

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
May 30, 2019**

A meeting of the Land Development and Transportation Committee was held on, May 30, 2019 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Marilyn Lewis, Chair
Richard Carlson
Jeffrey Brown
Ruth Daniels

Committee Members absent were:

Rob Peterson, Vice Chair

Staff Members present were:

Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning and Design Supervisor Manager
Dante St. Germain, Planner II
Lacey Gabbard, Planner I
Beth Stuber, Engineering Supervisor
John Carroll, Legal Counsel
Pamela M. Brashear, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

MAY 16, 2019 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 May 16, 2019.

The vote was as follows:

YES: Commissioners Brown, Carlson and Daniels
NOT PRESENT FOR THIS CASE: Commissioner Peterson
ABSTAINING: Commissioner Lewis

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NEW BUSINESS

CASE NO. 19DEVPLAN1072

Request: Revised Detailed District Development Plan/Revised Preliminary Subdivision Plan with removal of Binding Elements on the subject site

Project Name: Timberbend Subdivision Section 5C

Location: River Trail Drive/5611 Cooper Chapel Road

Owner: Ricky Harris, Harris Acquisitions

Applicant: Matt Ricketts, NTS Development Co.

Representative: Charles Podgursky

Jurisdiction: Louisville Metro

Council District: 24 – Madonna Flood

Case Manager: Lacey Gabbard, AICP, Planner I

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

Agency Testimony:

00:02:37 Ms. Gabbard discussed the case summary, standard of review and staff analysis from the staff report.

00:04:39 Commissioner Carlson stated the submitted plan is different than the original plan. Doesn't that interrupt the lotting pattern? Ms. Gabbard stated the current owner is not being asked to provide roads. Whoever redevelops the subdivision will have to connect (new plan) per the binding element. Staff asked the applicant to put it on the plan to solidify the binding element. Commissioner Carlson asked isn't that connection already there and changing the plan for a subdivision? Ms. Gabbard said that section was never developed and they're stub streets.

The following spoke in favor of this request:

Charles Podgursky, CRP and Associates, 7321 New LaGrange Road, Suite 111, Louisville, Ky. 40222
Ricky Harris, 7700 Apple Mill Place, Louisville, Ky. 40228

Summary of testimony of those in favor:

00:06:29 Mr. Podgursky stated it's an empty tract with an existing road that's closed off at the edge of each section. The owner is proposing a house and has no intention of developing anything else except one other lot. A minor subdivision plat will be submitted to create the other lot and get addresses for the 2 existing lots (big one and lot 213). Commissioner Carlson asked how wide the driveway will be and what are the

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construction standards. Mr. Podgursky said the driveway will be 12 feet wide and lot 213 (existing) is 22 feet wide to be turned into a 12-14 ft. wide driveway and turnaround. It's for a single family. Commissioner Carlson said it will not be good enough for a fire truck to access. Mr. Podgursky said they will build according to code. Commissioner Carlson stated, if this gets approved, I would request an 18 foot wide driveway that has a sufficient bearing capacity for a 78,000 pound fire truck. Mr. Reverman asked if that needs to be a condition of a subdivision because typically it's a permitting requirement.

00:15:14 Commissioner Brown asked, couldn't they create that lot by minor plat and apply for a building permit? Mr. Reverman said that is what they're doing except the site is planned certain and has binding elements. It's also an approved subdivision plan that's being revised.

00:17:45 Chair Lewis asked if there is any significance (of the plan given) regarding the location of the house. Mr. Reverman stated we should plan where the potential roads will connect. If the location of the house would impede the 2 right-of-ways connecting in the future, that should be a concern of the Planning Commission. Chair Lewis remarked, in the drawings we were given both are shown but in the power point, it shows no right-of-way and the house is in a different location. Ms. Gabbard added, the location of the house and driveways have not been determined by the applicant.

00:20:26 Mr. Reverman said this committee cannot prevent the applicant from building a single family home on their property or make them build the right-of-way.

00:21:01 Commissioner Carlson stated the one section of River Trail Dr. needs to have a different street name.

00:22:14 Commissioner Brown asked if there are any existing binding elements or conditions of approval that will prevent going forward with this proposal. Mr. Podgursky said the intention is to build 1 house, put in the driveway and leave the rest as is.

