

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
April 26, 2018**

A meeting of the Land Development and Transportation Committee was held on, April 26, 2018 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
Jeff Brown

Staff Members present were:

Brian Davis, Planning and Design Manager
Julia Williams, Planning Supervisor
Joel Dock, Planner II
Jay Lockett, Planner I
Beth Stuber, Transportation Supervisor
Travis Fiechter, Legal Counsel
Pamela M. Brashear, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

APRIL 12, 2018 LD&T COMMITTEE MEETING MINUTES

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

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on April 12, 2018.

The vote was as follows:

YES: Commissioners Brown, Carlson and Lewis

ABSTAINING: Commissioner Peterson

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NEW BUSINESS

CASE NO. 18ZONE1019

Request: Change in Zoning from M-3 Industrial to C-3 Commercial and a General Plan
Project Name: Galt House East Apartments
Location: 325 West Main Street
Owner: Al J. Schneider Company
Applicant: Al J. Schneider Company
Representative: Bingham Greenebaum Doll, LLP
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Brian Davis, AICP, Planning & Design Manager

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:

00:03:53 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jeff McKenzie, Bingham, Greenebaum and Doll, 3500 National City Tower, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:05:06 Mr. McKenzie stated there's no opposition today. "We're trying to have the record reflect what everyone's always believed since the 1970's, all that property was zoned C-3." There are no changes to the structure.

Deliberation

00:06:20 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. 18ZONE1019

The Committee by general consensus placed this case on the May 10, 2018 public hearing at the Old Jail Building.

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NEW BUSINESS

CASE NO. 18DEVPLAN1057

Request: Revised District Development Plan and Preliminary Subdivision Plan
Project Name: Enclave at Douglass Hills
Location: 1207 Moser Road
Owner: Douglass Hills Development LLC
Applicant: Elite Build Homes LLC
Representative: Sabak, Wilson, and Lingo
Jurisdiction: City of Douglass Hills
Council District: 19- Julie Denton
Case Manager: Julia Williams AICP, Planning Supervisor

NOTE: Commissioner Peterson recused himself from 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:

00:07:23 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kelli Jones, Sabak, Wilson and Lingo, 608 South 3rd Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:09:25 Ms. Jones gave a power point presentation. The development plan did not change. The plan is to sell open space to some adjoining property owners. The other small change is in the WPA.

Deliberation

00:14:00 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 Preliminary Subdivision Plan

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NEW BUSINESS

CASE NO. 18DEVPLAN1057

On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution based on compliance with the Land Development Code was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Preliminary Subdivision Plan.

The vote was as follows:

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

Revised District Development Plan and Binding Elements

On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution based on staff's justification 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 has 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 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.

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NEW BUSINESS

CASE NO. 18DEVPLAN1057

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the city of Douglass Hills **APPROVE** the Revised Detailed District Development Plan **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan/ preliminary subdivision plan, all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC. Any changes/ additions/alterations to any binding element(s) shall be submitted to the Planning Commission or its designee and to the City of Douglass Hills for review and approval; any changes /additions/alterations not so referred shall not be valid. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted on the site.
3. Before any permit is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
 - 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 Transportation Cabinet, and
 - c. The property owner/developer must obtain approval of a detailed plan for screening/buffering/landscaping as described in LDC Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. A Tree Preservation Plan in accordance with LDC Chapter 10 shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
A note shall be placed on the preliminary plan, construction plan and record plat stating: "Construction fencing shall be erected prior to any grading or construction activities to prevent compaction of root systems of trees to be

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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. 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.
6. The site shall be developed in accordance with the woodland protection areas (WPA) delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland preserved area requires notification of adjoining property owners and action by the Planning Commission or its designee.
7. The developer shall construct left turn lanes on Moser Road at Linn Station Road. The lanes shall be constructed prior to the first certificate of occupancy.
8. 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.
9. The applicant, developer or property owner shall provide copies of these binding elements to all tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of their content. The binding elements shall run with the land, and the owner and the occupant of the property shall at all times be responsible for compliance with them. At all times during development of the site, the applicant and developer, their heirs, successors and assignees, contractors, subcontractors and all other parties engaged in development of the site shall be responsible for compliance with these binding elements.
10. Prior to the recording of the record plat, copies of recorded documents listed below shall be filed with the Planning Commission:
 - a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of TCCAs and other issues required by these conditions of approval.

