

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

**November 10, 2016**

A meeting of the Land Development and Transportation Committee was held on Thursday, November 10, 2016 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  
Jeff Brown  
Richard Carlson  
Clifford Turner (left at approximately 3:35 p.m.)

**Committee Members absent were:**

No one.

**Staff Members present were:**

Joseph Reverman, Assistant Director, Planning & Design Services  
Jonathan Baker, Legal Counsel  
Julia Williams, Planning Supervisor  
Brian Davis, Planning & Design Manager  
Brian Mabry, Planning & Design Supervisor  
Laura Mattingly, Planner I  
Joel Dock, Planner I  
Kendal R. Baker, Planning Manager, Advanced Planning  
Michael King, Urban Planner, Office of Advanced Planning  
Chris Cestaro, Management Assistant (minutes)

**Others Present:**

Tony Kelly, MSD

The following matters were considered:

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**Approval of Minutes**

**Approval of the October 27, 2016 LD&T Committee Meeting Minutes**

00:03:56 On a motion by Commissioner Carlson, seconded by Commissioner Turner, the following resolution was adopted:

**RESOLVED**, the Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on October 27, 2016.

**The vote was as follows:**

**YES: Commissioners Turner, Brown, Carlson, and Lewis.**

**NO: No one.**

**NOT PRESENT: No one.**

**ABSTAINING: Commissioner Peterson.**

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**November 10, 2016**

**New Business**

**16AREA1004**

**Request:** Areawide change in zoning from R-4, R-5A, R-6, C-1, C-2, CM, M-2, OR-1, and OR-3 to PDD (Planned Development District) and Change in form district from N - Neighborhood to TC – Town Center; and TC – Town Center to N-Neighborhood.

**Project Name:** Highview Areawide

**Location:** Multiple properties

**Owner:** Multiple owners

**Applicant:** Louisville Metro

**Representative:** Louisville Metro – Ken Baker

**Jurisdiction:** Louisville Metro

**Council District:** 23 – James Peden

**Case Manager:** **Ken Baker, AICP, Planning 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. 5<sup>th</sup> Street.)

**An audio/visual recording of the Land Development and Transportation Committee hearing 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.**

**Agency Testimony:**

00:04:36 Ken Baker presented the case (see staff report and recording for detailed presentation.)

00:09:48 Mr. Baker referred the Commissioners to a letter that was submitted to him from Michael Gross and his attorney, Cliff Ashburner, requesting that the Gross' property be removed from the proposed Planned Development District [on file]. The Gross' are the owners of 7411 Outer Loop.

00:10:39 Commissioner Brown asked if this was one of the areas identified by Move Louisville as being a Town Center. Mr. Baker said this is already an

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existing Town Center under current regulations. Commissioner Brown and Mr. Baker discussed the compromise between height and density, as well as the existing character of Highview and the strong concern about density from the Highview residents.

00:12:35 In response to a question from Commissioner Lewis, Mr. Ashburner described the location of the Gross' property (7411 Outer Loop) in relation to the other properties included in the proposed areawide rezoning area (see recording.)

00:14:14 In response to some questions from Commissioner Carlson, Mr. Baker discussed the timeline of the plan's inception and progress.

**The following spoke in favor of the request:**

Jon Henney, Gresham Smith & Partners, 101 S 5th St #1400, Louisville, KY 40202

David Steff, 7812 Applevue Lane, Louisville, KY 40228

Bianca Wall, 6807 Brownsboro Road, Louisville, KY 40222

Donna J. Skaggs, 7513 South Watterson Trail, Louisville, KY 40291

**Summary of testimony of those in favor:**

00:17:13 David Steff, President of the Apple Valley Neighborhood Association, spoke in support.

00:19:16 Bianca Wall asked if Ms. Donna Skaggs' property was included (property address is 7513 South Watterson Trail.) Mr. Baker said that the map shows that the property is included.

00:23:25 Donna Skaggs, the property owner, said that some maps show her property as being included; others show the property being excluded. She asked what would change if her property would be included in the rezoning.

00:30:51 Mr. Baker pointed out the location of Ms. Skaggs' property on a map. He said earlier editions of the map did not include the parcel; most recent

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editions **do include** the parcel. He explained what PDD zoning is, and the uses permitted in this category and subarea/s. Commissioner Lewis added that, if Ms. Skaggs has any additional questions or concerns, she can work with Mr. Baker in advance of the public hearing to address those.

