

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
June 28, 2018**

A meeting of the Land Development and Transportation Committee was held on, June 28, 2018 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Rob Peterson, Vice-Chair
Richard Carlson
Jeff Brown
Lula Howard

Committee Members absent were:

Marilyn Lewis, Chair

Staff Members present were:

Emily Liu, Planning and Design Director
Brian Davis, Planning and Design Manager
Julia Williams, Planning Supervisor
Jon Crumbie, Planning Coordinator
Jay Lockett, Planner I
John Carroll, Legal Counsel
Paul Whitty, Legal Counsel
Travis Fiechter, Legal Counsel
Tony Kelly, MSD
Beth Stuber, Transportation Supervisor
Pamela M. Brashear, Management Assistant

The following matters were considered:

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
June 28, 2018

APPROVAL OF MINUTES

JUNE 14, 2018 LD&T COMMITTEE MEETING MINUTES

On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted.

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on June 14, 2018.

The vote was as follows:

YES: Commissioners Brown, Carlson and Peterson

NOT PRESENT FOR THIS CASE: Commissioner Lewis

ABSTAINING: Commissioner Howard

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
June 28, 2018

OLD BUSINESS

CASE NO. 17ZONE1081

Request: Schedule Night Hearing
Project Name: Oakland Hills Extension
Location: 11333 Bardstown Road
Owner: 21st Century Parks Endowment, Inc.
Applicant: 21st Century Parks Endowment, Inc.
Representative: Dinsmore & Shohl LLP
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson
Case Manager: Joel Dock, Planner II
Presented By: Brian Davis, Planning and Design 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. 5th Street.)

Agency Testimony:

00:05:25 Mr. Davis stated this case was scheduled for the July 5, 2018 Planning Commission public hearing date; however, staff received a petition for a night hearing prior to notices being sent. Staff reviewed the petitions to verify it meets the requirements of holding a night hearing in the neighborhood/district. The applicant conducted a verification of signatures as well and disagrees with staff.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl LLP, 101 South 5th Street, Suite 2500, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:07:42 Mr. Ashburner reported the findings of the signatures on the petition. The petition failed the requirements for a night hearing in the neighborhood and requests that the committee set a night hearing for July 16, 2018 at the Old Jail Building because the opposition has enough signatures for that (200).

The following spoke neither for nor against the request:

Steve Porter, 2408 Tucker Station Road, Louisville, Ky. 40299

Summary of testimony of those neither for nor against:

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OLD BUSINESS

CASE NO. 17ZONE1081

00:18:24 Mr. Porter stated the petition is legitimate and the night meeting should be held in the neighborhood. This committee has the authority to hold a night hearing at its discretion.

00:24:25 Mr. Whitty said however the committee votes, either side may appeal the decision.

Rebuttal:

00:26:12 Mr. Ashburner stated the committee needs to follow the ordinances passed by Metro Council.

Deliberation

00:29:26 Planning Commission deliberation. Commissioner Carlson said the committee would be serving the public by holding the meeting in the neighborhood.

Commissioner Brown stated there should be a night hearing in the neighborhood, but also in a timely manner.

Commissioner Brown asked if there is a community facility available within the 14 day time frame. Mr. Davis said he doesn't have verification.

Commissioner Howard said the law needs to be amended because it leaves too much to interpretation.

Vice Chair Peterson said he doesn't think the Old Jail Building has enough room to accommodate the interested parties.

An audio/visual recording of the Land Development & 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.

00:38:10 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby Table this case to the end of the docket to allow staff time to investigate availability of the Central Government Center.

The vote was as follows:

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OLD BUSINESS

CASE NO. 17ZONE1081

YES: Commissioners Brown, Carlson, Howard and Peterson
NOT PRESENT AND NOT VOTING: Commissioner Lewis

Reconvened

02:40:02 Mr. Davis stated the Central Government Center is available for Monday July 16, 2018 night hearing at 6:30 p.m.

02:42:47 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby schedule this case for a night hearing on July 16, 2018 at the Central Government Center, 6:30 p.m.

