

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

February 22, 2018

New Business

Case No. 17ZONE1049

Request:	R-4 & C-1 to C-2 with Conditional Use Permit
Project Name:	Williams Self Storage
Location:	4627 Bardstown Road
Owners:	John & Shirley Maquire, Raymond & Florence Bischoff
Applicant:	John Fox – Williams Properties
Representative:	Clifford Ashburner – Dinsmore & Shohl, LLP
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel

Case Manager: **Laura Mattingly, 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:

00:17:02 Laura Mattingly presented the case (see staff report and recording for detailed presentation.) This case was heard previously at the February 8, 2018 LD&T Committee meeting. She discussed the technical issues that had needed to be addressed, which were:

- Approval from KYTC regarding the access along Bardstown Road. The applicant has worked with the State and developed a binding element to resolve this (see proposed binding element #10 on page 7 of the staff report.)
- MSD comments were addressed and they have given their preliminary approvals.
- Metro Transportation Planning still maintains their request for ROW dedication along Watterson Trail. This still needs to be resolved.

00:18:47 In response to a question from Commissioner Lindsey, Ms. Mattingly clarified the access issue.

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00:19:36 In response to a question from Commissioner Brown, Ms. Mattingly discussed a parcel of property that is an R-4 / C-1 mix (see recording for detailed discussion.)

The following spoke in favor of the request:

Clifford Ashburner, Dinsmore & Shohl, 101 S 5th Street Suite #2500, Louisville, KY 40202

Summary of testimony of those in favor:

00:21:08 Cliff Ashburner, the applicant's representative, reviewed the information presented at the last LD&T meeting. He then discussed the ROW dedication along Watterson Trail and the proposed reconfiguration of the entrance along Bardstown Road (see recording for detailed presentation.)

00:22:46 Mr. Ashburner read the following binding element into the record, as follows:

Upon development or redevelopment of the property adjacent to the subject property to the west (4609-4623 Bardstown Road, the "West Property") a unified access and circulation system shall be developed that will provide the subject property commercially reasonable access through the West Property to Bardstown Road, as determined by the parties in conjunction with Louisville Metro Public Works and the Kentucky State Transportation Cabinet. Upon the completion and opening of said access point, the existing access point on the subject property shall be closed. The property owner of the West Property and the owner of the subject property shall enter into a construction and maintenance agreement concerning the access, which shall be on commercially reasonable terms and under which the owner of the subject property shall pay no more than 50% of the construction costs directly attributable to the construction of the access nor more than 50% of the maintenance of the access. This agreement shall be memorialized in an easement agreement that is approved by the Jefferson County Attorney's office.

00:25:04 Commissioner Carlson asked if binding elements be enforced against adjacent property that the applicant does not own (the "West Property".) Mr. Ashburner said the West Property is for sale and will likely be developed as

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commercial property. He discussed the location of the entrance and the issues that the State has expressed concerns about, which is what this binding element and entrance location are trying to address (see recording for detailed discussion.) He said he tried to word the proposed binding element to ensure that there would be room to negotiate on both parts.

00:29:04 Commissioner Carlson asked if the binding element should address who bears the expenses of closing the entrance that is planned for eventual closure. Mr. Ashburner said he assumed that his client would be responsible for that. He said he could add that language into the binding element prior to the public hearing.

00:30:04 Commissioner Brown said that, if the West Property comes in for a rezoning, they would be required to provide a cross-connection to the abutting property without any compensation.

00:31:21 Julia Williams, Planning Supervisor, discussed enforceability issues with the binding element. She said the part that talks about cost-sharing should be a private agreement between the adjacent owner/s and should not be part of the binding element. Mr. Ashburner agreed to work with staff and KYTC before the public hearing.

00:33:18 Commissioner Brown discussed the ROW dedication on the residual tract.

The following spoke in opposition to 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.

The Committee by general consensus scheduled this case to be heard at the **March 15, 2018** Planning Commission public hearing.