

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

**December 8, 2016**

A meeting of the Land Development and Transportation Committee was held on Thursday, December 8, 2016 at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

Marilyn Lewis, Chair

Rob Peterson, Vice-Chair

Jeff Brown (arrived at approximately 2:20 p.m.; left at approximately 5:00 p.m.)

Richard Carlson

Marshall Gazaway

**Committee Members absent were:**

No one.

**Staff Members present were:**

Emily Liu, Director, Planning & Design Services

Joseph Reverman, Assistant Director, Planning & Design Services

John G. Carroll, Legal Counsel

Jonathan Baker, Legal Counsel

Julia Williams, Planning Supervisor

Brian Davis, Planning & Design Manager

Brian Mabry, Planning & Design Supervisor

Laura Mattingly, Planner I

Joel Dock, Planner I

Chris Cestaro, Management Assistant (minutes)

**Others Present:**

Tony Kelly, MSD

The following matters were considered:

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**Approval of Minutes**

**Approval of the November 10, 2016 LD&T Committee Meeting Minutes**

00:04:19 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

**RESOLVED**, the Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on November 10, 2016.

**The vote was as follows:**

**YES: Commissioners Carlson, Gazaway, Peterson, and Lewis.**

**NO: No one.**

**NOT PRESENT: Commissioner Brown.**

**ABSTAINING:**

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**December 8, 2016**

**New Business**

**15AREA1004**

<b>Request:</b>	Areawide change in zoning for the Portland Neighborhood.
<b>Project Name:</b>	Portland Areawide Rezoning
<b>Location:</b>	Multiple properties
<b>Owner:</b>	Multiple owners
<b>Applicant:</b>	Louisville Metro
<b>Representative:</b>	Louisville Metro – Julia Williams
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	5 – Cheri Bryant-Hamilton
 <b>Case Manager:</b>	 <b>Julia Williams, RLA (IN), AICP, Planning Supervisor</b>

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. 5<sup>th</sup> Street.)

**An audio/visual recording of the Land Development and Transportation Committee 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:**

00:05:02 Julia Williams presented the case and showed the map of the proposed rezonings (see staff report and recording for detailed presentation.) She noted that one M-2 parcel had been accidentally omitted from a rezoning earlier this year. This is being corrected by including that parcel into this rezoning. The owner has been notified of the proposed rezoning of their property (M-2 to C-M). The public hearing date has already been set for next week's Planning Commission public hearing.

00:09:20 In response to a question from Commissioner Carlson, Ms. Williams described the zoning of some of the parcels shown on the map in more detail.

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**New Business**

**15AREA1004**

**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.

**00:10:23     The Committee by general consensus scheduled this case to be heard at the December 15, 2016 Planning Commission public hearing.**

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**New Business**

**CASE NO. 16AREA1003**

**Request:** Areawide change in zoning from R-6, R-7 and OR-2 to C-1 and R-6 to OR.  
**Project Name:** Jacobs Areawide  
**Location:** Multiple properties  
**Owner:** Multiple owners  
**Applicant:** Louisville Metro  
**Representative:** Louisville Metro –Brian Mabry  
**Jurisdiction:** Louisville Metro  
**Council District:** 15 – Marianne Butler

**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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> 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:**

00:11:12 Brian Mabry presented the case and showed a map showing the proposed rezonings (see staff report and recording for detailed presentation.) He added that this case has been scheduled to be heard at next week's Planning Commission public hearing.

**The following spoke in favor of the request:**

Susan Hughes, Councilman Marianne Butler's office, 601 W. Jefferson Street, Louisville, KY 40202

**Summary of testimony of those in favor:**

00:15:20 Susan Hughes, representing Councilwoman Marianne Butler's office, read a statement of support from the Councilwoman into the record.

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**New Business**

**CASE NO. 16AREA1003**

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against:**

Danny Barker, 3636 Taylor Boulevard, Louisville, KY

**Summary of testimony of those neither for nor against:**

00:16:43      Danny Barker, a Taylor Boulevard resident, asked how the rezoning would affect his property (3636 Taylor Boulevard, a residential rental property.) Mr. Mabry said that property is not subject to the areawide rezoning.

**00:17:39      The Committee by general consensus scheduled this case to be heard at the December 15, 2016 Planning Commission public hearing.**

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**December 8, 2016**

**New Business**

**CASE NO. 16DEVPLAN1179**

**Request:** Review of a proposed electrical/landscape contractor's office within the Floyds Fork Overlay.

**Project Name:** Electric Blades, LLC

**Location:** 2810 South English Station Road

**Owner:** Bruce Stansbury – Electric Blades LLC

**Applicant:** Bruce Stansbury – Electric Blades LLC

**Representative:** Morris Talbott – Advanced Engineering & Surveying LLC

**Jurisdiction:** Louisville Metro

**Council District:** 20 – Stuart Benson

**Case Manager:** **Ross Allen, 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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> 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:**

00:17:54 Ross Allen presented the case and showed the site plan (see staff report and recording for detailed presentation.) In response to a question from Commissioner Carlson, Mr. Allen explained that this case had gone to BOZA earlier this week for a waiver and variance.