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- c. Bylaws of the Homeowners' Association in a form approved by the Counsel for the Planning Commission.
11. At the time that control of the Homeowners Association is turned 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. A subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
 12. All street signs shall be installed by the developer 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. All signs shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) requirements. The address number shall be displayed on structures prior to requesting a certificate of occupancy for that structure.
 13. 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.
 14. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots and ensure prevention of mosquito breeding until such time as the drainage bond is released.
 15. Upon 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 shall be treated with a mosquito larvicide approved by the Louisville Metro Health Department and in accordance with product labeling. This language shall appear in the deed of restrictions for the subdivision.
 16. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission counsel. All plans setting out woodland preserved areas must contain the following notes:
 1. Woodland Preserved Areas (WPAs) identified on this plan represent portions of the site on which all existing vegetation shall be permanently preserved. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place

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within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees are lost through natural causes new trees shall be planted in order to maintain minimum tree canopy as specified in Chapter 10, Part 1 of the LDC and as shown on the approved Tree Canopy/Landscape Plan.

2. The site shall be developed in accordance with the Woodland Preserved Areas delineated on the site plan and related notes. Any modification of Woodland Preserved Areas requires notification of adjoining property owners and LD&T action.

3. Prior to any site disturbance permit being issued and prior to any clearing, grading, or the issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.

17. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.

The vote was as follows:

YES: Commissioners Brown, Carlson and Lewis

NOT PRESENT AND NOT VOTING: Commissioner Peterson

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NEW BUSINESS

CASE NO. 17DEVPLAN1213

Request: Revised Detailed District Development Plan
Project Name: Miller Office Condos
Location: 317 North English Station Road
Owner: ESOD, Inc
Applicant: ESOD, Inc
Representative: Sarah Beth Sammons, LD&D
Jurisdiction: Middletown
Council District: 19-Julie Denton
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:

00:16:26 Mr. Luckett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Sarah Beth Sammons, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

00:17:59 Ms. Sammons stated there is no cross access agreement between the owners of 315 and 317 N. English Station Rd. Access will be off N. English Station Rd. to the north of the office condos and into the back of this development and the building has been pushed forward to the setback line. ILA space has been slightly increased.

The following spoke neither for nor against the request:

Jessica Smith, Vaughn and Smith, 201 Thierman Lane, Louisville, Ky. 40207

Summary of testimony of those neither for nor against:

00:20:56 Ms. Smith represents John Schoene, the owner of 315 N. English Station Rd. There are a couple of concerns: the retaining wall; drainage; the development has not slightly increase, but almost tripled in size; and the gable roof hanging. The access has been addressed.

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Rebuttal:

00:24:18 Ms. Sammons stated the concrete will be cleaned out of the retaining wall to allow for proper damage. The increase for the development is only 2,200 square feet.

Deliberation

00:26:05 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 Detailed Development Plan and Binding Elements

On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution based on the staff's justification 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 Transportation Planning has 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

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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.

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

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, and to the City of Middletown, for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 15,600 square feet of gross floor area.
3. Signs shall be in accordance with Chapter 8 of the Land Development Code, and to applicable Ordinances of the City of Middletown.
4. Outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall not be permitted on the site.
5. 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.
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

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7. If a certificate of occupancy is not issued within one year 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 and the City of Middletown.
8. 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 and the City of Middletown.
9. 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.
10. The materials and design of proposed structures shall be substantially the same as depicted in the pictures as presented at the April 21, 2005 Planning Commission meeting. External architectural window treatments on the rear and sides of the building shall be the same as the window treatments on the front of the building, which include different brick work with a top center stone. These added window treatments to the other sides of the buildings will assure a consistent, upscale look.
11. The facade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
12. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include Mounting Height Limit, Luminaire Shielding, Canopy Lighting Level, and Light Trespass considerations.
13. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

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CASE NO. 17DEVPLAN1213

14. The above binding elements may be amended as provided for in the Zoning District Regulations, upon approval of the City of Middletown.

The vote was as follows:

YES: Commissioners Brown, Carlson, Peterson and Lewis

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NEW BUSINESS

CASE NO. 18SUBDIV1003

Request:	Major Preliminary Subdivision
Project Name:	Woods at Landherr
Location:	3401 Blankenbaker Parkway
Owner:	MJHG, LLC.
Applicant:	MJHG, LLC.
Representative:	Milestone Design Group
Jurisdiction:	Louisville Metro
Council District:	11- Kevin Kramer
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:

00:28:08 Mr. Lockett 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, 101 South 5th Street, Suite 2500, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:29:34 Mr. Ashburner gave a power point presentation. There are no waivers or variances requested. The plan complies with the Land Development Code and Subdivision Regulations.

Deliberation

00:31:03 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.

Major Preliminary Subdivision and Conditions of Approval

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NEW BUSINESS

CASE NO. 18SUBDIV1003

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on compliance with the Land Development Code was adopted.

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

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

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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.

6. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for all stub streets. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.

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12. 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.
13. 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.
14. Any proposed signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
15. 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."

