

**LOUISVILLE METRO  
LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MEETING MINUTES  
OCTOBER 12, 2017**

A meeting of the Louisville Metro Land Development & Transportation Committee was held on October 12, 2017, at 1:00 p.m. at the Old Jail Building, 514 W Liberty Street, Louisville, KY 40202.

**Commissioners present:**

Marilyn Lewis, Chair  
Robert Peterson, Vice Chair  
Jeff Brown  
Ramona Lindsey  
Rich Carlson

**Staff members present:**

Emily Liu, Planning Director  
Brian Davis, Planning Manager  
Julia Williams, Planning Supervisor  
Joel Dock, Planner II  
Beth Jones, Planner II  
Laura Mattingly, Planner II  
Jay Lockett, Planner I  
Tammy Markert, Transportation Planning  
John Carroll, Legal Counsel  
Kristen Padron, Management Assistant

The following matters were considered:

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**APPROVAL OF MINUTES**

**00:09:20** On a motion by Commissioner Carlson, seconded by Vice Chair Peterson, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on September 28, 2017.

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown and Lewis**

**Absent: None**

**Abstain: None**

**No: None**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
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**NEW BUSINESS**

**CASE NUMBER 16ZONE1037**

Project Name: Fairground's Run  
Location: 9213 Fairground Road  
Owner(s): Brian and Heather Wacker  
Applicant: Superior Builders Inc.  
Jurisdiction: Louisville Metro  
Council District: 22-Robin Engel  
Case Manager: Julia Williams, RLA, AICP, Planning Supervisor

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. 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.**

**00:10:45** Julia Williams presented the case (see Staff Report and recording for detailed presentation). Ms. Williams noted that there is interest from adjacent property owners in holding a night hearing for this proposal. One of the property owners is using electronic signatures for the petition, which is allowed by state law, but he does not have addresses for residents who have signed the petition. Ms. Williams requested feedback from the Commissioners on whether zip codes can be accepted in place of full addresses when requesting a night hearing.

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

Chris Crumpton, 3703 Taylorsville Road, Louisville, KY 40220

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

**00:17:46** Chris Crumpton spoke on behalf of the applicant who is requesting a change in zoning and a detailed district development plan/preliminary subdivision plan. The developer would be happy to provide additional landscaping features to make the area more attractive. There are now 35 units on the plan. There are no proposed sidewalks.

**00:21:00** In response to Commissioner Carlson, Ms. Williams stated that there is not a minimum acreage for PRD zoning.

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**NEW BUSINESS**

**CASE NUMBER 16ZONE1037**

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

David Fink, 9311 Fairground Road, Louisville, KY 40291

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

**00:22:42** David Fink owns the adjoining property to the north of the subject site. He feels that the roads should not be changed from public to private because there would be no parking or sidewalks. He feels this will negatively affect his ability to develop his property. He is also concerned about traffic and safety. He currently has over 300 physical signatures and 321 electronic signatures to hold a night hearing.

**00:35:22** Commissioners' deliberation

The Commissioners agreed that addresses should still be required along with signatures for night hearing petitions.

**00:40:30** By general consensus, the Committee scheduled Case Number 16ZONE1037 for the November 16, 2017 Planning Commission public hearing.

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**NEW BUSINESS**

**CASE NUMBER 17STREETS1014**

Project Name: Avoca Road Apartments  
Location: Avoca Road (west of N. English Station Road to Railroad)  
Owner(s): City of Louisville  
Applicant: LDG Development  
Representative(s): Dinsmore and Shohl LLP  
Jurisdiction: Louisville Metro  
Council District: 19-Julie Denton  
Case Manager: Julia Williams, RLA, AICP, Planning Supervisor

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. 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.**

**00:41:52** Julia Williams presented the case (see Staff Report and recording for detailed presentation).

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

Clifford Ashburner, 101 S 5<sup>th</sup> Street, Suite 2500, Louisville, KY 40202

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

**00:44:04** Clifford Ashburner spoke on behalf of the applicant who is requesting a partial street closure of Avoca Road beginning approximately 975 feet west from the intersection of Avoca Road at N. English Station Road to the Avoca Road terminus at the railroad. The area that is to be closed is the area west of the entrance to the proposed development.

**00:45:45** By general consensus, the Committee scheduled Case Number 17STREETS1014 for the November 16, 2017 Planning Commission public hearing.

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**NEW BUSINESS**

**CASE NUMBER 16STREETS1022**

Project Name:	Southpointe Commons
Location:	Wingfield Road
Owner(s):	Louisville Metro
Applicant:	Investors Exchange Company, LLC
Representative(s):	Wyatt, Tarrant, & Combs, LLP – Jon Baker;
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Joel P. Dock, Planner II

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the 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.**

**00:46:41** Joel Dock presented the case and provided the Commissioners with an email from Councilman Engel who is in support of this project (see Staff Report and recording for detailed presentation).

