

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
May 17, 2018**

A meeting of the Land Development and Transportation Committee was held on, May 17, 2018 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Richard Carlson – Acting Chair
Jeff Brown
Laura Ferguson

Committee Members absent were:

Marilyn Lewis, Chair
Rob Peterson, Vice-Chair

Staff Members present were:

Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning and Design Manager
Julia Williams, Planning Supervisor
Joel Dock, Planner II
Jay Lockett, Planner I
Paul Whitty, Legal Counsel
Travis Fiechter, Legal Counsel
Tony Kelly, MSD
Pamela M. Brashear, Management Assistant

00:01:23 Mr. Whitty stated the Chair and Vice Chair are not present today.

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

RESOLVED, that the Land Development & Transportation Committee does hereby **APPOINT** Commissioner Carlson as Acting Chair for today's meeting.

By general consensus, the commissioners elected Rich Carlson to chair this meeting.

The following matters were considered:

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
May 17, 2018**

APPROVAL OF MINUTES

APRIL 12, 2018 LD&T COMMITTEE MEETING MINUTES - CORRECTION

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

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

The vote was as follows:

YES: Commissioners Brown and Carlson

NOT PRESENT FOR THIS CASE: Commissioners Peterson and Lewis

ABSTAIN: Commissioner Ferguson

APRIL 26, 2018 LD&T COMMITTEE MEETING MINUTES

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

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on April 26, 2018.

The vote was as follows:

YES: Commissioners Brown and Carlson

NOT PRESENT FOR THIS CASE: Commissioners Peterson and Lewis

ABSTAIN: Commissioner Ferguson

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
May 17, 2018

NEW BUSINESS

CASE NO. 17STREETS1002

Request: **This case will be continued to the May 31 meeting of LD&T**
Street/Alley Closure of a portion of Lipps Lane
Project Name: Lipps Lane Closure
Location: A portion of Lipps Lane on the west side of Jefferson
Boulevard, North of Bates Avenue
Owner: City of Louisville
Applicant: HRM Louisville, LLC
Representative: Richard Matheny, Cardinal Surveying
Jurisdiction: Louisville Metro
Council District: 24 – Madonna Flood
Case Manager: Laura Mattingly, AICP, Planner II
Presented by: Brian Davis, 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. 5th Street.)

Agency Testimony:

00:04:56 Mr. Davis stated the applicant accidentally mailed notifications without postage. The new notices have been mailed properly for a continuance to the May 31, 2018 LD&T meeting.

Deliberation

00:05:27 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 Ferguson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the May 31, 2018 LD&T meeting.

The vote was as follows:

YES: Commissioners Brown, Ferguson and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Peterson and Lewis

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
May 17, 2018**

NEW BUSINESS

CASE NO. 17ZONE1017

Request: Schedule Night Hearing
Project Name: Circle K
Location: 9201, 9205, and 9211 Preston Highway
Owner: Scott Whitaker
Applicant: Mac's Convenience Stores, LLC
Representative: Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction: Louisville Metro
Council District: 24 - Madonna Flood
Case Manager: Laura Mattingly, AICP, Planner II
Presented by: Brian Davis, Planning and 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:

00:06:19 Mr. Davis stated this case was scheduled to be heard at the Planning Commission meeting next Thursday; however, a petition (344 signatures) was received for a night hearing. A specific date has not been determined so the applicant will come back to the May 31, 2018 LD&T meeting with that date.

Deliberation

00:07:31 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 Ferguson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CANCEL** this case being heard at the May 24, 2018 Planning Commission meeting and having received enough signatures to schedule a night hearing in the district, **CONTINUE** it to the May 31, 2018 LD&T meeting to set a night hearing date.

The vote was as follows:

YES: Commissioners Brown, Ferguson and Carlson

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
May 17, 2018**

NEW BUSINESS

CASE NO. 17ZONE1017

NOT PRESENT AND NOT VOTING: Commissioners Peterson and Lewis

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 18STREETS1011

Request:	Closure of public Right-of-Way
Project Name:	Aiken Road Closure
Location:	Aiken Road near the old alignment of Aiken Road
Owner:	Louisville Metro
Applicant:	Stapleton Development, LLC.
Representative:	Mindel, Scott and Associates
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
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:

00:08:40 Mr. Lockett discussed the Aiken Rd. closure (see staff report and recording for detailed presentation). It is in order.