00:26:29 Ms. Gabbard read comments from the Okolona Fire Dept. and they have concerns with the proposal.

00:30:40 Mr. Davis suggests that maybe the fire dept. or Public Works could initiate the name change.

00:32:16 Mr. Davis stated it's an unfortunate situation caused by a bad subdivision design and worse because the middle section is not getting developed, but it's no fault of the applicants'. Commissioner Brown stated, it is however a plan certain site.

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00:36:48 Mr. Harris, owner, stated he had to buy other properties to get this one. He bought 7 lots and construction has been started to build new homes (River Trail side). The neighbors are not in favor of connecting the drive because it will be extra traffic from other neighborhoods. Mr. Reverman asked if those homeowners would have an issue with changing the street name. Mr. Harris said he hasn't communicated with all of them so isn't sure; however, it would be a negative change regarding bills, credit cards and drivers licenses. The previous development was wrong altogether.

00:39:15 Mr. Reverman asked, could we approve the case and add a binding element that that portion of River Trail Dr. gets renamed? Commissioner Carlson said it would be trading one set of arguments and disagreements for another.

00:40:33 Commissioner Brown stated, removing the connection that was on the approved development plan is not the right way to go (would not support).

00:42:25 Chair Lewis asked, if he builds the 1 house with the plan certain, does it have to be such that it doesn't conflict with the right-of-way as it's laid out because the plan we have before us does? Mr. Reverman answered, not necessarily, the house could be built to conflict with the future extension of the right-of-way, but if he wants to come back 10 years later with a subdivision, he will be required to connect the 2 right-of-ways (maybe tearing house down).

00:44:40 Mr. Reverman stated, the resolution may be to continue the case indefinitely, allow the applicant to go through the permitting process and the commission can continue considering, in consultation with the council district representative, the street name change.

Deliberation

00:50:07 Planning Commission deliberation.

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

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

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RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to a date uncertain to resolve the issue of connectivity and the street name on both stub roads as it impacts emergency response times.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels and Lewis

NOT PRESENT AND NOT VOTING: Commissioner Peterson

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NEW BUSINESS

CASE NO. 19ZONE1022

Request: Change in form district from NFD to SMCFD and change in zoning from R-4 to C-2, with associated Detailed District Development Plan and binding elements

Project Name: Kerrick Lane Automobile Storage

Location: 4531 Kerrick Lane

Owner: Christy Hall

Applicant: Crittenden Drive, LLC

Representative: Wyatt Tarrant & Combs

Jurisdiction: Louisville Metro

Council District: 12 – Rick Blackwell

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

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

Agency Testimony:

00:53:11 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jon Baker, Wyatt, Tarrant and Combs, 500 West Jefferson Street, Suite 2800, Louisville, Ky. 40202
John Addington, BTM Engineering, 3001 Taylor Springs Drives, Louisville, Ky. 40220

Summary of testimony of those in favor:

00:55:48 Mr. Baker gave a power point presentation. There's not much room for vehicle storage. The zoning change necessitates the need to change the form district. The Dixie Highway Marketplace Corridor has expanded to the south very recently.

00:59:41 Mr. Addington continued the power point presentation discussing tree preservation and the proposed detention basin along the west boundary. The drainage will be improved. There will be a nice tree buffer as well as an 8 foot privacy fence. There will also be a 6 foot privacy fence along the sides of the parking lot for security purposes.

01:03:20 Mr. Baker agrees to the proposed binding element from Ms. St. Germain regarding usage of a key fob to find your car.

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01:04:27 Commissioner Carlson asked if the applicant/representatives met with the neighbors. Mr. Baker said yes there was a neighborhood meeting but only 3 people showed up. Mr. Addington added, the only issue was an access point out to Kerrick Ln. but have since gotten rid of it.

01:05:53 Commissioner Brown asked if this case falls under the Dixie Highway Master Plan that was adopted. Mr. Davis said he will check but believes it's outside the study area.

01:06:30 Commissioner Brown asked about the hours of operation. Mr. Baker stated the operational questions will be answered at the public hearing.

Deliberation

01:07:40 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 20, 2019 public hearing at the Old Jail Building.

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ADJOURNMENT

The meeting adjourned at approximately 2:09 p.m.



Chair



Planning Director