The vote was as follows:

YES: Commissioners Brown, Carlson, Howard and Peterson
NOT PRESENT AND NOT VOTING: Commissioner Lewis

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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OLD BUSINESS

CASE NO. 17ZONE1038

NOTE: This case was heard first

Request: Change is zoning from R-6 & R-7, multi-family residential to C-1, commercial – **Request to Continue to July 12, 2018 LD&T**

Project Name: 3343-3425 Taylor Boulevard
Location: 3343-3425 Taylor Boulevard
Owner: Multiple Owners
Applicant: The McCartin Company, Inc.
Representative: Accurus Engineering
Jurisdiction: Louisville Metro
Council District: 15 – Marianne Butler
Case Manager: Joel Dock, Planner II
Presented By: Brian Davis, Planning and Design 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. 5th Street.)

Agency Testimony:

00:04:02 Mr. Davis stated this case was continued to allow the applicant time to address issues with the plan regarding design and transportation. These issues have not been worked out and the applicant requests continuing it to the July 12, 2018 LD&T meeting.

Deliberation

00:04:45 Planning Commission deliberation.

An audio/visual recording of the Land Development & 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.

On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case, per the applicant's request, to the July 12, 2018 LD&T meeting.

The vote was as follows:

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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OLD BUSINESS

CASE NO. 17ZONE1038

YES: Commissioners Brown, Carlson, Howard and Peterson
NOT PRESENT AND NOT VOTING: Commissioner Lewis

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 18DEVPLAN1031

Request: Revised Detailed District Development Plan and Binding
Element Amendments
Project Name: Pet Suites
Location: 9420 Seatonville Road
Owner: WesBanco, Inc.
Applicant: Hogan Real Estate
Representative: Nick Pregliasco
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
Case Manager: Jon E. Crumbie, Planning and Design Coordinator

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:39:11 Mr. Crumbie discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bill Bardenwerper, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
Mike Leonard, Hogan Real Estate, 9300 Shelbyville Road, Suite 1300, Louisville, Ky.
40223

Summary of testimony of those in favor:

00:44:29 Mr. Bardenwerper gave a power point presentation. This case was approved in 1997, overturned by Fiscal Court and overturned by Circuit Court in favor of the applicant. There will be a 1:1.5 flood plain compensation. Also, the wall has been eliminated.

01:05:19 Mr. Bardenwerper described the clean-up process for urine and feces.

01:12:00 Mr. Leonard stated the current hours of operation are 6:30 a.m. – 9:00 p.m. and once it's closed there will be no dogs outside. There will be typical parking lighting.

The following spoke in opposition to this request:

Marty Greer, 210 Wickfield Drive, Louisville, Ky. 40245

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NEW BUSINESS

CASE NO. 18DEVPLAN1031

Laura Ruzanka, 9511 Seatonville Road, Louisville, Ky. 40291

Joseph Marcus Greer, III., 3809 Chevy Chase Road, Louisville, Ky. 40218

Greg Bell, 6604 Orchard Club Place, Louisville, Ky. 40291

Teena Halbig, Floyds Fork Environmental Association, 6505 Echo Trace, Louisville, Ky. 40299

Rochelle Ghoce, 6606 Orchard Club Place, Louisville, Ky. 40291

Summary of testimony of those in opposition:

01:14:54 Mr. Marty Greer is representing his mother and stated he wants to limit development in the area because of environmental, runoff and traffic issues. The footprint is bigger and there will bring more traffic. There is limited green space left in the area.

01:19:12 Ms. Ruzanka stated the applicant cut down the flood plain area and they weren't supposed to. It looks very desolate now. Traffic is horrendous.

Ms. Ruzanka said she would like to be notified in the future.

01:21:26 Mr. Joseph Greer said traffic and flooding are terrible.

01:22:14 Mr. Bell stated this project will decrease the value of his home and he wants to be compensated. Other concerns include: lighting, hours of operation, waste, drainage, odors, garbage placement, traffic, safety, flooding and wants his fence repaired.