Deliberation

00:12:30 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 Ferguson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **SCHEDULE** this case for the Consent Agenda of the May 24, 2018 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Ferguson and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Peterson and Lewis

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NEW BUSINESS

CASE NO. 15STREETS1008

Request: Street/Alley Closure of an unnamed 6813 square foot L-shaped alley
Project Name: Kindred Alley Closure
Location: North of the intersection of West Broadway and South 4th Street
Owner: City of Louisville
Applicant: John Thomas, Sabak, Wilson & Lingo, Inc
Representative: Tim Martin, Frost Brown Todd
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Laura Mattingly, AICP, Planner II
Presented by: Brian Davis, Planning and 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:

00:14:07 Mr. Davis discussed the Kindred alley closure (see staff report and recording for detailed presentation). It is in order.

The following spoke in favor of this request:

Timothy W. Martin, 400 West Market Street, Suite 3200, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:16:17 Mr. Martin stated he's here to answer questions.

Deliberation

00:17:00 Mr. Davis said this street closure has 100% consent and can be placed on the Consent Agenda for the Planning Commission meeting.

00:17:40 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.

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NEW BUSINESS

CASE NO. 15STREETS1008

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **SCHEDULE** this case for the Consent Agenda of the May 24, 2018 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Ferguson and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Peterson and Lewis

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 18SUBDIV1006

Request: Major Preliminary Subdivision
Project Name: Ferndale Place
Location: 8006 Ferndale Road
Owner: KSM Louisville Real Estate Development, LLC
Applicant: Dan Hempel, Pulte Group
Representative: Mike Hill, Land Design & Development, Inc
Jurisdiction: Louisville Metro
Council District: 23 – James Peden
Case Manager: Laura Mattingly, AICP, Planner II
Presented by: 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:

00:18:43 Mr. Dock stated this case needs to be continued to May 31, 2018 LD&T due to a technical error by staff – failed to notice for the Revised Detailed District Development Plan and provide a standard of review.

The following spoke in favor of this request:

Kevin Young, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

00:19:49 Mr. Young said the applicant is here for questions.

Deliberation

00:20:08 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 Ferguson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the May 31, 2018 LD&T meeting.

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 18SUBDIV1006

The vote was as follows:

YES: Commissioners Brown, Ferguson and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Peterson and Lewis

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 17ZONE1038

NOTE: THIS CASE WAS HEARD LAST

Request:	Change is zoning from R-6 and R-7, multi-family residential to C-1, commercial
Project Name:	3343-3425 Taylor Boulevard
Location:	3343-3425 Taylor Boulevard
Owner:	Multiple Owners
Applicant:	The McCartin Company, Inc.
Representative:	Accurus Engineering
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:

01:02:01 Joel Dock presented the case (see staff report and recording for detailed presentation). The Ky. State Cabinet Transportation has not approved the proposed access points and there are some outstanding concerns.

The following spoke in favor of this request:

Jennifer Caummisar, Accurus Engineering, Louisville, Ky.

Summary of testimony of those in favor:

01:04:12 Ms. Caummisar stated the proposal is one of two pockets along the Taylor Blvd. corridor that's still residential. The Kentucky Transportation Cabinet has requested a traffic study.

01:06:22 Commissioner Brown asked what the developer plans to do with the occupied housing residents (maybe relocation). Are they owner or renter occupied? There are also concerns raised regarding the Taylor and Bluegrass project on the other side of the Watterson. Is there any way to consolidate the number of access points? Ms. Caummisar said she would be able to answer these questions at the public hearing.

01:08:40 Mr. Dock stated, "Regarding the access points, one of the reasons why there are no waivers or variances on this plan is because originally the applicant proposed a drive lane in front of those structures to accommodate and have two access

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NEW BUSINESS

CASE NO. 17ZONE1038

points and because the Traditional Neighborhood Form District guidelines call for buildings to be at the road and to not have drive lanes between the buildings and the public right-of-way. Staff requested that be moved and the buildings be pulled closer to be more oriented towards the public right-of-way and public sidewalk. As a result of pedestrian orientation you have additional vehicular access points." Commissioner Brown suggested an alternate solution stating this is not pedestrian friendly.

01:11:45 Mr. Reverman remarked, "We didn't think it was ready for an LD&T meeting because we didn't have any KYTC comments. Also, we weren't supportive of the number of entrances even though it's a KYTC decision. Ms. Stuber hasn't stamped the plan because there were some outstanding issues."

