

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

August 9, 2018

New Business

Case No. 18ZONE1014

Request: Change in zoning from C-1 to C-2 Commercial with conditional use permit and Revised Detailed District Development Plan for golf driving range and entertainment center; Variances for setback, height, and stream buffer encroachments; and a Waiver of landscape buffer.

Project Name: TopGolf at Oxmoor Center
Locations: 7900 Shelbyville Road
Owner: WMB 2, LLC and TWB Oxmoor 2, LLC
Applicant: TopGolf USA Louisville, LLC
Representative: Clifford Ashburner – Dinsmore & Shohl, LLP
Patrick Dominik – Sabak Wilson & Lingo

Jurisdiction: Louisville Metro
Council District: 18 – Marilyn Parker

Case Manager: **Joel Dock, AICP, Planner II**

Notices were sent by first-class mail to those adjoining property owners whose names were supplied by the applicants.

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

Agency Testimony:

00:36:32 Joel Dock presented the case (see staff report and recording for detailed presentation.) He discussed the Technical Review of the Staff Report, noting that a traffic impact study was provided per binding element #10. He also stated that staff has received a “large quantity” of public input, both in support and opposed to the project.

00:40:32 Commissioner Carlson asked if there were any other cities that had a facility like this, and if so, if Mr. Dock could reach out to them prior to the public hearing.

The following spoke in favor of the request:

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

Patrick Dominik, Sabak Wilson & Lingo, 608 South Third Street, Louisville, KY 40202

Keith Pharis, 7110 Austinwood Road, Louisville, KY 40214

Mitchell Green, 3 HMB Circle, Frankfort, KY 40601

Diane Zimmerman, 12803 High Meadows Pike, Louisville, KY 40059

Kendall Merrick, 7900 Shelbyville Road, Louisville, KY 40222

Summary of testimony of those in favor:

00:42:00 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentations of all speakers.)

00:49:47 Keith Pharis, on behalf of the applicant, discussed the Lighting Report and explained how the measurements were taken.

00:53:20 Mr. Ashburner showed photos of an existing TopGolf facility in Virginia Beach and further discussed the lighting. The photos showed the light standards and mounting height; the appearance of the facility during the day; at dusk, and in the evening.

00:54:15 Mitchell Green, on behalf of the applicant, discussed the Sound Level Assessment. He described the sound levels at an existing TopGolf facility, and also described the sound study done at the Oxmoor location.

01:02:01 Diane Zimmerman, on behalf of the applicant, discussed the Traffic Impact Study.

01:03:42 Using the site plan, Mr. Ashburner noted that the site is located north and west away from residents.

01:04:50 Kendall Merrick, General Manager of Oxmoor Center, spoke in support of the project.

01:10:59 Commissioner Carlson asked about a binding element regarding noise and sound monitoring. Mr. Ashburner said he will discuss that with his client and bring that info to the public hearing. He will also bring information regarding hours of operation and seating capacity.

01:12:19 In response to questions from Commissioner Carlson, Mr. Ashburner said that this will be a new structure, and that the old Sears store will be demolished. He also discussed landscaping planted closer to the residences, which may help to obscure the lighting.

01:13:15 In response to a question from Commissioner Brown, Mr. Ashburner said there will be more information about the left-turn lane from Oxmoor Lane into the site presented at the public hearing.

The following spoke in opposition to the request:

Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299

Julie Raque Adams, 213 South Lyndon Lane, Louisville, KY 40222

Summary of testimony of those in opposition:

01:14:47 Steve Porter, representing residents in Hurstbourne, Lyndon, St. Matthews and Bellmeade, spoke in opposition (see recording for detailed presentations of all speakers.) Mr. Porter noted that there are over 1500 people who signed petitions and/or sent in letters of opposition. He said there was one neighborhood meeting, but the applicant declined to have a second meeting to explain the plan changes or bring in sound and lighting experts to talk to residents. He said the building is actually a six story building, with the poles holding the netting being the equivalent of a 17-story building (170-foot poles.). There will be live bands, fire pits, and two six-story-tall television screens at the end of the field. He noted that almost all of the TopGolf facilities are not in areas that are so close to residences.

01:23:32 Mr. Porter said the opposition is requesting a night hearing at the Shelby Campus on October 1, 2018 at 6:30 p.m.

01:26:58 Julie Raque Adams, State Senator for District 36, spoke in opposition. She discussed all of the waivers and variances being requested and said the residents in the area could use some time for conversation and information-gathering.

01:28:54 Commissioner Lewis asked Mr. Ashburner for renderings showing what the facility will look like at ground level, especially as regards to the height of the poles and television screens.

Rebuttal

01:29:37 Mr. Ashburner explained why the applicant did not have a second neighborhood meeting. He said there is a website ("TopGolf Louisville") that is dedicated to providing the public with a significant amount of information about the project, including the studies that were shown to the Committee today. The lighting and

sound studies, as well as the revised plan, have been available since June. Mr. Ashburner said he offered to meet with and discuss issues with Mr. Porter.

01:31:42 Commissioners' deliberation

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

The Committee by general consensus scheduled this case to be heard at a special meeting of the Planning Commission on Monday, **October 1, 2018 at 6:30 p.m.** at the ShelbyHurst Campus.