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

Jon Baker, 500 W Jefferson Street, Suite 2800, Louisville, KY 40202

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

**00:49:57** Jon Baker spoke on behalf of the applicant who is requesting a street closure of a portion of Wingfield Road. This is part of a large regional center development that was approved by the Planning Commission in 2010. The case was appealed based on a notice issue and was affirmed in the applicant's favor. Mr. Baker provided the Commissioners the most recent copy of the plat.

**00:53:53** Commissioner Brown raised concern about closing a right of way without having adequate public facilities to address traffic demand. Mr. Baker stated that they could go ahead and schedule this case for the Consent Agenda, and work out any issues before the Planning Commission meeting.

**00:57:06** Mr. Baker discussed conditions of approval with Commissioner Brown.

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

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**NEW BUSINESS**

**CASE NUMBER 16STREETS1022**

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **CONTINUE** case number 16STREETS1022 to the Business Session of the October 19, 2017 meeting of the Planning Commission.

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown and Lewis**

**Absent: None**

**Abstain: None**

**No: None**

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**NEW BUSINESS**

**CASE NUMBER 17STREETS1003**

Project Name: Grade Lane  
Location: 1100 Grade Lane  
Owner(s): Louisville Metro  
Applicant: Department of Public Works – Jeff Brown  
Representative(s): Department of Public Works – Jeff Brown  
Jurisdiction: Louisville Metro  
Council District: 21 – Dan Johnson  
Case Manager: Joel P. Dock, Planner II

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the 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.**

*NOTE: Commissioner Brown recused himself from this case.*

**01:03:00** Joel Dock presented the case (see Staff Report and recording for detailed presentation).

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

Jeff Brown, Louisville Metro Public Works

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

**01:05:22** Jeff Brown of Public Works stated that the Grade Lane relocation project was constructed to address security concerns within the Air National Guard facility at the Louisville International Airport. As stated in the Memorandum of Understanding, all parties (Kentucky Transportation Cabinet, Air National Guard, Louisville Regional Airport Authority, and Louisville Metro Public Works) agree that the existing Grade Lane shall be closed for public use upon the completion of the relocated Grade Lane.

**01:07:14** In response to Commissioner Carlson, Commissioner Brown stated that the fire station at this location is still using both access points.

**01:08:28** On a motion by Commissioner Carlson, seconded by Vice Chair Peterson, the following resolution was adopted:



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**NEW BUSINESS**

**CASE NUMBER 17STREETS1003**

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **CONTINUE** case number 17STREETS1003 to the Consent Agenda of the October 19, 2017 meeting of the Planning Commission.

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, and Lewis**

**Absent: None**

**Abstain: None**

**No: None**

**Recuse: Brown**

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**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1004**

Project Name:	Wilkie Ridge Subdivision, Section 4
Location:	5408 Mount Holyoke Drive
Owner(s):	Hyview Estates, Inc.
Applicant:	Hyview Estates, Inc.
Representative(s):	Milestone Design Group
Project Area/Size:	13.58 acres
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Joel P. Dock, 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. 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.**

**01:10:13** Joel Dock presented the case (see Staff Report and recording for detailed presentation).

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

Mark Madison, 108 Daventry Lane, Louisville, KY 40223

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

**01:13:31** Mark Madison spoke on behalf of the applicant who is requesting a revised preliminary subdivision/district development plan. This is the final section of a larger project that has been developed all around this property.

**01:14:38** Commissioners' deliberation

**01:15:09** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE** the Revised Preliminary Subdivision/District Development Plan, **SUBJECT** to the following binding elements and conditions of approval:

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**CASE NUMBER 17SUBDIV1004**

**Binding Elements**

1. The applicant shall submit a plan for approval by the Planning Commission staff's landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, and demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by the Planning Commission staff's landscape architect if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  - a. Proposed site plan showing existing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
  - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
  - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or MSD topography.
  - d. Location of construction fencing for each tree/tree mass designated to be preserved.
5. 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."
6. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Soil Conservation Service recommendations. Documentation of MSD approval of the plan shall be submitted to the Planning Commission prior to recording the plat.
7. The developer/builder shall immediately halt all earth moving activity if such activity results in the discovery or exposure of archeological materials. Archeological materials may include but not be limited to prehistoric or historic artifacts or any human remains or fragments of human remains. The developer shall contact Jefferson County Historic Preservation and Archives at (502) 574-5761, Philip J. DiBlasi of the University of Louisville Program of Archaeology at (502) 852-6724, and

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Dr. R. Berle Clay at the Kentucky Office of State Archaeology at (606) 257-5734 if archaeological materials are discovered at the site. The developer shall immediately notify Jefferson County Coroner at (502) 574-3506 if human remains or fragments of human remains are found during construction.

8. There shall be no filling with the boundary of the 100 year floodplain as shown on the approved preliminary plan

**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.
2. 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 of the Commission outlining responsibilities for the maintenance of open space.
  - c) Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
  - d) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) and/or tree preservation plan as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
3. 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.
4. 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

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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."

5. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Soil Conservation Service recommendations. Documentation of MSD approval of the plan shall be submitted to the Planning Commission prior to recording the plat.
6. The developer/builder shall immediately halt all earth moving activity if such activity results in the discovery or exposure of archeological materials. Archeological materials may include but not be limited to prehistoric or historic artifacts or any human remains or fragments of human remains. The developer shall contact Jefferson County Historic Preservation and State Archaeology at (606) 257-5734 if archeological materials are discovered at the site. The developer shall immediately notify Jefferson County Coroner if human remains or fragments of human remains are found during construction.

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown, and Lewis**

**Absent: None**

**Abstain: None**

**No: None**

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**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1011**

Project Name: Johnson Rd Conservation Subdivision  
Location: 1313 Johnson Rd  
Owner(s): The Margaret Kleinert trust  
Applicant: Inverness Homes  
Jurisdiction: Louisville Metro  
Council District: 19 – Julie Denton  
Case Manager: Jay Lockett – Planner I

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. 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.**

**01:16:26** Jay Lockett presented the case (see Staff Report and recording for detailed presentation).

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

Nick Pregliasco, 1000 N Hurstbourne Pkwy., Louisville, KY 40223

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

**01:18:11** Nick Pregliasco spoke on behalf of the applicant who is requesting a Conservation Subdivision to create 323 buildable lots on approximately 115.58 acres in the R-4 zoning district. The case had been continued so that the traffic study could be reviewed; however, the Kentucky Transportation Cabinet has not yet provided any feedback regarding the study.

**01:19:21** Commissioners' deliberation

**01:23:06** On a motion by Commissioner Carlson, seconded by Commissioner Lindsey, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **CONTINUE** case number 17SUBDIV1011 to the November 2, 2017 meeting of the Planning Commission.

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**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1011**

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown, and Lewis**

**Absent: None**

**Abstain: None**

**No: None**

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**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1012**

Project Name: Brooke Stone Estates  
Location: 4121 Billtown Rd  
Owner(s): MRC Development Group  
Applicant: MRC Development Group  
Jurisdiction: Jeffersontown  
Council District: 20 – Stuart Benson  
Case Manager: Jay Lockett, Planner I

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. 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.**

**01:24:28** Jay Lockett presented the case. There is a portion of unimproved public right of way that runs from Billtown Road to the northwest border of the subject property. The applicant has filed an application to close this, which will be decided at the next LD&T meeting. Also, there are two sub streets connected to the property, one of which will have to be renamed per MetroSafe. These will need to be completed prior to the record plat being recorded. (See Staff Report and recording for detailed presentation.)

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

Mark Madison, 108 Daventry Lane, Louisville, KY 40223

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

**01:29:16** Mark Madison spoke on behalf of the applicant who is requesting a preliminary major subdivision plan and two waivers. He gave an overview of the project and discussed proposed changes to the existing driveway on the property.

**01:32:57** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

**Waiver from Land Development Code table 5.3.1 to allow the creation of a lot below the minimum allowable width in the R-4 zoning district within the Neighborhood Form District**



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**WHEREAS**, the Louisville Metro Land Development & Transportation Committee finds that the requested waiver will not adversely affect adjacent property owners, as the resultant lot pattern will be substantially in keeping with the existing residential character of the area, and

**WHEREAS**, the Committee further finds that Guideline 3, Policy 1 requires new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, Policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. 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. The resultant lot will be similar in scale and development pattern to other residential lots along Billtown Rd., and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief. The portion of the lot already exists at a substandard width, and the owner is unable to purchase additional land from adjacent property owners to make up the difference, 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, as the existing lot is of substandard width at the point where it abuts Billtown Rd. Without the waiver, a significant portion of this parcel would not be usable, and

**Waiver of Land Development Code section 7.8.60.B.4 to allow a single family lot to have direct access to Billtown Rd, a Minor Arterial**

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee finds that the requested waiver will not adversely affect adjacent property owners, as the driveway already exists to serve the current home on the site. There will be no change in the number of entrances from Billtown Rd., and

**WHEREAS**, the Committee further finds that Guideline 3, Policy 1 requires new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, Policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. 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

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mitigate when appropriate. The resultant lot will be similar in scale and development pattern to other residential lots along Billtown Rd., and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief, 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 an existing curb cut already exists to serve this residual tract, and

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **RECOMMEND** to the City of Jeffersontown that **(1)** the Waiver from Land Development Code table 5.3.1 to allow the creation of a lot below the minimum allowable width in the R-4 zoning district within the Neighborhood Form District and **(2)** the Waiver of Land Development Code section 7.8.60.B.4 to allow a single family lot to have direct access to Billtown Rd, a Minor Arterial, be **APPROVED**.

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown, and Lewis**

**Absent: None**

**Abstain: None**

**No: None**

**Preliminary Major Subdivision Plan**

**01:33:46** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE** the Preliminary Major Subdivision Plan, **SUBJECT** to the following conditions of approval:

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**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 of lots than originally approved shall 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 or the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - 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.
3. 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.
4. 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.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all

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construction is completed. No parking, material storage or construction activities are permitted within the protected area.

