

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

April 23, 2015

A meeting of the Land Development and Transportation Committee was held on Thursday, April 23, 2015, at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Committee Members present were:

Vincent Jarboe, Chair
Donnie Blake, Vice-Chair
Jeff Brown
Cliff Turner

Committee Members absent were:

Carrie Butler

Staff Members present were:

Jonathan Baker, Legal Counsel
Brian Davis, Planning & Design Supervisor
David Wagner, Planner II
Julia Williams, AICP, Planner II
Christopher Brown, Planner II
Tammy Markert, Transportation Planning
Pat Barry, MSD
Chris Cestaro, Management Assistant (minutes)

The following matters were considered:

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Approval of Minutes

Approval of the April 9, 2015 LD&T Committee Meeting Minutes

On a motion by Commissioner Blake, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, the Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted Thursday, April 9, 2015.

The vote was as follows:

YES: Commissioners Blake, Brown, and Turner.

NO: No one.

NOT PRESENT: Commissioner Butler.

ABSTAINING: Commissioner Jarboe.

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New Cases

Case No. 15STREETS1001

Request:	Closure of the 10-foot-wide alley bounded by Garvin Place, West Oak Street, 4 th Street, and a 20-foot-wide alley
Project Name:	Unnamed Alley Closure
Location:	1200 – 1212 S. 4 th Street & 412 W. Oak St.
Owner:	Louisville Metro
Applicant:	Joseph Impellizzeri
Representative:	Willett & Associates Land Surveying
Jurisdiction:	Louisville Metro
Council District:	6 – David James

Case Manager: **David B. Wagner, 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.)

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:

00:06:00 David Wagner presented the case (see recording and staff report 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. 15STREETS1001

00:08:40 On a motion by Commissioner Blake, seconded by Commission Brown, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby place this case on the Consent Agenda for the **May 7, 2015** Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, and Turner.

NO: No one.

NOT PRESENT: Commissioner Butler.

ABSTAINING: No one.

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New Cases

CASE NO. 15DEVPLAN1028

Request:	Revised Detailed District Development Plan
Project Name:	Water Works Car Wash
Location:	9105 US Highway 42
Owner:	Water Works Car Wash LLC
Applicant:	Rob Blackburn
Representative:	Land Design & Development Inc.
Jurisdiction:	City of Prospect
Council District:	16 – Kelly Downard

Case Manager: **Christopher Brown, 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.)

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:

00:09:21 Christopher Brown presented the case (see recording and staff report for detailed presentation.)

The following spoke in favor of the request:

Ann Richard, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in favor:

00:12:12 Ann Richard, the applicant's representative, explained the applicant's request and discussed design and landscaping issues.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against:

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No one spoke.

00:13:39 Commissioners' deliberation.

00:13:57 On a motion by Commissioner Blake, seconded by Commissioner Brown, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject 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 has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

WHEREAS, the Committee further finds that there are no open space requirements with the current proposal; and

WHEREAS, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of 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 site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds, based on the evidence and testimony presented and the staff report, that all of the applicable Land Development Code regulations are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby
RECOMMEND to the City of Prospect that the requested Revised Detailed

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District Development Plan be **APPROVED**, 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.

1a. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.

2. The development shall not exceed ~~3,195~~ **4,260** square feet of gross floor area.

3. Signs shall be in accordance with Chapter 8 or as presented at the public hearing (48 sq. ft. and 6 ft. tall).

4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit (NOTE: to be used for sites within an historic preservation district) is requested:

~~a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.~~ **The development plan must receive full construction approval from Louisville Metro Department**

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of Develop Louisville ~~Construction Permits and Transportation Planning Review Divisions~~ and the Metropolitan Sewer District.

b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.

c. 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 prior to occupancy of the site and shall be maintained thereafter. (Note: if no new construction, time frame for compliance to be negotiated with applicant and inserted here).

7. If a certificate of occupancy is not issued within ~~one~~ **two** years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.

8. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system (audible beyond the property line or permitted on the site).

10. 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.

11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 13, 2005 LD&T meeting.

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12. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4, Part 1.3, of the Land Development Code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4, Part 1.3 of the Land Development Code.

13. 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.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, and Turner.

NO: No one.

NOT PRESENT: Commissioner Butler.

ABSTAINING: No one.

