

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
January 16, 2020**

A meeting of the Land Development and Transportation Committee was held on, January 16, 2020 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Richard Carlson
Jeffrey Brown
Ruth Daniels

Committee Members absent were:

Marilyn Lewis, Chair
Rob Peterson, Vice Chair

Staff Members present were:

Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning & Design Manager
Julia Williams, Planning Supervisor
Dante St. Germain, Planner II
John Carroll, Legal Counsel
Beth Stuber, Engineering Supervisor
Rachel Dooley, Planning and Design Management Assistant

Others present:

Tony Kelly, Metropolitan Sewer District

The following matters were considered:

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
January 16, 2020

APPROVAL OF MINUTES

DECEMBER 12, 2019 LD&T COMMITTEE MEETING MINUTES

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

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on December 12, 2019.

The vote was as follows:

YES: Commissioners Brown, Daniels and Carlson

NOT PRESENT FOR THIS CASE: Commissioners Peterson and Lewis

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
January 16, 2020

OLD BUSINESS

CASE NO. 19ZONE1029

Request: Change in zoning from R-4 to R-6, with Detailed District Development Plan and Binding Elements, and associated Waivers – REQUESTING CONTINUANCE TO 01-30-2020

Project Name: Hurstbourne Multi-Family

Location: 7000 Ridge Creek Road, 6601 Sunny Hill Road, 7191 South Hurstbourne Parkway

Owner: Hurstbourne Corporate Group, Bruce M. Plymale Revocable Trust

Applicant: Hurstbourne Corporate Group

Representative: Mindel Scott & Associates

Jurisdiction: Louisville Metro

Council District: 2 – Barbara Shanklin, 24 – Madonna Flood

Case Manager: Dante St. Germain, 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.)

Discussion

00:03:21 Ms. St. Germain stated the applicant is requesting a continuance to the January 30, 2020 LDT meeting to allow the applicant time to work out issues with the plan.

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.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the January 30, 2020 LDT meeting.

The vote was as follows:

YES: Commissioners Brown, Daniels and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Peterson and Lewis

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 19-ZONE-0079

Request: Change in zoning from R-4 to R-5A, with Conditional Use Permit and Detailed District Development Plan and Binding Elements
Project Name: Freedom Senior Center
Location: 5101 Bardstown Road
Owner: Sanvi Realty LLC
Applicant: Sanvi Realty LLC
Representative: Miller Wihry
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
Case Manager: Dante St. Germain, 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:

00:05:50 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

00:08:54 Mr. Carroll asked, what is an adult daycare? Ms. St. Germain said it's just like a child daycare. Also, is there an age limit? Ms. St. Germain said yes, but the Land Development Code doesn't distinguish between adult and child daycares.

00:09:16 Mr. Reverman asked if there were any cross access or open space requirements. Ms. St. Germain said there are open space requirements under multi-family and those are being met.

The following spoke in favor of this request:

John Miller, Miller Wihry, 1387 South 4th Street, Louisville, Ky. 40208

Summary of testimony of those in favor:

00:10:25 Mr. Miller stated that adult daycare is for individuals 55 and older. The mission is to help people stay out of assisted living facilities and nursing homes.

Mr. Miller gave a power point presentation. The current Freedom Adult Daycare is located about 1 mile northwest of the proposed site. There are 75 enrollees and they are picked up in vans. The hours of operation are 9:00 a.m. to 5:00 p.m. The new location will offer more utilization of outdoor space/activities when the weather permits.

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NEW BUSINESS

CASE NO. 19-ZONE-0079

The units are all one bedroom. All the tree coverage, except 1 large tree, that currently exists will be preserved. The project is a reuse of the existing buildings – residential building, small greenhouse and a garage.

00:16:24 Commissioner Daniels asked what will happen to the current existing adult daycare building. Mr. Miller said they will be vacating that space.

00:16:52 Commissioner Brown asked if the multi-family will be age restricted. Mr. Miller said yes. Also, will that be done through a binding element? Ms. St. Germain said yes, that's generally what Metro Council suggests.

The following spoke in opposition to this request:

Peggy Uhlman, 5113 Bardstown Road, Louisville, Ky. 40291

Summary of testimony of those in opposition:

00:20:48 Ms. Uhlman said she was concerned about the 60+ units. When the House of Fire owned the property, they altered the landscape by filling it in with dirt. Can the land structurally handle a 3-story building? By doing that, they caused a slope to my property and caused some drainage issues.

Ms. Uhlman said she's concerned about rezoning it to multi-family. Acting Chair Carlson said any property in Jefferson County is subject to being rezoned at any time, except if it has been denied in the past 2 years or unless the applicant submits another plan that is substantially different.

