

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO LAND DEVELOPMENT & TRANSPORTATION COMMITTEE**

February 9, 2017

A meeting of the Louisville Metro Land Development and Transportation Committee was held on February 9, 2017, at 1:00 p.m. at the Old Jail Building, 514 W Liberty Street, Louisville, KY 40202.

Committee Members present:

Marilyn Lewis, Chair
Robert Peterson, Vice Chair
Jeff Brown
Richard Carlson

Committee Members absent:

Marshall Gazaway

Staff Members present:

Brian Davis, Planning Manager
Laura Mattingly, Planner I
John Carroll, Legal Counsel
Kristen Loeser, Management Assistant

The following cases were heard:

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Approval of the January 26, 2017 LD&T Meeting Minutes

00:06:05 On a motion by Commissioner Carlson, seconded by Vice Chair Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on January 26, 2017.

The vote was as follows:

Yes: Carlson, Brown, Lewis, and Peterson

Absent: Gazaway

Abstain: None

No: None

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NEW BUSINESS

CASE NUMBER 16DEVPLAN1234

Project Name:	Philmore, LLC
Location:	2349 Millers Lane
Owner(s):	Lacey Smith, Philmore, LLC
Applicant(s):	Lacey Smith, Philmore, LLC
Representative(s):	Gayle Croghan Sabak, Wilson & Lingo, Inc
Project Area/Size:	29.5 Acres
Existing Zoning District:	EZ-1, Enterprise Zone
Existing Form District:	Traditional Workplace
Jurisdiction:	Louisville Metro
Council District:	6 – Mary C. Woodridge
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 Land Development and Transportation Committee meeting (The 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 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.

Agency Testimony:

00:06:55 Laura Mattingly presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Pat Dominik, 608 S 3rd Street, Louisville, KY 40202

Summary of testimony of those in favor:

00:13:25 Pat Dominik spoke on behalf of the applicant. He stated that the two buildings to the west will be demolished because they are not structurally adequate for their needs. He pointed out that the proposed structure will be 250,000 sq. ft., which is less square footage than the buildings being demolished. Evergreen trees will be planted as screening along the eastern property line. The proposed building style meets the requirements of the form district. He stated the sidewalk waiver is being requested because there are very few existing sidewalks in the area and it would not be safe for pedestrians to use a sidewalk along Millers Lane. In response to the Commissioners, he stated that the wall along Wingfield Lane will not feature exterior

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lighting, and there are no binding elements for the category 3 development plan. There is an existing chain link fence along the eastern property line.

00:30:00 Deliberation

00:32:38 On a motion by Commissioner Carlson, seconded by Vice Chair Peterson, the following resolution was adopted:

WAIVER of Section 5.12.2 to reduce the required amenity area:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver will not adversely affect adjacent property owners as the amenity area is a requirement that serves only the employees of the development, and

WHEREAS, the Committee further finds that Guideline 4, Policy 3 encourages open space created by new development that helps meet the needs of the community and Guideline 4, Policy 7 calls for the for the continuous maintenance of that open space. These guidelines are not violated as the amenity area is still being provided and will be maintained; just at a smaller scale that the developer feels is more appropriate for this development, and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the applicant is providing an amenity area equal to 15% of the office area (1,531 square feet) while maximizing warehouse space, and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of land or create an unnecessary hardship as the distribution center is large in relation to the number of employees on site therefore providing the amenity area based on the building size would be in excess of what is needed. It would be a hardship to accommodate such a large amenity area when much of the site is needed for the building, and

WAIVER of LDC Section 10.2.4 to not provide required 50' Landscape Buffer Area adjacent to a residential use:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver will not adversely affect adjacent property owners as the roadway and warehouse along this property line have existed for years and the applicant is proposing an 8' screen and 22 Type A trees, which is an improvement over the existing conditions, and

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WHEREAS, the Committee further finds that Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. This proposal does not violate these guidelines of Cornerstone 2020 as the applicant is planting a screen and trees in the existing green space which meets the intent of the buffer requirement, and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as they are meeting the screening and planting requirements in the existing green space, and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as in order to meet the 50' buffer requirement, the applicant would have to eliminate the existing road and reconfigure on-site traffic, and

WAIVER of section 5.8.1.B to not provide a sidewalk along Wingfield Lane:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver will not adversely affect adjacent property owners as there is an existing sidewalk on the north side of Wingfield Lane which is continuous until the road dead ends west of the site. In addition, there is no pedestrian access to any industrial property on the south side of Wingfield Lane west of this site, and

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WHEREAS, the Committee further finds that Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. This proposal does not violate these guidelines of Cornerstone 2020 as this site backs up to Wingfield Lane, does not provide access from this road and pedestrian access to this development and abutting industrial developments along Wingfield Lane is not appropriate, and

WHEREAS, the Committee further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant as they have provided the required landscaping along Wingfield Lane which is appropriate for this frontage, and

WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as a sidewalk would be impractical and an unnecessary cost to the applicant, and