01:27:35 Ms. Halbig said the site is extremely environmentally constrained. There are approximately 900 acres that drain to this area. The public's safety is at risk.

Ms. Halbig requests an environmental statement and Tree Preservation Areas (TPAs).

Ms. Halbig disagrees with the staff's analysis and requests that the committee not remove binding elements.

01:43:27 Ms. Ghoce asks if the traffic study was completed as well as an environmental impact study. Other concerns include: encroaching, runoff and dumpster locations.

The following spoke as other:

Ann Richard, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

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NEW BUSINESS

CASE NO. 18DEVPLAN1031

Eric Senn, Land Design and Development, 503 Washburn Avenue, Louisville, Ky.
40222

Summary of testimony of others:

01:01:43 Ms. Richard said the landscape plan is completely compliant with Chapter 10. Additional landscaping is being provided for the neighbors, as well as evergreen trees.

Agency Testimony:

01:49:03 Mr. Kelly, MSD, stated the Walgreens stormwater area is a runoff volume compensation and not a detention basin. The applicant will have to account for the volume set aside for Walgreens in addition to his own runoff volume at 1:1 and the flood compensation will be 1.5:1. The engineers put together conceptual grading and cross sections to verify the volume is there without encroaching into the buffer.

Rebuttal:

01:51:53 Mr. Bardenwerper stated he will provide some additional binding elements. The flood plain issues and storm water compensation will be taken care of per MSD's standards/requirements. The building is bigger, but there's less parking and less traffic. Also, a crushed pipe is the reason for the flooding and that pipe will be replaced.

01:58:23 Mr. Senn discussed flooding issues and how they will be handled.

02:14:22 Commissioner Brown stated the right turn lane has been on previous plans and should still be required for this site. Ms. Richard said KDOT does not require it. Commissioner Brown said it could be conditioned on the issuance of the permit by the state. Anything greater than R-4 use at this site would warrant it and be constructed from Seatonville to Bardstown Rd. Mr. Bardenwerper said it would be a significant cost.

Deliberation

02:24:24 Commissioner Howard stated the plan is a low intense use and should not generate more traffic. She agrees with the additional proposed binding elements and stated it should also be conditioned on approval from BOZA.

02:25:00 Commissioner Carlson stated he's comfortable with MSD's discussion concerning water management.

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NEW BUSINESS

CASE NO. 18DEVPLAN1031

02:27:05 Commissioner Brown said the use is appropriate for this site. We need to hear from KYTC whether the turn light is warranted.

02:28:24 Vice Chair Peterson agrees with the other commissioners.

02:32:26 Mr. Bardenwerper reminded the commissioners that development plans expire but binding elements run with the land.

An audio/visual recording of the Land Development & 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.

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does **CONTINUE** this case to the July 12, 2018 Land Development and Transportation meeting to allow time to research the right turn lane requirement and discuss permitting with Kentucky Transportation Cabinet.

The vote was as follows:

YES: Commissioners Brown, Carlson, Howard and Peterson

NOT PRESENT AND NOT VOTING: Commissioner Lewis

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 18WAIVER1017

Request: Waiver of LDC Section 7.8.60.B.4 to allow direct single family access to a collector level roadway
Project Name: 2402 South English Station Driveway
Location: 2402 South English Station Road
Owner: Tim and Colleen Creed
Applicant: Kimbel Homes, LLC
Representative: Kimbel Homes, LLC
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson
Case Manager: Jay Luckett, 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. 5th Street.)

Agency Testimony:

02:44:02 Mr. Luckett discussed the case summary, standard of review and staff analysis from the staff report.

02:46:03 Ms. Stuber, Transportation Review, stated she went to the site to check the site distance. The clearing is on another person's property and if those trees were removed, they would have the site distance.

The following spoke in favor of this request:

Vince Kimbel, 13706 Windy Haven Way, Louisville, Ky. 40299

Summary of testimony of those in favor:

02:46:48 Mr. Kimbel stated he has used the entrance many times and had no issues.

Deliberation

02:48:48 Planning Commission deliberation.

An audio/visual recording of the Land Development & 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.