6. 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."
7. 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 WPAs, TPAs and other issues required by these binding elements / conditions of approval.
  - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
8. 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.
9. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
10. The section of Sundrop Ln that connects to the proposed Truman Way shall be formally changed to match prior to the recording of the record plat.
11. The unnamed unimproved right-of-way that runs along the northern and western edges of the parcel shall be formally closed prior to the recording of the record plat.

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**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1012**

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown, and Lewis**

**Absent: None**

**Abstain: None**

**No: None**

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**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1016**

Project Name: Cedar Brook Section 3  
Location: 9610 Cedar Creek Rd  
Owner(s): GP Enterprises, LLC  
Applicant: David Greenberg  
Jurisdiction: Louisville Metro  
Council District: 22 – Robin Engel  
Case Manager: Jay Lockett, Planner I

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. 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.**

**01:34:52** Jay Lockett presented the case (see Staff Report and recording for detailed presentation).

**The following spoke in favor of the request:**  
Kevin Young, 503 Washburn Ave., Louisville, KY 40222

**Summary of testimony of those in favor**

**01:07:00** Kevin Young spoke on behalf of the applicant who is requesting a revised major preliminary subdivision plan and a waiver. Mr. Young discussed some of the technical aspects of the project and showed a presentation. Changes to the conditions of approval were discussed.

**01:44:56** Commissioners' deliberation

**Waiver of Land Development Code section 7.3.30.F to not provide the 15 foot buffer yard where the site abuts residential tracts greater than 5 acres**

**01:46:34** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 12, 2017**

**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1016**

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee finds that the waiver will not adversely affect adjacent property owners, as the nearest home on an adjacent lot over 5 acres is at least 400 feet away from the subject site, and

**WHEREAS**, the Committee further finds that Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of 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. Adequate tree canopy will still be provided on site. Adjacent homes are significantly setback from the subject site, 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, and

**WHEREAS**, the Committee further finds that the strict application of the provision would not deprive the applicant of reasonable use of the land; however the current layout represents a significantly less dense development than previously approved on this site. The buffer requirements were not in place when the subdivision was originally approved, and

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE** the Waiver of Land Development Code section 7.3.30.F to not provide the 15 foot buffer yard where the site abuts residential tracts greater than 5 acres.

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown, and Lewis**

**Absent: None**

**Abstain: None**

**No: None**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 12, 2017**

**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1016**

**Revised Major Preliminary Subdivision Plan**

**01:47:42** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE** the Revised Major Preliminary Subdivision Plan, **SUBJECT** to the following conditions of approval:

**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. The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by the Planning Commission staff's landscape architect if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
  - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
  - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  - d. Location of construction fencing for each tree/tree mass designated to be preserved.
3. 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.



**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 12, 2017**

**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1016**

4. 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."
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 in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
  - b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
  - c. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
6. 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.
7. 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.
8. 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.
9. 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.

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
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**NEW BUSINESS**

**CASE NUMBER 17SUBDIV1016**

10. Trees will be preserved and/or provided on site as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
11. Prior to requesting certificates of occupancy, the developer shall post street signs and address numbers.
12. The applicant shall provide a wetlands determination letter from the US Army Corps of Engineers for this site prior to any clearing, grading or construction. If wetlands are identified, the applicant shall demonstrate to the Planning Commission that the wetlands on site will be preserved or shall revise the preliminary plan to mitigate any impact on the wetlands.

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown, and Lewis**

**Absent: None**

**Abstain: None**

**No: None**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 12, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1126**

Project Name: Oscar's Hardware  
Location: 1515 S Shelby St  
Owner(s): Paul Fussenegger  
Applicant: Patrick Miller  
Jurisdiction: Louisville Metro  
Council District: 10 – Pat Mulvahill  
Case Manager: Jay Lockett, Planner I

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. 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.**

**01:48:53** Jay Lockett presented the case (see Staff Report and recording for detailed presentation).

**The following spoke in favor of the request:**  
Patrick Miller, 1000 Delor Ave., Louisville, KY 40217

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

**01:52:55** Patrick Miller spoke on behalf of the applicant who is requesting a revised district development plan and three waivers. Mr. Miller offered to answer questions from the Commissioners. There is no entrance off of East Burnett Avenue because of the flow of the store.