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against:**

Clifford Ashburner, Dinsmore & Shohl, 101 S. 5<sup>th</sup> Street Suite 2500, Louisville, KY 40202

**Summary of testimony of those neither for nor against:**

00:33:49 Cliff Ashburner, on behalf of Overlook Development, gave a brief history of the development of this property (see recording for detailed presentation.) He said that applying the PDD to the Gross' property (7411 Outer Loop) would greatly impact the ability to finance the construction. He asked that this property be removed.

00:37:40 Mr. Baker said Ms. Skaggs told him that she did receive notice regarding the property located at 7513 South Watterson Trail, but not 7511 South Watterson Trail. Mr. Baker explained that his office mailed notices to all affected property owners, and the adjacent/abutting properties as well.

00:39:13 In response to questions from Commissioner Peterson and Jonathan Baker, Legal Counsel for the Planning Commission, Mike King explained notice requirements and procedures followed for this case.

00:40:37 In response to a question from Commissioner Carlson, the Commissioners discussed the removal of 7411 Outer Loop. Commissioner Lewis suggested that the decision to remove or not remove this property from the areawide boundaries could wait until the Planning Commission hearing on this case.

00:46:12 In response to some Commissioners' questions, Mr. Baker said the neighborhood plan is online for viewing (a link will be sent to the Commissioners so they can review the plan before the public hearing.)

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**16AREA1004**

**00:46:53** The Committee by general consensus scheduled this case to be heard at the November 17, 2016 Planning Commission public hearing.

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**New Business**

**CASE NO. 16STREETS1017**

<b>Request:</b>	Street Closure of 30-foot and 20-foot roadway
<b>Project Name:</b>	Oschner Road Closure
<b>Location:</b>	200 Urton Lane
<b>Owner:</b>	Public R/W
<b>Applicant:</b>	Milestone Design Group, Inc.
<b>Representative:</b>	Milestone Design Group – Rick Williamson
<b>Jurisdiction:</b>	City of Middletown
<b>Council District:</b>	19 – Julie Denton

**Case Manager:** **Joel Dock, 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. 5<sup>th</sup> Street.)

**An audio/visual recording of the Planning Commission hearing 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.**

**Agency Testimony:**

00:56:24 Joel Dock presented the case and showed the closure plat (see staff report and recording for detailed presentation.) He said all other agencies have approved the proposal, but he had not heard back yet from AT&T.

**The following spoke in favor of the request:**

Rick Williamson, Milestone Design Group, 108 Daventry Ln #300, Louisville, KY 40223

**Summary of testimony of those in favor:**

01:00:46 Rick Williamson, surveyor, said he was available to answer any questions if needed.

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**New Business**

**CASE NO. 16STREETS1017**

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against:**

No one spoke.

**01:01:47     The Committee by general consensus scheduled this case to be heard on the Consent Agenda at the November 17, 2016 Planning Commission public hearing.**



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**New Business**

**CASE NO. 16WAIVER1045**

<b>Request:</b>	Sidewalk Waiver
<b>Project Name:</b>	Whispering Hills Blvd. Sidewalk
<b>Location:</b>	6209 & 6211 Whispering Hills Blvd.
<b>Owner:</b>	John R. and Mary B. Smith
<b>Applicant:</b>	John R. and Mary B. Smith
<b>Representative:</b>	Kathy Linares – Mindel Scott & Associates
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	23 – Madonna Flood

**Case Manager:** **Joel Dock, 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. 5<sup>th</sup> Street.)

**An audio/visual recording of the Planning Commission hearing 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.**

**Agency Testimony:**

01:01:58 Joel Dock presented the case and showed maps and photos from the staff report (see staff report and recording for detailed presentation.)

**The following spoke in favor of the request:**

Kathy Linares and David Mindel, Mindel Scott & Associates, 5151 Jefferson Boulevard Suite 101, Louisville, KY 40219

Jack Smith, 1001 Ridge Hill Court, Louisville KY 40245

**Summary of testimony of those in support:**

01:07:51 Kathy Linares, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) She explained that vehicles are “bottoming out” on the built sidewalk, when trying to access the driveways – this is why the applicant needs to remove the built sidewalk.