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 18WAIVER1017

Waiver of Land Development Code Section 7.8.60.B.4 to allow direct single family access to a collector level roadway

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Standard of Review, Staff Analysis and testimony heard today, was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners as the lots are for single-family residential use with lot sizes that are compatible with the rural surroundings. The proposed access point is in keeping with the historic use of the site and the general character of the area; and

WHEREAS, the waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 8, Policy 9 stresses the avoidance of access to development through areas of significantly lower intensity or density development if such access would create significant nuisances. Guideline 8, Policy 10 encourages road designs that should provide sight distances consistent with probable traffic speed, terrain, alignments and climatic extremes. The proposed development is for low-density lot creation in a rural, but slowly developing area where individual single-family driveway access will not cause a nuisance to surrounding residents. Maintaining the historic access point will allow for the preservation of mature trees within the Floyd's Fork Development Review Overlay; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the proposed driveway is to be located in the same location that has traditionally served as an access point for the subject property; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as a creating a new driveway at the southern end of the subject site would require significant expense and removal of mature trees which the applicant would prefer to preserve.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the waiver of Land Development Code Section 7.8.60.B.4 to allow direct single family access to a collector level roadway.

The vote was as follows:

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 18WAIVER1017

YES: Commissioners Brown, Carlson, Howard and Peterson

NOT PRESENT AND NOT VOTING: Commissioner Lewis

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 18WAIVER1019

Request: Sidewalk Waiver
Project Name: 3625 Old Clark Station Road
Location: 3625 Old Clark Station Road
Owner: John and Laura Beville
Applicant: Scott Yager
Representative: Scott Yager
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson
Case Manager: Jay Lockett, 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. 5th Street.)

Agency Testimony:

2:50:23 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

John Beville, 9504 Williamsburg Plaza Apartment 415, Louisville, Ky. 40222

Summary of testimony of those in favor:

02:51:18 Mr. Beville stated he's the owner of the property and in support of the waiver.

Deliberation

02:51:46 Planning Commission deliberation.

An audio/visual recording of the Land Development & 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.

On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the Standard of Review, Staff Analysis, testimony, owner of the property and the sidewalk waiver justification was adopted.

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NEW BUSINESS

CASE NO. 18WAIVER1019

WHEREAS, the waiver will not adversely affect adjacent property owners, as there are no existing sidewalks in the area; and

WHEREAS, Guideline 7, Policy 1 states that the developments should be evaluated for their impact on the street and roadway system and not to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver would allow the site to be developed in keeping with the general character of the area. The area is generally developed as large lot single family homes and there are no existing sidewalks in the vicinity; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds the extent of the regulation is the minimum necessary to afford relief to the applicant, as all other provisions of the Land Development Code will be met on site; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the strict application of the provisions of this regulation would create an unnecessary hardship on the applicant, as they would have to incur the costs of the sidewalk construction that would likely never link to any other section of sidewalk or serve pedestrians in a meaningful way.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** a waiver of the Land Development Code 5.8.1.B to not provide sidewalks for the construction of a single family home.

The vote was as follows:

YES: Commissioners Brown, Carlson, Howard and Peterson

NOT PRESENT AND NOT VOTING: Commissioner Lewis

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 18WAIVER1019

Request: Waiver for driveway width
Project Name: 2413 Irish Bend Court
Location: 2413 Irish Bend Court
Owner: Shakes Run Development Section 8, LLC
Applicant: Elite Homes
Representative: Sabak, Wilson and Lingo
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson
Case Manager: Jay Lockett, 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. 5th Street.)

Agency Testimony:

02:53:47 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kelli Jones, Sabak, Wilson and Lingo, 608 South 3rd Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

02:55:18 Ms. Jones gave a power point presentation. The subject lot is smaller than other lots, but wide driveways are typical in the Shakes Run area.

Deliberation

02:56:50 Planning Commission deliberation.

An audio/visual recording of the Land Development & 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.

Waiver of Land Development Code 9.1.4 to allow a driveway to exceed 20 feet in width within the required front yard setback

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution based on the staff's analysis as the justification, was adopted.