**01:56:05** On a motion by Commissioner Carlson, seconded by Commissioner Lindsey, the following resolution was adopted:

**Revised District Development Plan**

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee finds that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site, and

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1126**

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works have approved the preliminary development plan, and

**WHEREAS**, the Committee further finds that there are no open space requirements pertinent to the current proposal, and

**WHEREAS**, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community, and

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. The applicant has requested a waiver from landscape buffering requirements, but the lot will be partly screened by a masonry wall. The applicant is requesting relief from setback requirements to be reviewed by the Board of Zoning Adjustment, and

**WHEREAS**, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, with the exception of the requested waivers and variances, and

**Waiver of Land Development Code section 5.5.1.b to not provide an entrance facing E Burnett Ave.**

**WHEREAS**, the Committee further finds that the requested waiver will not adversely affect adjacent property owners, as the building currently has only a single entrance facing S Shelby St., and

**WHEREAS**, the Committee further finds that Guideline 3, Policies 1 and 2 call for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill; (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings. The purpose of

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1126**

the regulation is to provide visual interest and a human scale that are representative of the form district through the use of windows, columns, pilasters, piers, variation of material, entrances, storefront windows, and other animating features. The façade facing E Burnett St will still features windows and a mixture of building materials, and

**WHEREAS**, the Committee further finds that the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant. The applicant wishes to maintain only a single customer entrance, so that staff may monitor it more easy and prevent theft of merchandise, and

**WHEREAS**, the Committee further finds that the applicant has incorporated a corner plaza and pedestrian path onto the site design that brings the focal point of the site to the corner from the sidewalk, and

**Waiver of Land Development Code section 5.5.1.A.3.a to allow 2 ADA accessible parking spaces to be permitted in front of the building**

**WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners since safe pedestrian access is provided from the public rights-of-way to the building entrance, and provisions for safe vehicular circulation have been provided on site, and

**WHEREAS**, the Committee further finds that Guideline 2, Policy 15 states to encourage the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, Policy 1 states to ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, Policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. Guideline 7, Policy 3 states to evaluate developments for their ability to promote mass transit and pedestrian use, encourage higher density mixed use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation choices. Guideline 9, Policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with location of retail and office uses, especially in the Traditional Neighborhood, Village, Marketplace Corridor, Traditional Workplace Form Districts close to the roadway to minimize the distance pedestrians and transit users have to travel. The waiver is only for the two Accessible spaces; all other parking on site will comply with this section of the Land Development Code, and

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1126**

**WHEREAS**, the Committee further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant. The accessible spaces need to be located near the primary customer entrance, and all other parking will be on the side or in the rear of the building, and

**WHEREAS**, the Committee further finds that the strict application of the provisions of the regulation may not cause an unnecessary hardship for the applicant, but could create a significant hardship or safety hazard for patrons that needed to use the ACA accessible spaces, and

**Waiver of Land Development Code section 10.2.10 to not provide Vehicle Use Area Landscape Buffer Areas**

**WHEREAS**, the Committee further finds that the waiver will not adversely affect adjacent property owners since the site has no buffering around the corners of the site, and this development will provide significant improvement to the site, including additional plantings and masonry walls, and

**WHEREAS**, the Committee further finds that the waiver will not violate Guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for screening and buffering of parking areas adjacent to streets. The waiver will not violate Guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. The property currently has no buffering, whereas the proposed improvements will add some buffering and greatly improve the appearance of the site, 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. The masonry wall will provide some buffering of the lot, and tree canopy will be exceeded on site, 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, as there is insufficient room to include the required buffer and still maintain the required dimensions of parking spaces and drive aisles, and

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1126**

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE (1)** the Waiver of Land Development Code section 5.5.1.b to not provide an entrance facing E Burnett Ave., **(2)** the Waiver of Land Development Code section 5.5.1.A.3.a to allow 2 ADA accessible parking spaces to be permitted in front of the building, **(3)** the Waiver of Land Development Code section 10.2.10 to not provide Vehicle Use Area Landscape Buffer Areas, and **(4)** the Revised District Development Plan, **ON CONDITION** that the necessary variances are approved by the Board of Zoning Adjustment, and **SUBJECT** to the following binding elements:

**Binding Elements**

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission and the City of Louisville except for land uses permitted in the established zoning district.
2. Signs shall be in accordance with chapter 8 of the Land Development Code
3. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
4. There shall be no outdoor storage on the site.
5. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
6. Before any permit including but not limited to building, parking lot, change of use or alteration permit is requested:
  - a. The development plan must receive full construction approval from Develop Louisville and the Metropolitan Sewer District (700 West Liberty).
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering and landscape design) 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.

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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1126**

- c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Office of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  
- 7. A certificate of occupancy must be received from the appropriate code enforcement office 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.
  
- 8. The proposed sidewalks and curbs as shown on the approved district development plan shall be constructed within six (6) months of legislative approval and if other portions of the sidewalks are damaged during the construction process, they shall be restored as required by Public Works.
  
- 9. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown, and Lewis**  
**Absent: None**  
**Abstain: None**  
**No: None**



**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
OCTOBER 12, 2017**

**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1128**

Project Name: Office and Retail Center  
Location: 13905 Promenade Green Way  
Owner: Oreo 4 LLC  
Applicant: Schulte Design and Construction  
Jurisdiction: Louisville Metro  
Council District: 19 – Julie Denton  
Case Manager: Beth Jones, 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. 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.**

**01:58:54** Beth Jones presented the case (see Staff Report and recording for detailed presentation).

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

Sammy Van Pelt, 6516 Lovers Lane, Louisville, KY 40291

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

**02:03:08** Sammy Van Pelt offered to answer questions on behalf of the applicant who is requesting a detailed district development plan.