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**CASE NO. 16WAIVER1045**

01:15:44 In response to a question from Commissioner Brown, Ms. Linares discussed the proposed grade of the driveways (about 27% grade.)

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against:**

No one spoke.

**Commissioners' discussion**

01:17:52 Commissioner Brown said that there are existing sidewalks on this side of the road; there are plans to add sidewalks along that side further down the road; and also that Whispering Hills Boulevard is a very busy street. He questioned the accessibility of the homes even with the removal of the sidewalk.

01:21:08 Mr. Dock reviewed the Technical Review portion of the staff report and said staff has since received requested information since it was written.

01:22:17 The possibility of moving the sidewalk was discussed.

01:25:06 Jack Smith, the applicant and builder, discussed the land and aspects of the driveway construction. Sidewalk construction in the rest of the development was discussed.

01:31:41 Fee-in-lieu was discussed.

01:33:00 Commissioner Carlson expressed concern that this is a public safety issue.

01:36:23 David Mindel, an applicant's representative, said Mr. Smith did meet with the Metro inspector (Mr. Bland) before the sidewalk was put in – the applicant did make a good faith effort to find a workable solution.

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**CASE NO. 16WAIVER1045**

01:38:02 In response to a question from Commissioner Lewis, Mr. Smith pointed out the location of proposed driveway features on a photo of the sites (turnaround.)

01:44:32 Commissioner Carlson suggested making a pedestrian cross-walk to the south side of Whispering Hills from this side of the street to the other (which has sidewalks.) Commissioner Brown discussed why “an uncontrolled crosswalk” here could be a pedestrian hazard, especially due to traffic volume.

01:49:16 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 forward this case to be heard at the **November 17, 2016 Planning Commission public hearing**.

**The vote was as follows:**

**YES: Commissioners Turner, Brown, Carlson, Peterson, and Lewis.**

**NO: No one.**

**NOT PRESENT: No one.**

**ABSTAINING: No one.**

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**New Business**

**CASE NO. 16STREETS1016**

<b>Request:</b>	Street Name Change
<b>Project Name:</b>	James Thornton Way
<b>Location:</b>	High Wickham Place from Old Henry Road
<b>Owner:</b>	Thorntons Inc.
<b>Applicant:</b>	David A. Bridgers – Thorntons Inc.
<b>Representative:</b>	David A. Bridgers – Thorntons Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	19 – Julie Denton

**Case Manager:** **Laura Mattingly, 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. 5<sup>th</sup> Street.)

**An audio/visual recording of the Planning Commission hearing 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.**

**Agency Testimony:**

01:51:16 Laura Mattingly presented the case and showed the site plat (see staff report and recording for detailed presentation.)

**The following spoke in favor of the request:**

No one spoke.

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against:**

No one spoke.

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**CASE NO. 16STREETS1016**

**01:53:116 The Committee by general consensus scheduled this case to be heard on the Consent Agenda at the November 14, 2016 Planning Commission night hearing.**

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**November 10, 2016**

**New Business**

**CASE NO. 16DEVPLAN1175**

**NOTE: This case was heard out of order. It was heard following Case No. 16ZONE1020.**

**Commissioner Turner left the meeting at approximately 3:35 p.m. and did not hear this or subsequent cases.**

<b>Request:</b>	Revised Detailed District Development Plan
<b>Project Name:</b>	UA Workforce Housing
<b>Location:</b>	2500 Montgomery Street
<b>Owner:</b>	Portland Stroll District, LLC
<b>Applicant:</b>	Portland Stroll District, LLC
<b>Representative:</b>	Mark Madison – Milestone Design Group, Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	5 – Cheri Bryant Hamilton

**Case Manager: Laura Mattingly, 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. 5<sup>th</sup> Street.)

**An audio/visual recording of the Planning Commission hearing 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.**

**Agency Testimony:**

02:34:04 Laura Mattingly presented the case and showed the site plan (see staff report and recording for detailed presentation.) She mentioned that she had received several interested party comments and noted those into the record.

**The following spoke in favor of the request:**

Mark Madison, Milestone Design Group, 108 Daventry Lane Suite 300, Louisville, KY 40223

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**New Business**

**CASE NO. 16DEVPLAN1175**

Greg Rochman, 1624 Trevilian Way, Louisville, KY 40205

**Summary of testimony of those in favor:**

02:38:23 Mark Madison presented the applicant's case (see recording for detailed presentation.)