**The following spoke in favor of the request:**

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Morris Talbott, 319 Tucker Station Road, Louisville, KY 40243

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**New Business**

**CASE NO. 16DEVPLAN1179**

Perry Lyons, 11503 Main Street, Middletown, KY 40243 (signed in but declined to speak.)

**Summary of testimony of those in support:**

00:24:50 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He discussed the sinkholes which, although not shown on the plan, are provided for. Pictures of the sinkholes were shown during the Power Point presentation.

00:36:25 Morris Talbott discussed the two sinkholes (not shown on the plan but discussed during the applicant's presentation.)

00:37:01 In response to a question from Commissioner Carlson, Mr. Pregliasco and Mr. Talbott discussed issues related to the height, location, measurements, and appearance of the retaining wall.

00:40:80 In response to a question from Commissioner Lewis, Mr. Pregliasco discussed issues related to the septic/sewer system (location, and LG&E's letter expressing concern.)

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against:**

No one spoke.

**Commissioners' discussion**

00:41:02 In response to a question from Commissioner Gazaway, Mr. Pregliasco and Mr. Talbott used the site plan to demonstrate the drainage route and discussed drainage/surface water from the retaining wall. In response to a question from Commissioner Lewis, Mr. Pregliasco pointed out the location of the flow of water, the catch basins, outlets, etc. In response to a question from Commissioner Peterson, Mr. Pregliasco discussed the sidewalk waiver, which was denied by the Board of Zoning Adjustment (BOZA) this past Monday.



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**CASE NO. 16DEVPLAN1179**

00:47:40 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Committee finds that, based the staff report, the applicant's justification, and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested Category 2B Development plan for a proposed 16,384 square foot landscape and electrical contractor's office located within the Floyd's Fork Overlay District.

**The vote was as follows:**

**YES: Commissioners Carlson, Gazaway, Peterson, and Lewis.**

**NO: No one.**

**NOT PRESENT: Commissioner Brown.**

**ABSTAINING: No one.**

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**New Business**

**CASE NO. 16ZONE1055**

**Request:** Change in zoning from C-1 to C-2 for approximately 1.13 acres  
**Project Name:** Burdorf Properties  
**Location:** 124 Saint Matthews Avenue  
**Owner:** Burdorf Properties  
**Applicant:** Seiller Waterman, LLC  
**Representative:** Seiller Waterman LLC; Advanced Civil Engineering Land Surveying  
**Jurisdiction:** City of St. Matthews  
**Council District:** 9 – Bill Hollander

**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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> 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:**

00:48:49 Brian Mabry presented the case and showed the site plan (see staff report and recording for detailed presentation.)

**The following spoke in favor of the request:**

Joseph H. Cohen, Seiller Waterman, 462 South Fourth Street Suite 2200, Louisville, KY 40202

Morris Talbott, 319 Tucker Station Road, Louisville, KY 40243

**Summary of testimony of those in favor:**

00:52:50 Joseph Cohen, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

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**CASE NO. 16ZONE1055**

00:54:46 Morris Talbott said he was available to answer questions if needed.

00:54:58 Mr. Cohen pointed out an identification sign on the plan. He said one of the suggested binding elements stated that there be no outdoor advertising; he wanted to make clear that this is an identification sign, not advertising.

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against:**

No one spoke.

**00:55:51 The Committee by general consensus scheduled this case to be heard at the January 5, 2017 Planning Commission hearing.**

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**New Business**

**CASE NO. 16ZONE1058**

**Request:** Change in zoning from R-7 to OR for approximately .22 acres  
**Project Name:** Eastern Parkway Law Office  
**Location:** 604 Eastern Parkway  
**Owner:** Venture 604, LLC  
**Applicant:** C.R.P. and Associates, LLC  
**Representative:** Randall L. Wright  
**Jurisdiction:** Louisville Metro  
**Council District:** 15 – Marianne Butler

**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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> 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:**

00:56:16 Brian Mabry presented the case and showed the site plan (see staff report and recording for detailed presentation.)

**The following spoke in favor of the request:**

Randall Wright, 105 S. Sherrin Avenue, Louisville, KY 40207

**Summary of testimony of those in favor:**

01:00:45 Randall Wright, the applicant, presented his case and pointed out the location and the zoning of the properties to the right and left of this site (see recording for detailed presentation.) He discussed the property owners who were accidentally omitted from the notification and said he had spoken with them

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and assured them that they would receive notice for the Planning Commission hearing.

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against:**

Michal Kruger, 547 Barberry Lane, Louisville, KY 40206

**Summary of testimony of those neither for nor against:**

01:05:06 Michal Kruger owns rental property at the end of Miller Lane. She discussed traffic direction issues (specifically concerned about opening Miller Lane.) She said another property owner had expressed concern about people "cutting through their property". She said a business could put a burden on the street.