**02:03:54** Commissioners' deliberation

**02:04:31** On a motion by Commissioner Carlson, seconded by Vice Chair Peterson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee finds that these conditions do not appear to be in existence on this site, and

**WHEREAS**, the Committee further finds that the site will be accessed at two points via Promenade Green Way, an existing private street. The western access point will be shared with an adjoining vacant 1.129 acre parcel. A sidewalk will be installed along the

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1128**

Bush Farm Road and Old Henry Road and connected to the main entrance of each of the proposed buildings. Parking meets all requirements for vehicles and bicycles, including ADA accessible spaces, and

**WHEREAS**, the Committee further finds that open space is not required for the subject site, and

**WHEREAS**, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site, and

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area and in compliance with the approved General Development Plan (Case No. 09-099-98), and

**WHEREAS**, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, and

**WHEREAS**, the Committee further finds that, based on the staff report and the evidence and testimony presented today, that all of the applicable guidelines of Cornerstone 2020 are being met; now, therefore be it

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE** the Detailed District Development Plan for an office and retail center **ON CONDITION** that the variance is approved by the Board of Zoning Adjustment, and **SUBJECT** to the following binding elements:

**Binding Elements**

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements, unless amended pursuant to the LDC. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Signs shall be in accordance with LDC Chapter 8.

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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1128**

3. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3 feet of a common property line. Fencing shall be in place prior to any grading or construction, 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 activity is permitted within the protected area.
5. Before any permit, including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition, is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - c. A minor subdivision plat shall be recorded dedicating additional right-of-way as needed to provide a total of 40 feet from the centerline of Bush Farm Road. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - d. The property owner/developer must obtain approval of a detailed plan for screening, buffering and or landscaping as described in LDC Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - e. A Tree Preservation Plan and a Tree Canopy Plan in accordance with LDC Chapter 10 shall be approved prior to obtaining approval for site disturbance.
  - f. A reciprocal access and crossover easement agreement in a form acceptable to Planning Commission legal counsel shall be created and recorded; a copy of the recorded instrument shall be submitted to the Planning and Design Services Department of Develop Louisville.
6. If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a district development plan is approved or an extension is granted by the Planning Commission.

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**CASE NUMBER 17DEVPLAN1128**

7. 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.
8. The applicant, developer or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with them. 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.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the LD&T meeting on October 12, 2017.
10. Facade design shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
11. No idling of trucks shall take place within 200 feet of single-family residences.
12. The applicant shall provide documentation showing that the development complies with LDC 4.1.3 lighting regulations prior to issuance of a construction permit. These include regulations regarding mounting height limits, luminaire shielding, canopy lighting levels and light trespass.
13. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown, and Lewis**

**Absent: None**

**Abstain: None**

**No: None**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1028**

Project Name: Wingfield Road Office Building  
Location: 9914 Wingfield Road  
Owner(s): Southpointe Partners, LLC  
Applicant: Southpointe Partners, LLC  
Representative: Bluestone Engineers, PLLC  
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. 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.**

**02:06:05** Laura Mattingly presented the case (see Staff Report and recording for detailed presentation).

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

Jon Baker, 500 W Jefferson Street, Suite 2800, Louisville, KY 40202

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

**02:08:45** Jon Baker spoke on behalf of the applicant who is requesting a detailed district development plan. This is linked to case number 16STREETS1022 and is part of the same general development plan.

**02:11:26** Commissioners' deliberation

**02:13:37** On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Land Development & Transportation Committee finds that LOJIC has not identified any hydric soils, streams or steep slopes at this site. A Karst survey was performed and the site was found to have no Karst features. The

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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1028**

proposal does not include any preservation of trees but is meeting the tree canopy planting requirement, and

**WHEREAS**, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan. The proposal includes all required sidewalks and pedestrian connections as well as a new roadway connection, and

**WHEREAS**, the Committee further finds that there is no open space requirement with this plan, and

**WHEREAS**, the Committee further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community, and

**WHEREAS**, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings will meet all required setbacks, and

**WHEREAS**, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, and

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

**RESOLVED**, that the Louisville Metro Land Development & Transportation Committee does hereby **APPROVE** the Detailed District Development Plan **ON CONDITION** that the proposed 6 ft. screen fence along the eastern property line is removed prior to the dedication of the future connector road as a public right of way, and **SUBJECT** to the following binding elements:

**Binding Elements**

All binding elements from the approved General Development Plan (11640) are applicable to this site, in addition to the following:

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
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**NEW BUSINESS**

**CASE NUMBER 17DEVPLAN1028**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. 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 Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. 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.
  - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - 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.
5. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.

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6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 12, 2017 LD&T meeting.