**The following spoke in opposition to the request:**

Edward Cebe, 2519 Montgomery Street, Louisville, KY 40212

Judy Schroeder, 2711 West Main Street, Louisville, KY 40212

**Summary of testimony of those in opposition:**

02:40:49 Edward Cebe objected to the lack of parking, the density, and the prices the developer is planning to charge tenants.

02:42:36 Judy Schroeder, a member of Portland Now, said the Category 3 Subcommittee met with the developer. She said a neighborhood survey was done by Portland Now (of 18 nearby residents) and all but two opposed the project. Concerns included density and an incompatible design. She read a letter from Gary Watrous into the record. He supports the project in general but suggested design changes to make the apartments more compatible.

02:47:22 Ms. Schroeder asked several questions of Mr. Madison regarding subdividing the parcel, design issues, a binding element, and density (see recording for detailed conversation.) She expressed concern that the plan being presented today shows no on-site parking, but only on-street parking. Mr. Madison discussed the parking. Commissioner Brown also discussed parking requirements.

02:52:29 Ms. Mattingly and Jonathan Baker, legal counsel for the Planning Commission, reviewed re-submission and approval requirements. Ms. Mattingly answered a question regarding the subdividing of the parcel.

02:53:52 Ms. Schroeder gave a brief history of the project and said that, initially, the applicant's proposal was for adaptive reuse and single-family housing. This plan is very different than what was first proposed.

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02:56:15 Greg Rochman, representing the developer, responded to some of Mr. Cebe's and Ms. Schroeder's concerns, specifically about parking and the subdivision of the parcel. In response to some of Mr. Cebe's concerns, Ms. Mattingly said the applicant has a joint parking agreement with an adjoining site.

**The following spoke neither for nor against:**

No one spoke.

Discussion:

03:01:22 In response to a question from Commissioner Brown, Ms. Mattingly showed the new copy of the site plan that shows five-foot sidewalks and the Conditional Approval from Transportation Planning. They also discussed amending binding elements #1, #3, and #5.

03:05:30 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Land Development and Transportation Committee finds that LOJIC has not identified any environmental constraints on 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 have been provided through access improvements and the completion of the public sidewalk adjacent to the development. Transportation has given their preliminary approvals; and

**WHEREAS**, the Committee further finds that the provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development meets regulations. This development has a park within 1000 feet and is in a Traditional Form District, therefore is exempt from recreational open space requirements. The applicant has still provided a 9,221 square foot court yard; and

**WHEREAS**, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of



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**CASE NO. 16DEVPLAN1175**

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 land uses are compatible with the existing and future development of the area, as this is an area in need of revitalization and multi-family housing will provide more housing opportunities in the area; and

**WHEREAS**, the Committee further finds that this development conforms to the Land Development Code and the Comprehensive Plan, as well as the goals of the Portland Neighborhood Plan by utilizing a vacant lot and offering safe, affordable housing that compliments the fabric of the neighborhood and offers an opportunity for revitalization; and

**WHEREAS**, the Committee further finds that, based the staff report, the applicant's justification and the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested 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 Lyndon, St. Matthews, Hurstbourne, or Middletown)~~ for review and approval; any changes/additions/alterations not so referred shall not be valid. *(Revised at the November 10, 2016 LD&T meeting.)*
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from

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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 within one year of approval of the rezoning and shall be maintained thereafter.
  - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.  
*(Revised at the November 10, 2016 LD&T meeting.)*
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. Within one year of the date of approval of the rezoning, sidewalks in the rights-of-way of N 26th St and Montgomery St shall be repaired, restored and/or replaced as required by Metro Transportation Planning staff. *(Revised at the November 10, 2016 LD&T meeting.)*~~

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Peterson, and Lewis.**

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**NO: No one.**

**NOT PRESENT: Commissioner Turner.**

**ABSTAINING: No one.**

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**New Business**

**CASE NO. 16ZONE1062**

**Request:** Zoning Change from W-3 to C-M  
**Project Name:** QSR Automations Inc.  
**Location:** 2700 Buddeke Drive  
**Owner:** Lee Leet – QSR Automations Inc.  
**Applicant:** Lee Leet – QSR Automations Inc.  
**Representative:** Clifford Ashburner – Dinsmore & Shohl, LLP  
**Jurisdiction:** Louisville Metro  
**Council District:** 9 – Bill Hollander

**Case Manager:** **Laura Mattingly, 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. 5<sup>th</sup> Street.)

**An audio/visual recording of the Planning Commission hearing 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.**

**Agency Testimony:**

03:06:41 Laura Mattingly presented the case and showed the site plan (see staff report and recording for detailed presentation.) She noted that she had received one letter of support from a nearby property owner (Patrick Droppleman.)