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NEW BUSINESS

CASE NO. 18WAIVER1019

WHEREAS, the waiver will not adversely affect adjacent property owners, as the proposed garage and driveway are similar to in the other homes in the area; and

WHEREAS, Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver would allow the site to be developed in keeping with the general character of the area, and build a driveway the adequate serves the proposed attached garage; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the extent of the regulation is the minimum necessary to afford relief to the applicant, as all other provisions of the Land Development Code will be met on site; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the strict application of the provisions of this regulation as would deprive the applicant of the reasonable use of the land, as they could not adequately utilize their proposed garage.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the waiver of Land Development Code section 9.1.4 to allow a driveway to exceed 20 feet in width within the required front yard setback.

The vote was as follows:

YES: Commissioners Brown, Carlson, Howard and Peterson
NOT PRESENT AND NOT VOTING: Commissioner Lewis

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 18DEVPLAN1064/18DEVPLAN1083

Request: Revised General District Development Plan, Detailed District Development Plan with Waivers
Project Name: Suds Up Carwash
Location: 4500 South Hurstbourne Parkway
Owner: Meijer Stores, LLC
Applicant: Suds Up Carwash
Representative: Thoroughbred Engineering
Jurisdiction: Louisville Metro
Council District: 11 – Kevin Kramer
Case Manager: Jay Lockett, 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. 5th Street.)

Agency Testimony:

02:58:55 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

Mr. Lockett added, the 2nd case number is for the general plan.

The following spoke in favor of this request:

Jeremy Duncan, Thoroughbred Engineering, 110 East Main Street, Suite 206, Georgetown, Ky. 40324

Summary of testimony of those in favor:

03:04:20 Mr. Duncan stated he's here to answer questions.

Deliberation

03:04:46 Planning Commission deliberation.

An audio/visual recording of the Land Development & 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.

General District Development Plan with amendments to binding elements

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 18DEVPLAN1064/18DEVPLAN1083

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis, was adopted.

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site. Land Development Code tree canopy requirements were not in place at the time of the development of this site, and the proposed change results in a reduction in impervious area. Therefore, tree canopy requirements are not reviewed as part of this request for tract 1 and the RGDDP. Tree canopy provisions of the Land Development Code will be met on tract 6; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided; and

WHEREAS, there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Metropolitan Sewer District 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 Louisville Metro Land Development & Transportation Committee finds the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the General District Development Plan **SUBJECT** to the following 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 except for land uses permitted in the established zoning district.
2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.

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NEW BUSINESS

CASE NO. 18DEVPLAN1064/18DEVPLAN1083

3. The following uses, although permitted generally in the C-2 Commercial District, are prohibited uses within the C-2 areas of Stony Brook South: adult entertainment, automobile repair garages, bookbinding facilities, kennels, monument sales, plumbing and heating shops, sign painting, skating rinks, taverns, theaters, used car sales unless in connection with a new car sales dealership, advertising signs (billboards). The remainder of the C-2 Commercial uses (being those that are not specifically listed in the C-1 District) shall be allowed in the C-2 areas of Stony Brook South, but only to the extent of one-third of the allowable commercial square footage allowed $113 \times 620,670 = 206,890$ square feet).
4. There shall be no direct vehicular access to Watterson Trail from Outlots 3 and 1. Access to Hurstbourne Parkway shall be as shown on the approved Detailed District Development Plan.
5. Signs shall be in accordance with Chapter 8 of the Land Development Code
6. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
7. There shall be no outdoor storage on the site.
8. Outdoor lighting shall be directed down and away from surrounding residential properties.
9. The western boundary of the site (Outlots 3, 4, 5 and the Meijer lot) shall contain a buffer transition area 40 feet in width which shall contain berming and landscaping as approved by the Commission staff. This 40 foot buffer transition area shall remain residentially zoned. Structures shall be no more than one-story, not to exceed 35 feet in height.
10. Within 60 days of the provision of transit service on Hurstbourne Parkway, the owner shall construct two (2) transit shelters in locations to be determined in consultation with the Transit Authority. The Owner / Developer will maintain the transit stops on an as needed basis. 11. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.