**The vote was as follows:**

**Yes: Peterson, Lindsey, Carlson, Brown, and Lewis**

**Absent: None**

**Abstain: None**

**No: None**



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**NEW BUSINESS**

**CASE NUMBER 17ZONE1019**

Request:	R-4 to C-M
Project Name:	Orell Warehouse
Location:	6605 West Orell Rd
Owner:	CAT PB, LLC
Applicant:	CAT PB, LLC
Representative:	Cliff Ashburner, Dinsmore & Shohl, LLP
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Laura L. 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. 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.**

**02:15:00** Laura Mattingly presented the case (see Staff Report and recording for detailed presentation).

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

Clifford Ashburner, 101 S 5<sup>th</sup> Street, Suite 2500, Louisville, KY 40202

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

**02:20:47** Clifford Ashburner spoke on behalf of the applicant and gave a brief overview of the site design and surrounding area. He stated that screening details will be worked out before the public hearing.

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

Alexis Vines, 4307 Edgin Ave., Louisville, KY 40216  
Rob Sanders, 6607 West Orell Road, Louisville, KY 40291

**Summary of testimony of neutral parties:**

**02:27:16** Alexis Vines spoke on behalf of Councilwoman Cindi Fowler. Councilwoman Fowler requested that a binding element be created that states that if the property is used for anything other than what is being proposed, the applicant will have

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to appear before Metro Council. She would also like to see landscaping along the entrance at Dixie Highway. Lastly, she is concerned that the entrance along West Orell Road is not wide enough for large trucks to turn into.

**02:30:38** Rob Sanders owns the property west of the entrance to West Orell Road. He was concerned with how this project will impact his property value, but stated that the developer is willing to work with him regarding his concerns.

**Rebuttal:**

**02:31:22** Mr. Ashburner stated that he has never seen a binding element require an applicant to appear before Metro Council for a change in use. He would be willing to work to come up with language for this, but this is under the Planning Commission's authority. His client would be willing to provide landscaping along the Dixie Highway entrance if it is allowed by the access easement—he will look into this before the public hearing. He stated that entrances will be sized with a turning radius that is sufficient for truck traffic. His client would prefer not to have a limit on the hours of operation, but this can be worked out by the public hearing.

**02:33:46** By general consensus, the Committee scheduled Case Number 17ZONE1019 for the November 2, 2017 Planning Commission public hearing.

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**NEW BUSINESS**

**CASE NUMBER 17ZONE1022**

Request: R-4 and C-2 to C-M  
Neighborhood to Suburban Marketplace Corridor  
Project Name: Orell Mini-Warehouse  
Location: 11905 Dixie Hwy  
Owner: 11905 Dixie LLC  
Applicant: 11905 Dixie LLC  
Representative: Clifford Ashburner, Dinsmore & Shohl, LLP  
Jurisdiction: Louisville Metro  
Council District: 14 – Cindi Fowler  
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. 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.**

**02:36:00** Laura Mattingly presented the case (see Staff Report and recording for detailed presentation).

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

Clifford Ashburner, 101 S 5<sup>th</sup> Street, Suite 2500, Louisville, KY 40202  
Derek Triplett, 503 Washburn Ave., Suite 101, Louisville, KY 40202

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

**02:40:15** Clifford Ashburner spoke on behalf of the applicant and showed a presentation. He stated that this is a rare property with many constraints which is cause for the significant number of requests (see recording for detailed presentation).

**02:48:15** In response to Commissioner Brown, Derek Triplett of Land Design & Development stated that Kentucky Transportation Cabinet (KTC) initially requested a reduction to one entrance along Dixie Highway, but this was resolved after a number of conversations and resubmittals. Commissioner Brown stated that he would like to revisit this before the public hearing.

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**02:49:04** Tammy Markert read a comment from KTC which stated, "Entrance locations will be determined at the construction review phase."

**02:49:18** In response to Commissioner Brown regarding the gate, Mr. Triplett stated that the gate be offset 30 ft. from the edge of pavement per KTC. Commissioner Brown is concerned that the sidewalk will be blocked by vehicles waiting at this gate. He will bring this up at public hearing.

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

Alexis Vines, 4307 Edgin Ave., Louisville, KY 40216

**Summary of testimony of neutral parties:**

**02:50:43** Alexis Vines spoke on behalf of Councilwoman Cindi Fowler. Councilwoman Fowler requested that a binding element be created that states that if the property is used for anything other than what is being proposed, the applicant will have to appear before Metro Council. Her concerns with landscaping have been resolved.

**02:51:44** By general consensus, the Committee scheduled Case Number 17ZONE1022 for the November 2, 2017 Planning Commission public hearing.

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**NEW BUSINESS**

**CASE NUMBER 17ZONE1025**

Request:	R-4 to C-N and Conditional Use Permit
Project Name:	Artis Senior Living
Location:	4922 Brownsboro Road
Owner:	Kinman Compound, LLC
Applicant:	Artis Senior Living, LLC
Representative:	Bardenwerper, Talbott, & Roberts, PLLC
Jurisdiction:	Louisville Metro
Council District:	7 – Angela Leet
Case Manager:	Laura L. 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. 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.**

**02:55:37** Laura Mattingly presented the case. Because a gate is being proposed, Staff recommends the addition of a binding element that states, “The owner/developer will coordinate with appropriate emergency response agencies to ensure design and operation of gated entrances complies with emergency access gate requirements.” (See Staff Report and recording for detailed presentation.)