03:11:01 She said there was one new binding element that had been requested by Transportation Planning (binding element #9 on page 10 of the staff report.)

03:11:45 In response to a question from Commissioner Carlson, Ms. Mattingly discussed a KYTC project that is coming through and which necessitates the sidewalk waiver.

**The following spoke in favor of the request:**

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**CASE NO. 16ZONE1062**

Cliff Ashburner, Dinsmore Shohl, 101 South 5<sup>th</sup> Street Suite 2500, Louisville, KY 40202

Scott Hannah, 642 South 4<sup>th</sup> Street, Louisville, KY 40202 (signed in but did not speak)

**Summary of testimony of those in favor:**

03:12:51 Cliff Ashburner presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against:**

Meme Runyon, River Fields, 455 South 4<sup>th</sup> Street Suite 990, Louisville, KY 40202

**Summary of testimony of those neither for nor against ("Other"):**

03:17:24 Meme Runyon said this proposal is an improvement to previous proposals. She said there are several office and office/warehouse developments, in addition to the industrial developments. She said this development could reduce air pollution, dust, and heavy traffic along this portion of River Road. She said she had questions regarding the removal of several binding elements, namely:

Binding element #1 – Ms. Mattingly pointed out that this binding element is still included, not removed.

Binding element #6 – Ms. Runyon requested that downlighting remain included.

Binding element #25 – Ms. Runyon asked that landscaping be completed within one year.

Binding element #26 – Ms. Runyon requested that the landscaping plan be provided to River Fields prior to the public hearing.

Binding element #27 – Ms. Runyon asked that this remain included, since future owners may not be as conscientious about maintaining landscaping.

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03:25:10      Commissioner Carlson suggested that, between now and the time of the public hearing, Ms. Runyon work with staff and/or the applicant regarding wording of the binding elements.

**The Committee by general consensus scheduled this case for public hearing at the November 17, 2016 Planning Commission public hearing.**

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**New Business**

**CASE NO. 16ZONE1020**

**NOTE: This case was heard out of order. It was heard following Case No. 16STREETS1016.**

<b>Request:</b>	Zoning Change from R-4 and R-5 to R-5A with a Variance on approximately 29.07 acres
<b>Project Name:</b>	Taylorsville Road Apartments
<b>Location:</b>	11404, 11312, and 11314 Taylorsville Road
<b>Owner:</b>	BBB Investments LLC; Mannoxx LLC
<b>Applicant:</b>	Teri Delsignore
<b>Representative:</b>	Bardenwerper, Talbott & Roberts PLLC Mindel Scott & Associates
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	20 – Stuart Benson
<b>Case Manager:</b>	<b>Julia Williams, RLA (IN), AICP, Planning Supervisor</b>

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. 5<sup>th</sup> Street.)

**An audio/visual recording of the Planning Commission hearing 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.**

**Agency Testimony:**

01:55:51 Julia Williams presented the case and showed the development (see staff report and recording for detailed presentation.) She outlined the changes that have been made by the applicant since the original request. She discussed the dates available for a night hearing at the East Government Center at 6:00 p.m.

**The following spoke in favor of the request:**

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

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**New Business**

**CASE NO. 16ZONE1020**

Kathy Linares and David Mindel, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

**Summary of testimony of those in favor:**

01:59:07 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He reviewed the proposed changes to the plan in detail.

02:05:16 In response to a question from Commissioner Brown, Ms. Williams said there is no gate on the plan. What appears to be a gate are catch basins.

02:06:04 In response to a question from Commissioner Turner, Mr. Bardenwerper discussed the reductions in the number of buildings and units.

02:07:12 There was more discussion about what appeared to be a gate. Kathy Linares, an applicant's representative, said there have always been plans to have a gate at the main entrance.