The vote was as follows:

YES: Commissioners Brown, Carlson, Peterson and Lewis

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NEW BUSINESS

CASE NO. 18DEVPLAN1035

Request:	Revised Detailed District Development Plan and landscape Waiver
Project Name:	Kentucky Derby Museum
Location:	704 Central Avenue
Owner:	Kentucky Derby Museum Corporation
Applicant:	Kentucky Derby Museum Corporation
Representative:	Evans Griffin, Inc
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Joel Dock, 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:

00:33:11 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Carl Lentz, Evans Griffin, 4010 Dupont Circle, Suite 478, Louisville, Ky. 40207

Summary of testimony of those in favor:

00:35:58 Mr. Lentz stated the opening will be used for weddings, receptions and derby parties. "There was a substantial increase in visitors last year and we wanted to make the expansion a better use of the museum and better quality of service."

Deliberation

00:38:45 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.

Waiver of Land Development Code (LDC), section 10.2.4 to eliminate the required 35' LBA adjacent to R-6 (Churchill Downs) and related planting material

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NEW BUSINESS

CASE NO. 18DEVPLAN1035

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the staff's justification was adopted.

WHEREAS, the waiver will adversely affect adjacent property owners as adjacent owners impacted by the request are non-residential (Churchill Downs) and the two uses are intertwined; and

WHEREAS, the waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The use along the property on which the buffer and planting material is required is non-residential and substantially the same in intensity to the development site; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as the waiver does not violate the comprehensive plan or cause any adverse impact upon adjacent property owners; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the Derby Museum and Churchill Downs are for all intents and purposes a single use.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the waiver of Land Development Code, section 10.2.4 to eliminate the required 35' LBA adjacent to R-6 (Churchill Downs) and related planting material.

The vote was as follows:

YES: Commissioners Brown, Carlson, Peterson and Lewis

Revised Detailed District Development Plan and Binding Elements

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the staff's justification was adopted.

WHEREAS, the proposed development does not appear to impact natural resources as the existing conditions of the subject site consist primarily of impervious surfaces; and

WHEREAS, the provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community have been provided as these facilities exist; and

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WHEREAS, open space is not required for this proposal. The first level and portion of the top level will be open-air, however; and

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

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the overall site design and land uses are compatible with the existing and future development of Churchill Downs; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the proposed development does not conflict with the guidelines and objectives of the comprehensive plan cultural and entertainment facilities of a regional nature, such as museums and civic centers, should be located in the vicinity of downtown or located in convenient locations throughout the county as long as impacts to the surrounding neighborhoods are mitigated. No adverse impacts to the neighborhood result from this proposed development contained within the confines of Churchill Downs.

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

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 and the City of Hurstbourne for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the City of Louisville Department of Inspections, Permits and Licenses (617 W. Jefferson Street) and the Metropolitan Sewer District (700 West Liberty). a. The development plan must receive full construction approval from the City of Louisville Department of Inspections, Permits and Licenses (617 W. Jefferson Street) and the Metropolitan Sewer District (700 West Liberty). The development plan must receive full construction approval from Louisville Metro Department of

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Codes and Regulations Construction Permits, Transportation Planning Review, and the Metropolitan Sewer District.

b. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.

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.

3. 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.
4. 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.
5. The materials and design of the existing building and new bank drive lanes shall be as depicted in the rendering as presented at the April 20, 2000 Planning Commission meeting and April 26, 2018 Development Review Committee meeting.
6. The access from Central Avenue southeast of Rodman Street shall not be open to the general public. 9. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future Development Along Designated Parkways" may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
7. The existing lease agreement between Churchill Downs (or successor) and the Kentucky Derby Museum shall be modified from 228 parking spaces to the minimum necessary to accommodate for the museum expansion or 260 parking spaces. This modification shall occur prior to occupancy of the expanded area of

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the museum. A copy of the agreement shall be provided to Planning and Design Services staff for incorporation into the record and recorded in the Jefferson County Clerk's Office.

The vote was as follows:

YES: Commissioners Brown, Carlson, Peterson and Lewis

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NEW BUSINESS

CASE NO. 18ZONE1009

Request: Change in zoning from R-4 to R-5, Single-family Residential.
Project Name: Schaffer Lane Subdivision
Location: 6707 Schaffer Lane
Owner: The Roberson Trust
Applicant: Ball Homes
Representative: Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
Case Manager: Joel Dock, 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:

00:41:40 Mr. Dock 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 Parkway, Louisville, Ky. 40223
David Mindel, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Suite 101, Louisville, Ky. 40219

Summary of testimony of those in favor:

00:43:22 Mr. Talbott gave a power point presentation. The single adjacent house has its own access and there is no need to connect to it. There are still ongoing discussions with MSD and no waivers or variances are being requested.