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New Cases

CASE NO. 13DEVPLAN1003

Request:	RDDP with Amendments to Binding Elements and Waivers
Project Name:	CVS
Location:	9420 Seatonville Road
Owner:	First Federal Savings Bank
Applicant:	Five Star Development
Representative:	William Bardenwerper – Bardenwerper Talbott & Roberts PLLC Miller Wihry MWG LLC
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel

Case Manager: **Julia Williams, 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.)

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:

00:15:21 Julia Williams presented the case (see recording and staff report for detailed presentation.)

00:21:04 Ms. Williams discussed "interested party" comments received; also communication/s from MSD regarding drainage issues on the site. A request has been received from an adjacent property owner for this case to be continued to the full Planning Commission.

The following spoke in favor of the request:

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 1000 N Hurstbourne Pkwy, Louisville, KY 40223

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John Miller, Miller Wihry, 1387 S 4th St, Louisville, KY 40208

Jim Burch, representing Fern Creek Methodist Church, 14202 Hickory Hills Trail, Louisville, KY 40299

Summary of testimony of those in favor:

00:23:00 William Bardenwerper, the owner's representative, presented the case and showed a Power Point presentation.

00:25:50 Mr. Bardenwerper and the Commissioners discussed whether or not this case was going to go before the full Planning Commission.

00:39:47 John Miller, an applicant's representative, presented the applicant's case.

00:43:16 Mr. Miller explained the waiver requests. He also said that, as a result of the traffic survey, the applicant decided to add a right-turn lane onto Seatonville Road. He discussed runoff and drainage issues.

00:55:06 In response to a question from Commissioner Blake, Ms. Williams discussed waivers that had been requested for a previously-approved proposal.

01:00:02 Jim Burch, representing Fern Creek Methodist Church, said the church did not oppose the Commercial zoning and is in negotiations to purchase the Wise property.

The following spoke in opposition to the request:

Teena Halbig, Floyds Fork Environmental Association, P.O. Box 91041, Louisville, KY 40291

Marcus Greer III, 3809 Chevy Chase Rd., Louisville, KY 40218-1516

Summary of testimony of those in opposition:

01:01:35 Teena Halbig, representing the Floyds Fork Environmental Association, requested a hearing before the full Planning Commission. In response to a question from Ms. Halbig, Ms. Williams explained why the Wise property did not have to be rezoned first.

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01:15:22 Marcus Greer III spoke in opposition.

01:19:40 Pat Barry, representing MSD, answered questions and discussed drainage issues on the site and the surrounding area/s.

01:26:45 Debbie Watson spoke in opposition. She discussed drainage/flooding issues, and also had questions about noise, lighting, dumpster times, hours of operation, etc.

01:29:24 Ms. Watson discussed the idea of a wall and said she was opposed to a concrete-block wall.

The following spoke neither for nor against:

No one spoke.

Rebuttal:

01:29:56 Mr. Bardenwerper resumed the podium and addressed some comments and concerns.

01:42:22 Ms. Halbig again stated her opposition because she said the applicant has not yet purchased the Wise property.

01:45:07 Commissioners' deliberation.

01:54:31 On a motion by Commissioner Blake, seconded by Commissioner Turner, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the May 21, 2015 Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, and Turner.

NO: No one.

NOT PRESENT: Commissioner Butler.

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ABSTAINING: No one.

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CASE NO. 15ZONE1001

Request:	Change in zoning from C-1 to C-2 with a Conditional Use Permit for mini-warehouses and a DDP with amendments to binding elements
Project Name:	Dixie Mini-Storage
Location:	11712 and 11720 Dixie Highway
Owner:	11720 Dixie LLC
Applicant:	Greg Powell
Representative:	Alex Rosenberg PE
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler

Case Manager: **Julia Williams, 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.)

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Agency Testimony:

01:55:16 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) She described the previous cases on the site.

The following spoke in favor of the request:

Alex Rosenberg, 2518 Hermitage Way, Louisville, KY 40242

Summary of testimony of those in favor:

01:58:46 Alex Rosenberg, the applicant's representative, said he was available for questions if needed. He presented the applicant's case and explained the reason for the rezoning.

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CASE NO. 15ZONE1001

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 to be heard at the May 21, 2015 Planning Commission public hearing.

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The meeting adjourned at approximately 02:00 p.m.

Chairman

Division Director