02:10:16 Commissioner Carlson asked the applicant to present some word from TARC regarding whether they have plans to expand their service out here.

**The following spoke in opposition to the request:**

Pamela Miller, 4110 Saratoga Woods Drive, Louisville, KY 40299

Barry Albert, 4109 Chenoweth Run Road, Louisville, KY 40299

Fred Fischer, 4200 Chenoweth Run Road, Louisville, KY 40299

Carylon Frazier, 12502 Valley Pine Drive, Louisville, KY 40299

**Summary of testimony of those in favor:**

02:12:10 Pam Miller said there has been no improvement in the infrastructure of Taylorsville Road (a two-lane road in this area.) She said the addition of the proposed apartments will create a traffic hazard. There are no



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sidewalks, bike lanes, or TARC services here; also, there is no room for a center turning lane.

02:15:13 Carylton Frazier said she opposed the project because of the increase in traffic on this two lane road; the neighborhood schools are “at capacity” in the area; and the developer is planning to leave only 15% of the trees.

02:19:53 Fred Fischer agreed with the traffic issues raised by the previous two speakers. He said his main concern is water runoff and flooding, particularly onto his property. He said other developments in the area have caused his property to be declared a floodplain. He discussed a past project, proposed for this same property, which was denied by the Planning Commission because there was too much tree removal. This project is proposing to remove even more trees. He said there is currently “a forest” on the property.

02:25:21 Barry Albert said his primary concern is additional traffic, which is already dangerous here, and water runoff. He expressed great concern about tree removal.

**The following spoke neither for nor against:**

No one spoke.

**Discussion:**

02:28:03 Mr. Bardenwerper said the applicant will make improvements to Taylorsville Road to widen it a portion of it, in addition to paying a system development fee. David Mindel discussed the portion of Taylorsville Road from Chenoweth Run Road to the Gene Snyder.

02:29:42 In response to a question from Commissioner Lewis, Mr. Bardenwerper said an updated traffic study has been submitted to Transportation Planning.

02:30:01 Commissioner Carlson brought up a study that had been done to coordinate traffic lights.

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**02:33:47** The Committee by general consensus scheduled this case for public hearing at the December 12, 2016 Planning Commission public hearing, to be held at 6:00 p.m. at the East Government Center, 200 Juneau Drive.

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**New Business**

**CASE NO. 16ZONE1039**

**Request:** Zoning Change from R-4 to OR-3 on 2.89 acres with Variances and a Waiver  
**Project Name:** Dorsey Office  
**Location:** 1025 Dorsey Lane  
**Owner:** Charles Insurance Company  
**Applicant:** Nicklies Real Estate Development  
**Representative:** Heritage Engineering LLC  
**Jurisdiction:** City of Lyndon  
**Council District:** 18 – Marilyn Parker

**Case Manager:** **Julia Williams, RLA (IN), AICP, Planning Supervisor**

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. 5<sup>th</sup> Street.)

**An audio/visual recording of the Planning Commission hearing 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.**

**Agency Testimony:**

03:27:02 Julia Williams presented the case and showed the development plan (see staff report and recording for detailed presentation.) She said she received several interested party comments from an adjacent property owner.

**The following spoke in favor of the request:**

Jim Calvery, Nicklies Development, 6060 Dutchmans Lane Suite 110, Louisville, KY 40205

**Summary of testimony of those in favor:**

03:30:35 Jim Calvery, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

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**The following spoke in opposition to the request:**

Dennis Barnett, 10408 Morat Avenue, Louisville, KY 40223

**Summary of testimony of those in opposition:**

03:39:02 Dennis Barnett, an adjoining property manager/owners' representative, said the concern is not with density or traffic, but with the east property line. The east property line consists of an "earth dam" that holds back a lake with fish and wildlife in it. Concerns are the impervious surface and water runoff, and also possible damage to the dam during construction. He discussed the proposed retaining wall along the east property line. He said one of the owners had asked him to consult an independent engineering firm to examine the development plan to make sure no damage occurs to the dam or the lake.

**The following spoke neither for nor against:**

No one spoke.

