael Schoech – Prism Engineering &
Design Group, LLC

Jurisdiction: City of Shively

Council District: 3 – Mary Woolridge

Case Manager: **Ross Allen, 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:

02:10:58 Ross Allen presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Jason L. Hall, Prism Engineering, 2309 Watterson Trail Suite 200, Louisville, KY 40299

Kevin Burns, 222 South First Street Suite 206, Louisville, KY 40205

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Case No. 18 WAIVER1005

Summary of testimony of those in favor:

02:14:56 Jason Hall, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:23:36 In response to a question from Commissioner Carlson, Mr. Hall showed the site plan and discussed vehicular and pedestrian connections.

The following spoke in opposition to the request:

No one spoke.

00:26:06 Commissioners' deliberation

Cross-connectivity was the main focus of the discussion.

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.

Waiver from Shively, KY LDC Section 5.5.2.B.1.a to not provide connections between parking lots for both vehicular and pedestrian connections of the abutting developments to the east and west as found along Gagel Ave. and associated with Category 2B Development Plan, Case No. 17DEVPLAN1220 and Landscaping Plan case no. 17LSCAPE1205.

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, 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 staff report cannot justify the waiver because it is against the guidance of the Comprehensive Plan in that cross-connectivity is a favored thing for safety and traffic flow efficiency; now, therefore be it

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

March 22, 2018

New Business

Case No. 18 WAIVER1005

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **RECOMMEND** to the City of Shively that the proposed Waiver from Shively, KY LDC Section 5.5.2.B.1.a to not provide connections between parking lots for both vehicular and pedestrian connections of the abutting developments to the east and west as found along Gagel Ave. and associated with Category 2B Development Plan, Case No. 17DEVPLAN1220 and Landscaping Plan case no. 17LSCAPE1205, be **DENIED**.

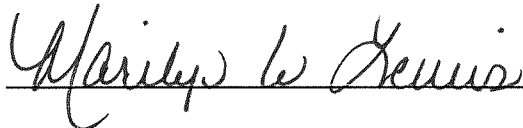
The vote was as follows:

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

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

March 22, 2018

The meeting adjourned at approximately 3:30 p.m.

A handwritten signature in cursive script, reading "Marilyn W. Dennis", written over a horizontal line.

Chairman

A handwritten signature in cursive script, reading "Jo Rivera", written over a horizontal line.

Division Director