Deliberation

01:14:10 Commissioner Brown stated, "There will probably be some recommendations or conditions from the state for the encroachment permit depending on how much the applicant is willing to provide."

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 Ferguson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the June 28, 2018 LD&T meeting.

The vote was as follows:

YES: Commissioners Brown, Ferguson and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Peterson and Lewis

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NEW BUSINESS

CASE NO. 17ZONE1046

Request: Change is zoning from R-4, single-family residential to C-2, commercial with a conditional use permit for camping areas and recreational vehicle parks

Project Name: Progress Park

Location: 4501 Progress Boulevard

Owner: Collins, LLC

Applicant: Collins, LLC

Representative: Bardenwerper, Talbott, & Roberts, PLLC

Jurisdiction: Louisville Metro

Council District: 2 – Barbara Shanklin

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:

00:23:25 Joel Dock presented the case (see staff report and recording for detailed presentation).

00:25:48 Commissioner Brown remarked, "In the definition for Recreational Vehicle Park, it just says temporary placement of recreational vehicles but it looks like they will have (as permanent as can be) permanent recreational vehicles there for short-term rentals." Mr. Dock answered, "The plan indicates they may be at a fixed location but I believe a trailer is a non-permanent structure."

00:26:13 Commissioner Brown said it seems more like a mobile home park and not a temporary placement. Mr. Dock replied, "It does allow for a campground in the more general sense which would have cabins for short-term occupancy. I know this is a little different and unique and this case is not short of being a unique use that we don't typically see in an urban area but staff finds the camping area and recreational vehicle park conditional use permit is the most appropriate application."

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Mike Pifer, 4101 Graf Drive, Louisville, Ky. 40220

Nick McDowell, 3253 Ellis Way, Louisville, Ky. 40220

Summary of testimony of those in favor:

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NEW BUSINESS

CASE NO. 17ZONE1046

00:27:16 Mr. Pregliasco gave a power point presentation. The site is undeveloped, has over 70% tree canopy and a large lake. The use is different and new to Louisville Metro and a number of concerns were raised at the neighborhood meeting. Some mitigation efforts will be made including: binding elements; 8 foot wooden privacy fence around the entire perimeter; increased buffer along the southeastern property line; keep some trees to help with sound mitigation; supervision on site (Resident Manager/Park Ranger); and hours of operation.

00:43:30 Commissioner Brown asked if the manager would be on site for 24 hours.

00:43:59 Mr. Pifer answered no. The manager will live on the site, be there in the evenings and be present for events.

00:44:42 Commissioner Brown asked, "Could someone rent a trailer or park an RV there if there's no event on the property?" Mr. Pifer said yes. Also, Commissioner Brown asked for a definition of 'quiet hours'. Mr. McDowell stated 'quiet hours' are similar to a campground. "After quiet hours we would ask that you're in your camper or in your space with no music or loud noise."

00:48:28 Commissioner Brown stated the gate is going to have to be moved back 30 feet from the edge of the right-of-way (Progress Blvd. side).

00:50:58 Mr. Whitty asked about renting to one person and that person inviting a lot of friends over. Mr. Pregliasco said they would not be able to do that.

00:52:16 Acting Chair Carlson asked the applicant to be more specific on the times the Resident Manager/Park Ranger will be on site. Also, clarify the size of an event regarding the binding element dealing with a maximum of 72 large events per year.

The following spoke in opposition to this request:

Tom Burch, 4012 Lynnwood Avenue, Louisville, Ky.

Summary of testimony of those in opposition:

00:57:43 Mr. Burch stated he doesn't dislike the developers. The proposal might attract transit people and the zoning change covers more than just a park. A further presentation will be made at the public hearing.

Deliberation

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NEW BUSINESS

CASE NO. 17ZONE1046

00:59:05 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.

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **SCHEDULE** a night hearing for June 5, 2018, 6:00 p.m. at the Knights of Columbus, 4801 Progress Blvd.

The vote was as follows:

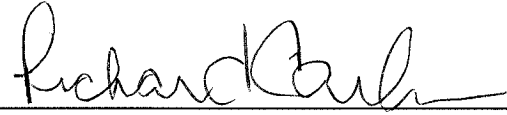
YES: Commissioners Brown, Ferguson and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Peterson and Lewis


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ADJOURNMENT

The meeting adjourned at approximately 2:20 p.m.

 5/17/18

actg Chair


Planning Director