01:07:59 In response to a question from Commissioner Lewis, Mr. Mabry said the right-of-way on Miller Avenue already exists. He pointed it out on the site plan.

01:08:16 Tammy Markert, with Metro Transportation Planning, discussed and answered questions about right-of-way, parking, and traffic flow issues.

**01:10:14 The Committee by general consensus scheduled this case to be heard at the January 5, 2017 Planning Commission hearing.**

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**New Business**

**CASE NO. 16WAIVER1049**

**Request:** Landscape Waiver  
**Project Name:** CUB Bank and Shell Retail  
**Location:** 101 Huntington Ridge Drive  
**Owner:** David M. Bowling – Citizens Union Bank of Shelbyville  
**Applicant:** Jason Sams  
**Representative:** Jason Sams  
**Jurisdiction:** City of Middletown  
**Council District:** 19 – Julie Denton

**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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> 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:**

01:10:32 Laura Mattingly presented the case and showed the site plan (see staff report and recording for detailed presentation.) She added that she did not receive any “interested party” comments.

**The following spoke in favor of the request:**

Jason Sams, ARC, 1517 Fabricon Blvd. • Jeffersonville, IN 47130

**Summary of testimony of those in favor:**

01:14:12 Jason Sams, the applicant’s representative, presented the applicant’s case and showed a Power Point presentation (see recording for detailed presentation.)

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**New Business**

**CASE NO. 16WAIVER1049**

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against:**

No one spoke.

01:17:56 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Land Development and Transportation Committee finds that the waiver will not adversely affect adjacent property owners as the screen requirement is for vehicle use area screening from the scenic corridor; and

**WHEREAS**, the Committee further finds that the waiver will not violate specific guidelines of Cornerstone 2020. Guideline 3, policy 9 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. 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. As the upward slope of the land from Shelbyville Road, as well as the existing retaining wall provides some screening

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**CASE NO. 16WAIVER1049**

and the applicant is still providing all required plantings in the Landscape Buffer Area, these guidelines are not violated; 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 all other planting requirements within the Landscape Buffer Area are being met; 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 the land and would create an unnecessary hardship on the applicant as the developer purchased this land with the high visibility from Shelbyville Road and the Gene Synder in mind. The slope of the land plus the screen would decrease visibility from the main thoroughfare, Shelbyville Road, thus partially negating the intent of the location of this development; and

**WHEREAS**, the Committee finds that, based the staff report, the applicant's justification, and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **RECOMMEND** to the City of Middletown that the requested Landscape Waiver of Section 10.3.6, Table 10.3.2 to not provide the 3' vehicle use area screen along a scenic corridor be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Carlson, Gazaway, Peterson, and Lewis.**

**NO: No one.**

**NOT PRESENT: Commissioner Brown.**

**ABSTAINING: No one.**





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**December 8, 2016**

**New Business**

**CASE NO. 16SUBDIV1015**

**Summary of testimony of those in favor:**

01:24:25 Kathy Linares, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) A plan showing the sidewalks will be submitted tomorrow morning.

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against:**

Gino Leone, 1550 Long Run Road, Louisville, KY 40245

01:26:52 Gino Leone, an adjacent property owner, asked what provisions had been made by the applicant to protect the trees along the property line. He also asked, if there is blasting to be done, that his property receive a pre-blast survey. Ms. Linares said that the applicant has agreed to perform a pre-blast survey in a Condition of Approval. Regarding the trees, Ms. Linares said a tree-canopy protection area is shown on the plan.

01:30:29 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Committee finds that, based the staff report, the applicant's justification, and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested Preliminary Subdivision Plan to create 16 buildable lots on 5 acres, **SUBJECT** to the following Conditions of Approval:

1. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number

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of lots than originally approved shall occur without approval of the Planning Commission.

2. 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.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from Louisville Metro Public Works.
  - 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.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
4. 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.
5. The applicant, developer, or property owner shall provide copies of these conditions of approval to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these Conditions of Approval. These Conditions of Approval 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 Conditions of Approval. 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

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**CASE NO. 16SUBDIV1015**

- the site, shall be responsible for compliance with these Conditions of Approval.
6. ~~Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.~~
- ~~a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.~~
  - ~~b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of TCPAs etc.) and other issues required by these conditions of approval.~~
  - ~~c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.~~
- (Deleted at the 12/08/16 LD&T meeting.)*
7. ~~At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement. *(Deleted at the 12/08/16 LD&T meeting.)*~~
8. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
9. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
10. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall

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be displayed on a structure prior to requesting a certificate of occupancy for that structure.

11. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
12. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
13. If required, a geotechnical report shall be conducted for the site and the results shall be submitted to Public Works and MSD for review prior to construction plan approval and the recommendations of the report shall be carried out during construction on the site. *(Amended at the 12/08/16 LD&T meeting.)*
14. If blasting is required, a pre-blast survey shall be conducted of all nearby homes in conformance with State law or of one tier of adjacent properties, whichever distance requirement is more stringent. *(Amended at the 12/08/16 LD&T meeting.)*
- ~~15. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat. *(Deleted at the 12/08/16 LD&T meeting.)*~~
16. Sidewalks shall be provided in accordance with the Land Development Code. *(Added at the 12/08/16 LD&T meeting.)*

**The vote was as follows:**

**YES: Commissioners Gazaway, Carlson, Peterson, and Lewis.**

**NO: No one.**

**NOT PRESENT: No one.**

**ABSTAINING: Commissioner Brown.**

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**New Business**

**CASE NO. 16STREETS1019**

**Request:** Alley Closure  
**Project Name:** East Washington Street Alley  
**Location:** Northeast from E. Washington Street;  
Southwest from Buchanan Street  
**Owner:** Jabb LLC  
**Applicant:** Jabb LLC  
**Representative:** Bill Schroll – Schroll Land Surveying  
**Jurisdiction:** Louisville Metro  
**Council District:** 4 – David Tandy

**Case Manager:** **Joel Dock, 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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> 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:**

01:34:26 Joel Dock presented the case and showed the closure plat (see staff report and recording for detailed presentation.)

01:36:26 Commissioner Brown added that Metro Public Works wants any excavated/salvaged historic bricks or stones saved and delivered to 595 North Hubbards Lane (**make this a condition of approval.**)

**The following spoke in favor of the request:**

No one spoke.

**The following spoke in opposition to the request:**

No one spoke.

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**CASE NO. 16STREETS1019**

**The following spoke neither for nor against:**

No one spoke.

01:39:31 On a motion by Commissioner Carlson, seconded by Commissioner Gazaway, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby schedule this case for the Consent Agenda at the December 15, 2016 Planning Commission public hearing.

**The vote was as follows:**

**YES: Commissioners Brown, Gazaway, Carlson, Peterson, and Lewis.**

**NO: No one.**

**NOT PRESENT: No one.**

**ABSTAINING: No one.**

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**New Business**

**CASE NO. 16STREETS1009**

<b>Request:</b>	Street Closure
<b>Project Name:</b>	Swift Pork Company
<b>Location:</b>	Northern terminus of Webster Street
<b>Owner:</b>	Louisville Metro
<b>Applicant:</b>	JBS Swift
<b>Representative:</b>	Glenn Price – Frost Brown Todd LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – David Tandy

**Case Manager:** **Joel Dock, 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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> 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:**

01:40:38 Joel Dock presented the case and showed the closure plat (see staff report and recording for detailed presentation.)

**The following spoke in favor of the request:**

Glenn Price Jr., 400 West Market Street Suite 3200, Louisville, KY 40202 (signed in but did not speak.)

Tanner Nichols, 400 West Market Street, Louisville, KY 40202

**Summary of testimony of those in favor:**

01:41:53 Tanner Nichols, an applicant's representative, pointed out the location of a fence that had been there since before the applicant acquired the property. He said this portion of the street had never been used as a right of way or access.



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**CASE NO. 16STREETS1009**

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against:**

No one spoke.

**01:43:25** 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 schedule this case for the Consent Agenda at the December 15, 2016 Planning Commission public hearing.

**The vote was as follows:**

**YES: Commissioners Brown, Gazaway, Carlson, Peterson, and Lewis.**

**NO: No one.**

**NOT PRESENT: No one.**

**ABSTAINING: No one.**

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**December 8, 2016**

**New Business**

**CASE NO. 16SUBDIV1013**

<b>Request:</b>	Major Preliminary Subdivision Plan
<b>Project Name:</b>	Vista Hills
<b>Location:</b>	10310 Vista Hills Boulevard
<b>Owner:</b>	SFLS LLC
<b>Applicant:</b>	SFLS LLC
<b>Representative:</b>	Kathy Linares – Mindel Scott & Associates
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	20 – Sutart Benson

**Case Manager:** **Joel Dock, 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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5<sup>th</sup> 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:**

01:44:53 Joel Dock presented the case and showed the site plan (see staff report and recording for detailed presentation.) He said staff has received several interested party comments, which were primarily from condominium owners to the north who are concerned about public access and construction access through their private roadways.

01:46:51 He added that Metro Historic Preservation staff has stated that this proposal may affect an identified historical site (see staff report.)

01:47:36 In response to a question from Commissioner Peterson, Mr. Dock said the Land Development Code requires connections to existing stubs into adjacent properties. The applicant is providing those connections as required by the LDC.

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**New Business**

**CASE NO. 16SUBDIV1013**

**The following spoke in favor of the request:**

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

JoAnn Thomas, 10007 Vista Springs Way, Louisville, KY 40291

**Summary of testimony of those in favor:**

01:48:36 Kathy Linares, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) She said the applicant would agree to prohibit construction traffic from going through the adjoining subdivisions. She also discussed cut-through traffic from the completed subdivision; she reiterated that the applicant is required to make connections to adjoining subdivisions.