WAIVER of section 5.8.1.B to not provide a sidewalk along Millers Lane:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the waiver will not adversely affect adjacent property owners as it would only be a small piece of sidewalk with no connections, and

WHEREAS, the Committee further finds that Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. This proposal does not violate these guidelines of Cornerstone 2020 as a sidewalk is not appropriate at this time at this location, due to the lack of any existing sidewalk network along Millers Lane, and

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the sidewalks would be nearly impossible to construct as indicated by Transportation Review staff, due to the existing location of the parking and fence line, and

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WHEREAS, the Committee further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant as the applicant would have to eliminate the existing parking along Miller and move the fence line in order to make room for adequate right-of-way and an LDC compliant sidewalk; now, therefore be it

RESOLVED, that the Louisville Metro Land Development and Transportation Committee, in Case Number 16DEVPLAN1234, does hereby **APPROVE** the three requested waivers based on the information heard today and the Staff Report, noting a correction to item "C" from the Standard of Review and Staff Analysis for the Millers Lane sidewalk waiver.

The vote was as follows:

Yes: Carlson, Brown, Lewis, and Peterson

Absent: Gazaway

Abstain: None

No: None

00:34:10 On a motion by Commissioner Carlson, seconded by Vice Chair Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Land Development and Transportation Committee, in Case Number 16DEVPLAN1234, does hereby **APPROVE** the Category 3 Development Plan review for a new warehouse based on the information heard today.

The vote was as follows:

Yes: Carlson, Brown, Lewis, and Peterson

Absent: Gazaway

Abstain: None

No: None

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NEW BUSINESS

CASE NUMBER 16MINORPLAT1174

Project Name: Revision of Lot 1 of Riedlonn Subdivision
Location: 2801 Riedling Drive
Owner(s): Homebuyers Realty, LLC
Applicant: Ali Kassai
Representative(s): Charles Podgursky
Project Area/Size: .4983 acres
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander
Case Manager: Zach Schwager, Associate Planner

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the Land Development and Transportation Committee meeting (The 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 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.

Agency Testimony:

00:34:55 Brian Davis presented the case and stated that the applicant is seeking to divide the lot into two properties (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Charles Podgursky, 7321 New LaGrange Road, Louisville, KY 40222

Summary of testimony of those in favor:

00:37:20 Charles Podgursky spoke on behalf of the applicant. The two new lots will have separate access points. Lot 1-A will have access from the existing drive on Birchwood Avenue, while Lot 1-B will have access from a new driveway on the east side of the property from Riedling Drive.

00:39:10 Deliberation

00:39:20 On a motion by Commissioner Carlson, seconded by Vice Chair Peterson, the following resolution was adopted:

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NEW BUSINESS

CASE NUMBER 16MINORPLAT1174

RESOLVED, that the Louisville Metro Land Development and Transportation Committee, in Case Number 16DEVPLAN1174, does hereby **APPROVE** the amendment to the record plat based on the Staff Report and the information heard today.

The vote was as follows:

Yes: Carlson, Brown, Lewis, and Peterson

Absent: Gazaway

Abstain: None

No: None

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NEW BUSINESS

CASE NUMBER 16ZONE1050

Request: Change in zoning from R-5 to C-2
Project Name: Lydia House
Location: 1101 & 1103 Lydia St.
Owner: L&I, LLC
Applicant: L&I, LLC
Representative: Bardenwerper Talbott & Roberts, Milestone Design Group
Jurisdiction: Louisville Metro
Council District: 10 - Mulvihill
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 Land Development and Transportation Committee meeting (The 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:

00:40:15 Brian Davis presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

John Talbott, 1000 N Hurstbourne Pkwy., Louisville, KY 40223

Emily Ruff, 1101 Lydia Street, Louisville, KY 40217

Mark Madison, 108 Daventry Lane, Suite 300, Louisville, KY 40223

Summary of testimony of those in favor:

00:44:14 John Talbott spoke on behalf of the applicant and showed a presentation. The owner has renovated the property and is currently allowed to sell beer only. She is requesting rezoning in order to sell other types of alcohol in addition to beer as well as have outdoor alcohol sales and consumption. She feels this will make the property more economically viable.

00:54:35 In response to Commissioner Carlson, owner Emily Ruff stated that dinner hours end at 10:00 p.m.

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CASE NUMBER 16ZONE1050

00:55:35 Mr. Talbott advised he will speak to Ms. Ruff about her hours of operation between now and the public hearing.

00:56:39 In response to Commissioner Brown, Mark Madison clarified that the nonresidential square footage figure is incorrect on the Staff Report and should be greater.

00:57:15 Ms. Ruff stated that rollout cans are currently used for trash service, but dumpsters could be utilized in the future if her business volume increases.


00:58:00 Mr. Madison stated that the fence line along the alley can be moved further inward, if necessary, to create additional room for the two parking spaces. The garage is currently being used for parking, and the garage door is operable.

00:59:21 By general consensus, the Committee scheduled the case for the March 2, 2017 Planning Commission public hearing.

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ADJOURNMENT

The meeting adjourned at approximately 2:00 p.m.



Chairman



Division Director