**The Committee by general consensus scheduled this case for public hearing at the December 15, 2016 Planning Commission public hearing.**

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**New Business**

**CASE NO. 16ZONE1033**

**Request:** Zoning Change from R-4 to C-1  
**Project Name:** Greenwood Plaza  
**Location:** 6300 Greenwood Drive  
**Owner:** Irma V. Waller  
**Applicant:** Brian Forrester  
**Representative:** Bardenwerper, Talbot & Roberts PLLC  
Evans/Griffin  
**Jurisdiction:** Louisville Metro  
**Council District:** 12 – Rick Blackwell

**Case Manager:** **Brian Mabry, Planning & Design Supervisor**

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. 5<sup>th</sup> Street.)

**An audio/visual recording of the Planning Commission hearing 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.**

**Agency Testimony:**

03:44:58 Brian Mabry presented the case and showed the development plan (see staff report and recording for detailed presentation.)

03:48:13 Mr. Mabry pointed out one error in the staff report – a table at the bottom of page one lists the requested zoning as “C-2”. It should be “C-1”. Also, under the “Proposed Binding Elements”, item 5E states that a reciprocal access easement is needed to the west. There is already an existing access easement there.

**The following spoke in favor of the request:**

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Jim Griffin, 4010 Dupont Circle, Louisville, KY 40207

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**New Business**

**CASE NO. 16ZONE1033**

Brian N. Forrest (applicant), 8909 Lippincott Road, Louisville, KY 40222

**Summary of testimony of those in favor:**

03:50:10 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

03:55:31 Mr. Pregliasco discussed the drainage easement and the reason for the waiver.

03:57:06 Commissioner Carlson asked about the sidewalks, particularly along the access road/crossover area. He asked if sidewalks could be included there, particularly if the empty property was developed as condominiums. Mr. Pregliasco discussed the locations of sidewalks. Jim Griffin said the access road is existing; its primary purpose is for deliveries to Kroger. Commissioner Brown said that, as far as he knew, this is a private road. Commissioner Carlson discussed connectivity.

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against:**

No one spoke.

**Discussion:**

04:02:58 Brian Davis, Planning & Design Manager, pointed out that restaurants with a drive-through (the proposed restaurant outlot) in C-1 have to be at least 400 feet from residentially-zoned or used properties. There are R-4 properties on the north side. Mr. Pregliasco said that the original zoning request was for C-2, and that was what was presented at the neighborhood meeting. Mr. Davis suggested the applicant work with staff to bind out objectionable or concerning uses before the public hearing.

**The Committee by general consensus scheduled this case for public hearing at the December 15, 2016 Planning Commission public hearing.**

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**November 10, 2016**

**New Business**

**CASE NO. 16AREA1002**

**\*NOTE: This case was heard out of order. It was heard second on the agenda.**

**Request:** Areawide Change in Zoning from R-4 Residential, M-1 Manufacturing and M-2 Manufacturing to PEC Planned Employment Center

**Project Name:** Jeffersontown Commerce Park

**Location:** Multiple Properties

**Owner:** Multiple Owners

**Applicant:** City of Jeffersontown

**Representative:** City of Jeffersontown

**Jurisdiction:** City of Jeffersontown

**Council District:** 11 – Kevin Kramer and 20 – Stuart Benson

**Case Manager:** **Brian Mabry, AICP, Planning & Design Supervisor**

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. 5<sup>th</sup> Street.)

**An audio/visual recording of the Planning Commission hearing 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.**

**Agency Testimony:**

00:47:04 Brian Mabry presented the case (see staff report and recording for detailed presentation.) He added that he has not received any public comments.

**The following spoke in favor of the request:**

Steve Rusie, representing the City of Jeffersontown, 10416 Watterson Trail, Louisville, KY 40299

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**New Business**

**CASE NO. 16AREA1002**

**Summary of testimony of those in favor:**

00:50:46 Steve Rusie, Land Use Planner with the City of Jeffersontown, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:53:27 Commissioner Peterson asked if the City of Jeffersontown had considered workforce housing as a use for any of these areas (apartments, etc.) Mr. Rusie said that housing is not listed as an appropriate use for Suburban Workplace form district. He discussed other multi-family developments in the area. He and Commissioner Peterson discussed other residential areas in Jeffersontown.

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against:**

No one spoke.

**The Committee by general consensus scheduled this case for public hearing at the December 1, 2016 Planning Commission public hearing.**



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**The meeting adjourned at approximately 5:15 p.m.**

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***Chairman***

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***Division Director***