01:51:56 Commissioner Gazaway asked about possibly putting a gate between the stub and the private road section. Ms. Linares said that is up to the condominium association; the applicant has no intention of putting in a gate. Commissioner Carlson discussed emergency vehicle access.

01:54:40 JoAnn Thomas, a resident of The Springs of Glenmary Village, was generally in support of the project. However, there are still concerns about a stub at the end of one street that is near their pool and clubhouse area/s. She said the streets are narrow there - could be a safety issue. She said the residents pay for the building and maintenance of those private roads; additional traffic would put more wear on the roads, which would increase costs for the residents. She discussed the possibility of a gate that could be accessible by emergency areas. She asked about blasting, and if a pre-blast survey would be required.

01:58:54 Commissioner Carlson and Ms. Thomas about the one access into their subdivision, which is on to Vista Hills Boulevard. Commissioner Carlson suggested that more than one access would be safer.

**The following spoke in opposition to the request:**

Sharon R. Love, 9919 Vista Springs Way, Louisville, KY 40291

George Hunter, 9901 Whitney Springs Way, Louisville, KY 40291

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**New Business**

**CASE NO. 16SUBDIV1013**

**Summary of testimony of those in opposition:**

02:01:32 Sharon R. Love expressed concerns about opening the private roads to public access, which she said would increase traffic, crime, and drainage issues.

02:04:22 George Hunter expressed concerns about Clydemoor Street and Vista Springs Street coming together at the swimming pool area. He said this is a safety issue.

**The following spoke neither for nor against:**

No one spoke.

**Applicant's rebuttal:**

02:05:38 Ms. Linares discussed the drainage swale along the shared property line – she explained why the new development should not impact the development to the north. She reiterated that the applicant was required to connect via a stub street. She discussed the TCPA (tree canopy protection area).

02:09:13 In response to a question from Commissioner Lewis, Mr. Dock said there is no provision for a waiver to prevent tying in to stub streets.

02:10:29 Mr. Dock addressed Commissioner Brown's question regarding MSD access to detention basins. He said there is a 15-foot easement that goes to that property.

02:13:46 Commissioner Brown asked if any provisions needed to be made in the Conditions of Approval for blasting. Ms. Linares said there may be blasting, so the applicant would agree to a binding element regarding pre-blast surveys.

**02:14:20 Commissioners' Discussion:**

Commissioner Carlson discussed concerns that had been raised by residents about connectivity. He said the benefits, especially for access to emergency vehicles, may outweigh the concerns. Commissioner Gazaway agreed about the safety issues.

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02:19:20 Commissioner Carlson asked about the difference in the private street versus the public street and who pays for what. (see recording for Mr. Dock's detailed explanation.) Commissioner Brown explained the road standards that public or private roads must meet – the main difference is in who pays for maintenance.

02:21:30 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

**WHEREAS**, the Committee finds that, based the staff report, the applicant's justification, and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested **Major Preliminary Subdivision Plan** to create 55 residential lots and 2 open space lots, **SUBJECT** to the following Conditions of Approval:

1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from Louisville Metro Public Works.
  - 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

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- implemented prior to occupancy of the site and shall be maintained thereafter.
- d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - e. An archeological survey must be conducted by a qualified professional archeologist to examine the project area and make recommendations regarding the need for any additional investigation. A copy of the report shall be submitted to the Kentucky Heritage Council and Planning and Design Services for review.
3. 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 conditions of approval requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
  4. The applicant, developer, or property owner shall provide copies of these conditions of approval 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.
  5. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
    - a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
    - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common areas and open space, maintenance of noise barriers,

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- maintenance of TCPAs etc.) and other issues required by these conditions of approval.
- c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
6. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
  7. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
  8. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
  9. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide approved by the Louisville Metro Health Department. Larvicides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
  10. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.

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11. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
12. 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.
13. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan and construction plan that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
14. The density of the development shall not exceed the following:  
Gross Density: 3.2 dwelling units per acre (55 units on 17.4 gross acres);  
Net Density: 3.7 dwelling units per acre (55 units on 14.92 net acres).
15. If blasting is required, a pre-blast survey shall be conducted of all nearby homes in conformance with State law or of one tier of adjacent properties, whichever distance requirement is more stringent. *(Added at the 12/08/16 LD&T meeting.)*

**The vote was as follows:**

**YES: Commissioners Brown, Gazaway, Carlson, Peterson, and Lewis.**

**NO: No one.**

**NOT PRESENT: No one.**

**ABSTAINING: No one.**



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**New Business**

**CASE NO. 16ZONE1032**

**Request:** Change in zoning from R-4 to R-5 on approximately 18 acres and a preliminary subdivision plan.

**Project Name:** Thomas Station Subdivision

**Location:** 3403 Stony Brook Drive and TB 45 Lot 927

**Owners:** A. Thomas Consulting LLC; AJ Thomas Jr; and Sarah Thomas

**Applicants:** A. Thomas Consulting LLC; AJ Thomas Jr; and Sarah Thomas

**Representative:** William Bardenwerper – Bardenwerper Talbott & Roberts PLLC  
Land Design & Development

**Jurisdiction:** Louisville Metro

**Council District:** 11 – Kevin Kramer

**Case Manager:** **Julia Williams, RLA (IN), AICP, Planning Supervisor**

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. 5<sup>th</sup> 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:**