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CASE NO. 18DEVPLAN1064/18DEVPLAN1083

- c. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - d. 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.
 - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
11. 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.
12. 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: Commissioners Brown, Carlson, Howard and Peterson

NOT PRESENT AND NOT VOTING: Commissioner Lewis

Revised Detailed District Development Plan (Tract 1)

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review, Staff Analysis and information heard today, was adopted.

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site. Land Development Code tree canopy requirements were not in place at the

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time of the development of this site, and the proposed change results in a reduction in impervious area. Therefore, tree canopy requirements are not reviewed as part of this request for tract 1 and the RGDDP. Tree canopy provisions of the Land Development Code will be met on tract 6; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided; and

WHEREAS, there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Metropolitan Sewer District 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 Louisville Metro Land Development & Transportation Committee finds the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Detailed District Development Plan (Tract 1), **SUBJECT** to the following Binding Elements:

Tract 1 is subject to all general plan binding elements, in addition to the following proposed binding elements.

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

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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) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works 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.
5. 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. 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.

The vote was as follows:

YES: Commissioners Brown, Carlson, Howard and Peterson

NOT PRESENT AND NOT VOTING: Commissioner Lewis

Waiver of Land Development Code section 10.2.10 to not provide plantings and screening in the Vehicle Use Area Landscape Buffer Area within the area of the gas pipeline easement. (Tract 6)

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On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Staff Analysis, was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners since the buffer area is internal to the larger site, and the only adjacent property is the parent parcel owned by the same owner as the proposed parcel; and

WHEREAS, 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. As the roadway in question is an access easement internal to the site, there will be no impact on the general area; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the buffer area will still be provided, and plantings will be provided in the buffer outside of the easement area; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as the easement and gas line are existing and the holder of that easement will not consent to any plantings within the area.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the waiver of the Land Development Code section 10.2.10 to not provide plantings and screening in the Vehicle Use Area Landscape Buffer Area within the area of the gas pipeline easement. (Tract 6), **SUBJECT** to the following Binding Elements:

Tract 6 is subject to all general plan binding elements, in addition to the following proposed binding elements.

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee

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- 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) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works 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 subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - 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. 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.
 6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
 7. 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

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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.

The vote was as follows:

YES: Commissioners Brown, Carlson, Howard and Peterson

NOT PRESENT AND NOT VOTING: Commissioner Lewis

Detailed District Development Plan (Tract 6)

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution based on the Staff Analysis was adopted.

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site. Land Development Code tree canopy requirements were not in place at the time of the development of this site, and the proposed change results in a reduction in impervious area. Therefore, tree canopy requirements are not reviewed as part of this request for tract 1 and the RGDDP. Tree canopy provisions of the Land Development Code will be met on tract 6; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided; and

WHEREAS, there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Metropolitan Sewer District 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 Louisville Metro Land Development & Transportation Committee finds, the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

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RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan (Tract 6), **SUBJECT** to the following Binding Elements:

Tract 6 is subject to all general plan binding elements, in addition to the following proposed binding elements.

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
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) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works 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 subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - 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.

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5. 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. 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.

The vote was as follows:

YES: Commissioners Brown, Carlson, Howard and Peterson
NOT PRESENT AND NOT VOTING: Commissioner Lewis

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CASE NO. 18DEVPLAN1071

Request: Revise District Development Plan with Waivers
Project Name: Golf Entertainment
Location: 3050 Terra Crossing Boulevard
Owner: JDG 1849, LLC
Applicant: JDG 1849, LLC
Representative: Bardenwarper, Talbott & Roberts
Jurisdiction: Louisville Metro
Council District: 19 – Julie Denton
Case Manager: Jay Lockett, 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. 5th Street.)

Agency Testimony:

03:09:55 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

Mr. Lockett added, this case will go to the July 16, 2018 Board of Zoning Adjustment meeting.