The following spoke neither for nor against the request:

Gerald Schuler, 6701 Shaffer Lane, Louisville, Ky. 40291

Summary of testimony of those neither for nor against:

00:48:39 Mr. Schuler discussed the following: privacy fence between 7 lots and his property; sewer tap; and horrendous traffic.

Rebuttal:

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00:51:12 Mr. Talbott stated the traffic for this proposal is minimal. The drainage issue has been addressed with a swale (on plan). "Also, we'll take a look at buffering between now and the Planning Commission meeting."

00:52:52 Mr. Mindel stated, "His property does drain naturally toward Schaffer and if you go to Willow Springs there's a sewer that would serve him by gravity (needing an extension). That's the way his lot should be served." Mr. Talbott added, it will be looked into further before the Planning Commission meeting.

Deliberation

00:54:49 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 June 7, 2018 public hearing at the Old Jail Building.

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NEW BUSINESS

CASE NO. 17ZONE1048

Request: Change in zoning from R-4 to C-2, landscape waiver, variances for front setback, and detailed district development plan.

Project Name: Bullitt Lane Restaurants

Location: 400 Bullitt Lane

Owner: Timothy L. and Robert S. Boden

Applicant: Timothy L. and Robert S. Boden

Representative: BTM Engineering, Inc.

Jurisdiction: Louisville Metro

Council District: 18 – Marilyn Parker

Case Manager: Joel Dock, 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:

00:55:55 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

John Addington, BTM Engineering, 3001 Taylor Springs Drive, Louisville, Ky. 40220

Summary of testimony of those in favor:

00:58:20 Mr. Addington gave a power point presentation. The proposal is similar to the Paddock, two restaurants and open seating area in the middle with outside patio space between the buildings. The owners agree to the binding elements and will help fund the road expansion.

Deliberation

01:03:41 Planning Commission deliberation.

01:04:25 Ms. Stuber, Transportation Supervisor, stated the proposed use will not generate as many trips and will not trigger any improvements.

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. 17ZONE1060

Request: Change in zoning from R-4 to C-2, landscape waiver, variance, and detailed district development plan.
Project Name: Storage Project
Location: 7500 Bardstown Road
Owner: Madge H. Chalmers Revocable Trust and Edward Harding, Jr.
Applicant: arc – Jason Sams
Representative: arc – Jason Sams
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
Case Manager: Joel Dock, 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:

01:05:55 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jason Sams, ARC, 1517 Fabricon Boulevard, Jeffersonville, In. 47130

Summary of testimony of those in favor:

01:13:44 Mr. Sams gave a power point presentation. There are several other commercial development on Bardstown Rd. The site sits low, a creek runs through it and there will be trees planted and landscaping (even with the waiver being requested). Bartley Dr. will become a right-in right-out.

01:23:39 Commissioner Carlson requests that the applicant provide renderings of landscaping along and exiting the Gene Snyder for the public hearing.

The following spoke in opposition to this request:

Lois and William Harkness, 9517 Bartley Drive, Louisville, Ky. 40291
Mike Brown, Barrister Commercial Group, 3810 Springhurst Boulevard #120, Louisville, Ky. 40241
Nancy Richardson, 9513 Bartley Drive, Louisville, Ky. 40291

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CASE NO. 17ZONE1060

Summary of testimony of those in opposition:

01:25:21 Mrs. Harkness stated she has the following concerns: proposal is sitting on rock and want to make sure if there's any blasting, developer will pay for any damage caused to home (in writing); want 8-10 foot privacy fence not trees that will die; drainage – yard puddles; and traffic.

01:31:55 Mr. Harkness stated there are elderly retired people living on the dead end street and if there is a traffic jam (which is quite often), getting out for emergency situations would be difficult.

01:33:11 Mr. Brown stated this project belongs in an industrial setting. If the project moves forward, a request for enhanced landscaping is warranted.

01:34:47 Ms. Richardson stated the applicant is cutting off Bartley Dr. Also, the traffic is horrible.

Rebuttal:

01:39:15 Mr. Sams stated they will follow the law regarding blasting. The applicant will provide a privacy fence. All drainage goes to the creek and the drainage plan has been accepted by MSD. "We have no control over what happens on Bardstown Rd., all the improvements and traffic on Bardstown Rd. is due to the business there. Traffic is very low for a storage facility and this one won't be open 24 hours. If enhanced landscaping needs to be provided, we will work with staff."

Deliberation

01:43:35 Planning Commission deliberation.

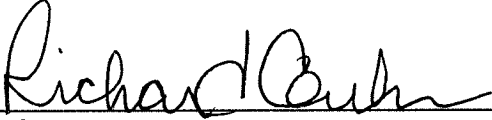
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The Committee by general consensus placed this case on the June 7, 2018 public hearing at the Old Jail Building.

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ADJOURNMENT

The meeting adjourned at approximately 2:49 p.m.

acting 

Chair



Planning Director