02:23:29 Julia Williams presented the case and showed the site plan (see staff report and recording for detailed presentation.) She added that a letter has been received from the Fire Marshall indicating that they do **not** want a gate at Sue Helen Drive. She handed out a copy of the Fire Marshall's letter to the Commissioners. Ms. Williams showed an aerial view of the site and the surrounding areas, and how the streets connect.

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**New Business**

**CASE NO. 16ZONE1032**

**The following spoke in favor of the request:**

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

A.J. Thomas Jr., 3405 Stony Brook Drive, Louisville, KY 40299

**Summary of testimony of those in favor:**

02:27:42 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He said that the originally proposed gate has been **removed** from the plan.

02:31:51 Kevin Young, an applicant's representative, discussed stub street connections, landscaping, and drainage issues (see recording for detailed presentation.) He said that some of the older neighborhoods surrounding this parcel were built before detention requirements were in place; therefore this proposal has over-detention to compensate. He discussed the stub connection to Sue Helen Drive, and said the gate originally proposed will not be included in the plan.

02:34:37 Mr. Bardenwerper resumed his presentation by showing proposed elevations.

**The following spoke in opposition to the request:**

Charles M. Kays, 3411 Gonewind Drive, Louisville, KY 40299

H. Wesley Shanks, 8903 Spalago Court, Louisville, KY 40299

**Summary of testimony of those in opposition:**

02:37:12 Wesley Shanks expressed concern that surface water from this property already drains onto his property/driveway, causing flooding. He is concerned that more impervious surface will increase flooding. He submitted a map which shows his property in relation to the subject site; also pictures of his

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flooded property (located to the south and west of the subject site.) He said that, if the developer can improve drainage and fix this problem, then he has no issue with the development. In response to a question from Commissioner Carlson, Mr. Shanks said he has not had any recent conversations with MSD about this issue. He said MSD came out last year and made changes in the drainage area, which did not help. He said the pipes are too small.

02:46:18 Charles Kays also discussed current flooding issues. He also has pictures of his flooded property (from 2015; photos are on file.) He said that retention basins fill up with silt over time and become less effective.

**The following spoke neither for nor against:**

No one spoke.

**Applicant's rebuttal:**

02:50:40 Mr. Young said MSD has requested the developer to "overdetain" (about 150% of runoff.) He explained how the applicant is planning to control stormwater.

02:52:29 Tony Kelly, representing MSD, discussed drainage concerns. He said MSD met with the developer, and that the developer's measures should improve flooding and drainage concerns downstream.

02:54:09 Commissioner Brown asked for clarification about what, exactly, the applicant is being required to detain (water from their own property only? Water from surrounding areas?) Mr. Kelly said that the developer is being required to detain 50% greater than the 100-year levels (see recording for detailed explanation.)

**02:58:06 The Committee by general consensus scheduled this case to be heard at the January 19, 2017 Planning Commission public hearing.**

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**New Business**

**CASE NO. 15ZONE1045**

**Request:** Change in zoning from R-4 to C-1 on approximately 0.99 acres with a Variance and Waiver.

**Project Name:** Outer Loop Restaurant / Retail

**Location:** 5103 Outer Loop

**Owners:** DFWM Outer Loop LLC

**Applicants:** DFWM Outer Loop LLC

**Representative:** William Bardenwerper – Bardenwerper Talbott & Roberts PLLC  
Blomquist Design group LLC

**Jurisdiction:** Louisville Metro

**Council District:** 24 – Madonna Flood

**Case Manager:** **Julia Williams, RLA (IN), AICP, Planning Supervisor**

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. 5<sup>th</sup> 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:**

02:59:00 Julia Williams presented the case and showed the revised site plan (see staff report and recording for detailed presentation.) She noted that the applicant has made changes to the plan since this case went to a night hearing.

03:01:19 In response to a question from Commissioner Lewis, Ms. Williams pointed out the location of accesses on the site plan.

**The following spoke in favor of the request:**

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

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**New Business**

**CASE NO. 15ZONE1045**

Marv Blomquist, 10529 Timberwood Circle Suite D,. Louisville, KY 40223  
(signed in but did not speak)

**Summary of testimony of those in favor:**

03:01:59 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

**The following spoke in opposition to the request:**

No one spoke.

**The following spoke neither for nor against:**

No one spoke.