The following spoke in favor of this request:

Bill Bardenwerper, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne, Louisville, Ky. 40223
Kent Gootee, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

03:14:20 Mr. Bardenwerper gave a power point presentation. The concept images look substantially the same. It's a large site but not a high peak hour generator.

03:22:41 Mr. Gootee discussed the waivers. LG&E has a restrictive easement. We can try to plant shrubs, but it may not be allowed. Trees will be planted elsewhere on site.

The following spoke in opposition to this request:

Hank Graddy, attorney, 137 North Main Street, Versailles, Ky. 40383

Summary of testimony of those in opposition:

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03:33:15 Mr. Graddy represents the Factory Ln. Awareness Group, who are opposed to the plan as shown today. It doesn't meet the standards of review and is out of character with the neighborhood.

Deliberation

03:36:22 The commissioners are in agreement that the plan is in order and the waivers are justified.

An audio/visual recording of the Land Development & 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.

Waiver of Land Development Code section 5.7.1.B.3.a to encroach into the required 35 foot form district transition zone landscape buffer area.

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review, Staff Analysis and testimony heard today, was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners since all required screening and plantings will still be provided within the buffer area; and

WHEREAS, Guideline 3, Policy 9 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 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 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. All required screening and planting will still be provided in the buffer area, which is proposed to be 20 feet instead of the required 35 feet; and

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WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is still proposing to provide 20 feet of buffering including all required screening; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further the strict application of the provisions of the regulation would cause an unnecessary hardship on the applicant, as the rest of the site is needed to provide adequate parking and for the use, and to provide all other required buffers on site.

Waiver of Land Development Code section 10.2.4.B.3 to allow a utility easement to overlap a landscape buffer area by more than 50% without meeting screening and planting requirements.

WHEREAS, the waiver will not adversely affect adjacent property owners since the buffer in question faces the Gene Snyder Freeway, and is not adjacent to any other property; and

WHEREAS, Guideline 3, Policy 9 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 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 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 area of the proposed buffer already has existing overhead wires, and the electric company that holds the easement will likely not allow the applicant to install the plantings required by the Land Development Code; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant will still provide the full 50' buffer. The applicant will install whatever plantings LG&E will allow, and provide other required trees elsewhere on site; and

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WHEREAS, the Louisville Metro Land Development & Transportation Committee further the strict application of the provisions of this part would deprive the applicant of the reasonable use of the land, as they would be forced to create the 50 foot buffer outside of the existing electrical transmission easement, and that would consume a large portion of the site and make it difficult to provide appropriate parking for the proposed use.

Waiver of Land Development Code section 10.3.7 to not provide required trees within the Gene Snyder Freeway Landscape Buffer Area.

WHEREAS, the waiver will not adversely affect adjacent property owners since the applicant has agreed to provide the required trees elsewhere on the subject site; and

WHEREAS, Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, Policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The area of the proposed buffer has existing overhead power transmission equipment and an associated easement that will limit the plantings allowed in the area. The applicant has agreed to plant the required trees elsewhere on site, and the development will meet or exceed the tree canopy requirements of the Land Development Code; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is willing to plant all required trees, but the easement holder has strict regulations against plantings under its equipment. The applicant intends to plant whatever trees the easement holder will allow in the buffer area, and the remainder of the required trees elsewhere on site; and

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WHEREAS, the Louisville Metro Land Development & Transportation Committee further the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as the existing electrical equipment and easement preclude the plantings required by the Land Development Code. The applicant will provide the required trees elsewhere on the subject site.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the following waivers: a waiver of the Land Development Code section 5.7.1.B.3.a to encroach into the required 35 foot form district transition zone landscape buffer area; a waiver of the Land Development Code section 10.2.4.B.3 to allow a utility easement to overlap a landscape buffer area by more than 50% without meeting screening and planting requirements; and a waiver of the Land Development Code section 10.3.7 to not provide required trees within the Gene Snyder Freeway landscape buffer area.

