

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

August 9, 2018

A meeting of the Land Development and Transportation Committee was held on Thursday, August 9, 2018 at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Committee Members present were:

Marilyn Lewis, Chair
Richard Carlson, Vice Chair
Jeff Brown

Committee Members absent were:

Rob Peterson

Staff Members present were:

Emily Liu, Director, Planning & Design Services
Joseph Reverman, Assistant Director, Planning & Design Services
Will Ford,
Brian Davis, Planning & Design Manager
Joel Dock, Planner II
Julia Williams, Planning Supervisor
John Carroll, Legal Counsel
Travis Fiechter, Legal Counsel
Chris Cestaro, Management Assistant (minutes)

Others Present:

Beth Stuber, Transportation Planning
Tony Kelly, MSD

The following matters were considered:

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Approval of Minutes

Approval of the July 26, 2018 LD&T Committee Meeting Minutes

00:03:40 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on July 26, 2018.

The vote was as follows:

YES: Commissioners Brown, Carlson, and Lewis.

NOT PRESENT: Commissioner Peterson.

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New Business

Case No. 17ZONE1038

Request: Change in zoning from R-6 and R-7 Multi-Family Residential to C-1 Commercial (Continued from 5/17 and 6/28 LD&T)

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, 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:

00:04:27 Joel Dock said this case will need to be continued indefinitely, and new notice will be required when it is scheduled for a hearing date. The Kentucky State Transportation Cabinet has not yet completed their review.

The following spoke in favor of the request:

No one spoke.

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.

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New Business

Case No. 17ZONE1038

00:05:16 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case indefinitely.

YES: Commissioners Brown, Carlson, and Lewis.

NOT PRESENT: Commissioner Peterson.

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New Business

Case No. 18ZONE1030

Request: Change in zoning from R-4 and C-1 to C-2 for pawn shop and auto dealership.
Project Name: 9212 Dixie Highway
Location: 9212 Dixie Highway
Owner: Brown Family Enterprises
Applicant: Brown Family Enterprises
Representative: Kelli Jones - Sabak, Wilson & Lingo
Jurisdiction: Louisville Metro
Council District: 14 – Cindi Fowler

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:

00:05:56 Joel Dock presented the case (see staff report and recording for detailed presentation.)

00:07:29 Commissioner Brown asked if the Dixie Highway Corridor Master Plan affects this development. Mr. Dock said there are no site-specific recommendations; however the Master Plan is about orienting to the public realm (pedestrian connectivity and sidewalks.) There are no thresholds triggered by the Land Development Code to require sidewalks.

The following spoke in favor of the request:

Kelli Jones, Sabak Wilson & Lingo, 608 South 3rd Street, Louisville, KY 40202

Paul Brown, 1806 Shady Lane, Louisville, KY 40205

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New Business

Case No. 18ZONE1030

Summary of testimony of those in favor:

00:08:02 Kelli Jones, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:10:42 In response to a request from Commissioner Brown, Ms. Jones said she would have a landscape plan available for the public hearing.

00:11:03 Paul Brown was called but Ms. Jones said he was just available for questions.

The following spoke in opposition to the request:

No one spoke.

00:11:19 Commissions' deliberation.

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The Committee by general consensus scheduled this case to be heard at the **September 6, 2018** Planning Commission public hearing.

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New Business

Case No. 18ZONE1040

Request: Change in zoning from M-2 to C-1 and a District Development Plan with binding elements

Project Name: 13501 Aiken Road

Location: 13501 Aiken Road

Owner: Sandra and Mark Holloway

Applicant: Donnascott LLC

Representative: Cliff Ashburner – Dinsmore & Shohl LLP
Kathy Linares - Mindel Scott & Associates

Jurisdiction: Louisville Metro

Council District: 19 – Julie Denton

Case Manager: **Julia Williams, AICP, Planning Supervisor**

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:

00:11:53 Julia Williams presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Cliff Ashburner, Dinsmore & Shohl, 101 South 5th Street Suite 2500, Louisville, KY 40202

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

Summary of testimony of those in favor:

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Case No. 18ZONE1040

00:14:18 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:18:10 In response to a question from Travis Fiechter, legal counsel for the Planning Commission, Mr. Ashburner said the plan has been updated to show an extra parking spot in the front. He said the most current plan corrected the ROW dedication requirement, which now allows for one extra parking space. In response to a question from Commissioner Brown, Mr. Ashburner said the building will remain on septic, not sewer service.

The following spoke in opposition to the request:

No one spoke.

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The Committee by general consensus scheduled this case to be heard at the **September 6, 2018** Planning Commission public hearing.

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New Business

Case No. 17ZONE1058

Request: Change in zoning from R-6 to C-2 with a Waiver and a District Development Plan with binding elements

Project Name: Bar of Soap

Locations: 2070 South Preston Street

Owner: Wettig Properties, LLC

Applicant: Wettig Properties, LLC

Representative: Glenn Price – Frost Brown Todd
Christopher Brown – BTM Engineering

Jurisdiction: Louisville Metro

Council District: 15 – Marianne Butler

Case Manager: **Julia Williams, AICP, Planning Supervisor**

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:

00:19:30 Julia Williams presented the case (see staff report and recording for detailed presentation.) No structural changes are proposed for the site.

00:21:35 In response to a question from John Carroll, legal counsel for the Planning Commission, Ms. Williams said there will be no outside alcohol consumption.

00:21:51 In response to a question from Commissioner Carlson, Ms. Williams discussed the procedure the applicant would have to go through if, in the future, they decided to decrease the laundromat area and increase the tavern area (see recording for detailed discussion.)

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Case No. 17ZONE1058

00:24:40 In response to a question from Commissioner Brown, Ms. Williams said she understood that the CUP off-site parking area is for the applicant's use only, and is not being used to fulfill parking requirements for anything else.

The following spoke in favor of the request:

Glenn Price, Frost Brown Todd, 400 West Market Street Suite 3200, Louisville, KY 40202

Chris Brown, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

Gail Linville, 526 Atwood Street, Louisville, KY 40217

Antz Wettig, 213 Brown Avenue, Louisville, KY 40207

Jon Wettig, 1141 Logan Street, Louisville, KY 40204

Summary of testimony of those in favor:

00:25:58 Glenn Price, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He explained in detail the square footage of the laundromat part and the tavern part and how that relates to parking spaces.

00:27:39 Christopher Brown, an applicant's representative, discussed the parking in greater detail.

00:29:38 Mr. Price resumed the podium and continued the Power Point presentation.

00:31:55 In response to a question from Commissioner Brown, Mr. Brown pointed out the location of the short-term bike parking spaces on the plan.

00:33:24 Commissioner Brown asked if the hours of operation could be provided at the public hearing due to the facility's close proximity to residences.

00:34:26 Gail Linville, president of the St. Joseph Area Neighborhood Association, spoke in support. She said the Association would like the "proposed" binding elements adopted as the final binding elements.

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Case No. 17ZONE1058

Antz Wetting and Jon Wettig were called but declined to speak.

The following spoke in opposition to the request:

No one spoke.

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The Committee by general consensus scheduled this case to be heard at the **September 6, 2018** Planning Commission public hearing.

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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.

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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.

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New Business

Case No. 18ZONE1014

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.

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Case No. 18ZONE1014

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.

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New Business

Case No. 18ZONE1014

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.

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The meeting adjourned at approximately 2:42 p.m.

Chairman

Division Director