**03:08:00 After some discussion, the Committee by general consensus scheduled this case to be heard at the January 18, 2017 Planning Commission night hearing at the Central Government Center at 6:00 p.m.**

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**New Business**

**CASE NO. 16ZONE1056**

**Request:** Change in zoning from C-1, R-5A, R-4, and OR-1 to R-7 on approximately 9.61 acres with a Waiver, a Revised District Development Plan, and Amendments to Binding Elements

**Project Name:** Prospect Cove

**Location:** 6500 Forest Cove Lane & 7301 River Road

**Owner:** Prospect Development LLC

**Applicant:** LDG Multi-Family LLC

**Representative:** Cliff Ashburner – Dinsmore & Shohl  
Kelli Jones - Sabak Wilson & Lingo

**Jurisdiction:** Louisville Metro

**Council District:** 16 – Kelly Downard

**Case Manager:** **Julia Williams, RLA (IN), AICP, Planning Supervisor**

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. 5<sup>th</sup> 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:**

03:09:11 Julia Williams presented the case and showed the site plan (see staff report and recording for detailed presentation.) She noted that she received one e-mail after the staff report was published; she passed around a copy of that e-mail to the Commissioners. A petition for a night hearing has been received.

**The following spoke in favor of the request:**

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

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**New Business**

**CASE NO. 16ZONE1056**

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

Michael Gross (applicant), 1469 South Fourth Street, Louisville, KY 40207

Diane Zimmerman, CDM Smith, 9420 Bunsen Parkway #225, Louisville, KY 40220

**Summary of testimony of those in favor:**

03:15:33 Clifford Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

03:20:04 Kelli Jones, an applicant's representative, discussed the revised plan being presented today (see recording for detailed presentation.) She explained that MSD took out a lot of trees during their installation of a trunk line; otherwise, it is the applicant's intention to preserve as many trees as possible between their site and River Road.

03:25:15 In response to a question from Commissioner Carlson, Ms. Jones said there are no plans to put in nature trails or walking areas. There will be no walking areas along River Road; the applicant has been in discussion about paying a fee-in-lieu to not put in sidewalks. In response to a question from Commissioner Lewis, Ms. Jones discussed the existing unpaved road that goes to River Road. It is not to be used as a vehicular connection.

03:27:11 Mr. Ashburner discussed recreational areas, specifically how to accommodate bicyclists, and improvements to River Road. He showed pictures of what the proposed elevations could look like. He discussed the walkability of the area, and said that the applicant's ability to improve this area is dependent on the City of Prospect.

03:31:14 Diane Zimmerman presented the traffic impact study (on file.)

**The following spoke in opposition to the request:**

Grover Potts (attorney for the City of Prospect), 2500 PNC Plaza, Louisville, KY 40202

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**New Business**

**CASE NO. 16ZONE1056**

John Evans (Mayor of City of Prospect), 8101 Montaro Drive, Louisville, KY 40059

Sandra Leonard, 7302 Edgemore Place, Louisville, KY 40059

Don Gibson, 7605 Smithfield Green, Louisville, KY 40059

**Summary of testimony of those in opposition:**

03:36:50 Grover Potts, attorney for the City of Prospect, said the Springdale Community Church is a larger venue for the proposed night hearing. He said the City of Prospect owns the adjoining property along Timber Ridge (which is a Prospect road, not a Louisville Metro road.) He said Prospect objects to the mass, scale, and height of the property because they say it is inappropriate here.

03:42:01 In response to a question from Commissioner Peterson, Mr. Potts discussed Prospect's attempt to annex this property. In response to a question from Commissioner Carlson, Mr. Potts said a traffic study commissioned by the City of Prospect will be submitted prior to a night hearing.

03:43:32 John Evans, Mayor of the City of Prospect, said the city council unanimously opposes this proposal, again for the size, density, and height of the project. He said a transcript of the neighborhood meeting has been submitted into the record [on file]. He said the maximum capacity of the project would be about 800 residents; and said there just aren't a lot of activities out there for people. He said traffic is already bad in this area.

03:49:02 Sandra Leonard said she agreed with the prior statements of opposition. She added that the area of greenspace floods regularly, particularly during the spring.

03:50:11 Don Gibson said Smithfield Green residents are concerned about density and overflow parking issues.

**The following spoke neither for nor against:**

No one spoke.



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**CASE NO. 16ZONE1056**

**Applicant's rebuttal:**

03:51:40 Mr. Ashburner had no response to those who spoke in opposition.

**03:52:31 Commissioners' Discussion:**

It was agreed that the City of Prospect should have their traffic study submitted to Public Works/staff by January 17 or 18, 2017 to give staff and the Commissioners time to review it.

04:03:02 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** the discussion of this case to the full Planning Commission public hearing on **December 15, 2016** to determine a date for a night hearing for this case.