The vote was as follows:

YES: Commissioners Brown, Carlson, Howard and Peterson

NOT PRESENT AND NOT VOTING: Commissioner Lewis

Detailed District Development Plan

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review, Staff Analysis and testimony heard today, was adopted.

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

WHEREAS, there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Metropolitan Sewer District 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

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WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, 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, except in the area of the requested waivers. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan **ON CONDITION** that the plan receives appropriate approvals of the variance and issuance of the Conditional Use Permit from the Board of Zoning Adjustment, **SUBJECT** to the following binding elements:

Site is subject to all General District Development Plan binding elements, 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 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) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works 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

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a building permit. \Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

c. The appropriate variances and conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.

5. 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. 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.
8. The applicant will provide plantings within the 50' Gene Snyder Freeway landscape buffer area up to the extent allowed by the holder of electrical transmission easement. Any required plantings that cannot be planted within that buffer due to the requirements of the easement holder will be provided elsewhere on site.

The vote was as follows:

YES: Commissioners Brown, Carlson, Howard and Peterson
NOT PRESENT AND NOT VOTING: Commissioner Lewis

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CASE NO. 17ZONE1035

Request: Change in zoning from R-4 to R-5A and OR-1 for multi-family and office development with waivers and detailed district development plan

Project Name: Allen-Brooke Meadows

Location: 6305 Campground Road

Owner: David Mattingly

Applicant: David Mattingly

Representative: Milestone Design Group, Inc.

Jurisdiction: Louisville Metro

Council District: 1 – Jessica Green

Case Manager: Joel P. Dock, AICP, Planner II

Presented By: Julia Williams, 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. 5th Street.)

Agency Testimony:

03:42:06 Ms. Williams presented the case (see staff report and recording for detailed presentation).

03:45:07 Commissioner Brown stated that on developments like this, in the past, there was an infrastructure binding element placed on it.

The following spoke in favor of this request:

Mark Madison, 108 Daventry Lane, Suite 300, Louisville, Ky. 40223

Summary of testimony of those in favor:

03:46:32 Mr. Madison gave a power point presentation. The office on the corner will be the clients' office.

Mr. Madison said they have been working with Louisville Loop.

Deliberation

03:56:06 Planning Commission deliberation.

An audio/visual recording of the Land Development & Transportation Committee meeting related to this case is available on the Planning & Design Services

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website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

The Committee by general consensus placed this case on the July 19, 2018 public hearing at the Old Jail Building.

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NEW BUSINESS

CASE NO. 18ZONE1000

Request: Change in zoning form C-1 to C-2 for existing tavern/bar
Project Name: T. Eddie's
Location: 1154 Logan Street
Owner: Thomas Combs
Applicant: Thomas Combs
Representative: Thomas Combs
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Joel P. Dock, AICP, Planner II
Presented By: Julia Williams, 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. 5th Street.)

Agency Testimony:

03:57:03 Ms. Williams presented the case (see staff report and recording for detailed presentation).

Deliberation

03:58:45 Planning Commission deliberation.

An audio/visual recording of the Land Development & Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

The Committee by general consensus placed this case on the July 19, 2018 public hearing at the Old Jail Building.

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NEW BUSINESS

CASE NO. 18ZONE1036

Request: Change in zoning from M-2 to EZ-1 for mixed-use
Project Name: 840 East Chestnut Street
Location: 840 East Chestnut Street
Owner: Critical mass, LLC
Applicant: Critical mass, LLC
Representative: Critical mass, LLC
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Joel P. Dock, AICP, Planner II

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

03:59:18 Ms. Williams presented the case (see staff report and recording for detailed presentation).

04:03:39 Commissioner Brown stated there needs to be a note on the plan or binding element to reflect the bike racks and handicap ramp are encroachments in the right-of-way and would need a permit and license agreement.

Deliberation

04:05:22 Planning Commission deliberation.

An audio/visual recording of the Land Development & Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

The Committee by general consensus placed this case on the July 19, 2018 public hearing at the Old Jail Building.

LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES
June 28, 2018

ADJOURNMENT

The meeting adjourned at approximately 5:20 p.m.

Chair

Planning Director