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

John Talbott, 1000 N Hurstbourne Pkwy., Louisville, KY 40203  
Kevin Young, 503 Washburn Ave., Louisville, KY 40222

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

**03:00:06** John Talbott spoke on behalf of the applicant and showed a presentation. The applicant is requesting a change in zoning, a conditional use permit, two variances, and a detailed district development plan.

**03:10:08** Kevin Young stated that detention basins will be installed along Warrington Way. There is also an existing sanitary sewer that will assist with drainage.

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**03:10:51** Mr. Talbott continued his presentation. Landscaping will be installed around the senior living area. An 8 ft. fence will go around the majority of the property in addition to landscape buffering. Both structures will be one story only. The back area will primarily be used by senior citizens, so noise will be minimal. Mr. Talbott discussed details of the elevations and building materials as well as the traffic study.

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

Larry Kirschenbaum, 1803 Grantham Court, Louisville, KY 40222

**Summary of testimony of neutral parties:**

**03:20:32** Larry Kirschenbaum lives near the subject property and is a Crossgate City Commissioner. Residents of Crossgate would like to know under what conditions the emergency gate would be opened and for how long. They are hoping to address other concerns with the developer by the end of the month.

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

Jen Charlton, 1911 Crossgate Lane, Louisville, KY 40222

John Hicks, 4924 Grantham Place, Louisville, KY 40222

Thomas Jones, Cincinnati, OH

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

**03:24:13** Jen Charlton is a neighbor who bought her home because it is in a family oriented neighborhood. She is concerned that this project will bring more traffic to the neighborhood and make it less safe for pedestrians.

**03:27:51** John Hicks is another neighbor who is in opposition to the request. If the case is scheduled for the full Planning Commission, he would like to request a night hearing. He is also concerned that traffic will worsen due to this project. He would like to request a binding element that the front parcel not be developed without approval from the City of Crossgate Commission.

**Rebuttal:**

**03:30:12** Mr. Talbott spoke in rebuttal. He feels that traffic and safety will not be adversely affected by this development. Regarding gate usage, Mr. Talbott stated that he is currently negotiating with the Mayor of Crossgate who has been called to duty by the Army Reserves.

**03:31:28** Thomas Jones stated that there will still be a large grassy area on the property and that sidewalks will be constructed around the property to facilitate pedestrian traffic.

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**03:33:14** Ms. Mattingly stated that she spoke to Mr. Hicks about the requirements for a night hearing. Brian Davis stated that if the case is scheduled to be heard on November 2, 2017, the deadline for the night hearing petition would be Wednesday, November 18, 2017.

**03:33:51** By general consensus, the Committee scheduled Case Number 17ZONE1025 for the November 2, 2017 Planning Commission public hearing.

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**NEW BUSINESS**

**CASE NUMBER 17ZONE1028**

Request:	R-4 to C-1
Project Name:	Terry's Bridal
Location:	8107 Blue Lick Road
Owner:	Steve and Terry Barker
Applicant:	Same
Representative:	Same
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
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. 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.**

**03:36:06** Laura Mattingly presented the case (see Staff Report and recording for detailed presentation).

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

Terry Barker, 11011 Lanette Court, Louisville, KY 40229

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

**03:41:08** Applicant Terry Barker offered to answer any questions from the Commissioners.

**03:42:06** By general consensus, the Committee scheduled Case Number 17ZONE1028 for the November 2, 2017 Planning Commission public hearing.



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**NEW BUSINESS**

**CASE NUMBER 17ZONE1036**

Request: OR-1 and R-7 to C-1  
Project Name: Iroquois Pharmacy  
Location: 5024 and 5026 S 3rd Street, 307 Kingston Ave  
Owner: Tran Tuyen, Xinh Properties LLC, Hieu Do & Phuong Lam  
Applicant: Iroquois Pharmacy, Vy Truong  
Representative: Vy Truong  
Jurisdiction: Louisville Metro  
Council District: 21 – Dan Johnson  
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. 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.**

**03:43:27** Laura Mattingly presented the case (see Staff Report and recording for detailed presentation).

**03:45:03** Commissioner Brown raised concern about parking to be addressed before the public hearing.

**The following spoke in favor of the request:**  
Vy Truong, 2606 Frankfort Ave., Louisville, KY 40206

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

**03:47:07** Applicant Vy Truong offered to answer questions from the Commissioners.

**03:47:32** By general consensus, the Committee scheduled Case Number 17ZONE1036 for the November 2, 2017 Planning Commission public hearing.

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**ADJOURNMENT**

The meeting adjourned at approximately 5:00 p.m.

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Division Director