**The vote was as follows:**

**YES: Commissioners Brown, Gazaway, Carlson, Peterson, and Lewis.**

**NO: No one.**

**NOT PRESENT: No one.**

**ABSTAINING: No one.**

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**New Business**

**CASE NO. 16ZONE1019**

**Request:** Change in zoning from R-4 and PEC to OR-3 and C-2 on approximately 106.82 acres with a General District Development Plan

**Project Name:** St. Joseph's Property

**Location:** 13508 Factory Lane and 2520 Terra Crossing Boulevard

**Owners:** St. Joseph Catholic Orphanage Society;  
Jefferson Healthcare Old Henry Lane

**Applicant:** JDG 1849 LLC

**Representative:** William Bardenwerper – Bardenwerper Talbott & Roberts PLLC  
Mindel Scott & Associates

**Jurisdiction:** Louisville Metro

**Council District:** 19 – Julie Denton

**Case Manager:** **Julia Williams, RLA (IN), AICP, Planning Supervisor**

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. 5<sup>th</sup> 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:**

04:04:50 Julia Williams presented the case and showed the site plan (see staff report and recording for detailed presentation.) She handed out to the Commissioners copies of additional binding elements that have been worked out between Metro Transportation and KYTC.

04:08:39 Commissioner Carlson asked about some of the parcels that were split between different form districts. Ms. Williams said it does present any major issues, based on what the applicant is proposing (see recording for detailed explanation.)

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**New Business**

**CASE NO. 16ZONE1019**

**The following spoke in favor of the request:**

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Kent Gootee, Mindel Scott & Associates, 1724 Eastern Parkway, Louisville, KY 40204

Diane Zimmerman, CDM Smith, 9420 Bunsen Parkway Suite 225, Louisville, KY 40220

**Summary of testimony of those in favor:**

04:10:40 William Bardenwerper, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

04:22:42 Diane Zimmerman discussed traffic data and the impact study. She explained changes that can/should be made as part of this project (see recording for her detailed presentation.) Traffic study is on file.

04:28:44 Mr. Bardenwerper discussed the peak traffic issues at the intersection of Old Henry and I-265 South.

04:31:22 Kent Gootee discussed drainage issues. He explained why there are no drainage easements shown on the plan (all through drainage be placed on an MSD easement.) Two detention basins are shown to detail runoff.

04:33:13 In response to a question from Commissioner Carlson, Mr. Bardenwerper discussed a not-yet-built-out area/s which are between this site and Old Henry Road, and how what may be built there could affect peak hour traffic and the applicant's mitigation efforts. Tammy Markert, with Metro Transportation, explained about proportional signal contributions at that intersection.

**The following spoke in opposition to the request:**

No one spoke.

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

**December 8, 2016**

**New Business**

**CASE NO. 16ZONE1019**

**The following spoke neither for nor against:**

No one spoke.

**04:41:10** the Committee by general consensus scheduled this case to be heard at the January 19, 2017 Planning Commission public hearing.

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

**December 8, 2016**

**New Business**

**CASE NO. 16ZONE1042**

**Request:** Change in zoning from R-4 to C-N and C-1 with Variances, a Waiver and a Detailed District Development Plan

**Project Name:** Schulte Bush Farm

**Location:** 14801 & 15001 Bush Farm Road

**Owner:** Papa Oreo DS, LLC

**Applicant:** Papa Oreo DS, LLC

**Representatives:** Vice Cox & Townsend PLLC  
Land Design & Development

**Jurisdiction:** Louisville Metro

**Council District:** 19 – Julie Denton

**Case Manager:** **Brian Davis, AICP, Planning Manager**

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. 5<sup>th</sup> 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:**

04:41:29 Brian Davis presented the case and showed the site plan (see staff report and recording for detailed presentation.)

**The following spoke in favor of the request:**

Jamie Cox, 2303 River Road Suite 301, Louisville, KY 40206

Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Derrick Jackson, 2000 High Wickham Place #300, Louisville, KY 40245

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

**December 8, 2016**

**New Business**

**CASE NO. 16ZONE1042**

**Summary of testimony of those in favor:**

04:45:11      Jamie Cox, the applicant's representative, presented the applicant's case and showed the site plan (see recording for detailed presentation.)

04:49:34      Kevin Young, an applicant's representative, discussed landscaping, buffering, and technical issues.

04:52:42      Derrick Jackson was called but declined to speak.

**The following spoke in opposition to the request:**

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

**Summary of testimony of those in opposition:**

04:52:53      Steve Porter, speaking on behalf of some residents in the Hamilton Springs subdivision, said that "when this whole area out here" was planned and developed, there was to be no commercial development to the west of Bush Farm road [NOTE: This development is on the east side of Bush Farm Road.]

04:54:59      He said "Commercial" development is not a transition between Residential and Office; also, the site needs additional buffering along Hamilton Springs Drive *and McKinley Ridge Road*. He said C-N zoning for the entire site would be more appropriate than having a portion be zoned C-1.

**The following spoke neither for nor against:**

No one spoke.

**04:58:06      Commissioners' Discussion:**

**The Committee by general consensus scheduled this case to be heard at the January 19, 2017 Planning Commission public hearing.**

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

**December 8, 2016**

**The meeting adjourned at approximately 6:20 p.m.**

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***Chairman***

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***Division Director***