00:26:53 Mr. Reverman said the question about restricting the proposal to seniors and if that binding element is added, the applicant can always come back to LD&T and ask to change it (you will be notified). The Planning Commission will have final approval. Acting Chair Carlson explained the conditional use permit process.

00:28:35 Mr. Miller stated a karst survey was done and a Geotechnical Engineer with Greenebaum Associates reviewed the site. If the fill was not placed correctly or cannot support the building, it will be rectified.

00:29:57 Mr. Kelly, MSD, described the plan for sanitation. The grading questions can't be answered at this time because his computers were down. Mr. Kelly said he will give his card to Ms. Uhlman and contact her with that information at a later date. As shown now, the building and new work will be draining to the front of the property.

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NEW BUSINESS

CASE NO. 19-ZONE-0079

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 February 6, 2020 public hearing at the Old Jail Building.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 19-STRCLOSURE-0013

Request: Street Closure
Project Name: Cooper Church Drive Street Closure
Location: Unimproved ROW between Cooper Church and Preston Highway
Owner: Louisville Metro
Applicant: Capstone Realty Inc
Representative: Milestone Design Group; Dinsmore and Shohl, LLP
Jurisdiction: Louisville Metro
Council District: 24-Madonna Flood
Case Manager: Julia Williams, AICP, Planning Supervisor

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

Agency Testimony:

00:33:30 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

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

Summary of testimony of those in favor:

00:34:53 Mr. Ashburner stated this case was passed unanimously in December. The zoning case is going through Metro Council now and will be going to zoning committee at the next available meeting.

Deliberation

00:35:52 The commissioners are in agreement that this case can be placed on the Consent Agenda for the Planning Commission meeting to be held next week.

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.

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NEW BUSINESS

CASE NO. 19-STRCLOSURE-0013

RESOLVED, that the Louisville Metro Planning Commission does hereby place this case on the Consent Agenda for the January 23, 2020 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Daniels and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Peterson and Lewis

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NEW BUSINESS

CASE NO. 19-MSUB-0015

Request: Preliminary Subdivision Plan with sidewalk waivers
Project Name: Hunting Green
Location: 7107 Hunting Green and 7200 Covered Bridge Road
Owner: FDF Investment Properties LLC
Applicant: FDF Investment Properties LLC
Representative: Land Design and Development
Jurisdiction: City of Prospect
Council District: 16-Scott Reed
Case Manager: Julia Williams, AICP, Planning Supervisor

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

Agency Testimony:

00:37:14 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

00:38:58 Acting Chair Carlson asked if the city of Prospect will be approving the entire proposal. Ms. Williams said the recommendation to the city of Prospect will be for the waiver only.

00:39:14 Ms. Williams added the following to condition of approval 12, in addition to lot 16 it should contain "lots 1, 16 and 21".

00:40:03 Commissioner Brown asked if the Mayor of Prospect supports construction of the sidewalks, including the one on Hunting Creek Dr. Ms. Williams stated the letter from the mayor speaks in general terms about how other subdivisions have sidewalks built and she/he prefers the same for this subdivision.

Commissioner Brown asked, have we heard anything from the Ky. Transportation Cabinet about sidewalks? If we deny the waiver, will they permit sidewalks? Ms. Williams said she doesn't know because there are no comments from KYTC. In general, there's no access to US 42, just a strange lot pattern.

00:41:29 Ms. Stuber stated she received an email from KYTC.

The following spoke in favor of this request:

Kevin Young, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

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NEW BUSINESS

CASE NO. 19-MSUB-0015

Summary of testimony of those in favor:

00:42:16 Mr. Young gave a power point presentation. The main questions from the neighborhood meeting dealt with the homes being built and access. In 2009, the proposed property was approved for 21 lots but the plan has expired. The plan today has a slight change in the cul-de-sac. There is a gas easement. There are 3 access points – Cover Bridge Rd., US Hwy. 42 and Hunting Creek Dr. with the construction access being on Cover Bridge Rd. The majority of the property fronts on Hunting Creek Dr. No sidewalks exist along US 42 and Cover Ridge Rd. and we're asking to utilize the multi-use path and sidewalk along the portion at the top of the hill past the entrance. All the homes will have side entrance garages (not allowed to front in Prospect).

00:49:20 Commissioner Brown asked if the applicant needs a waiver for direct driveway access to Cover Bridge Rd. or is it only when creating 2 or more lots that require shared access. Ms. Stuber said the driveway is existing.

00:50:12 Ms. Stuber received comments from Kenny Carrico, KYTC (Planning and Design was not copied). Location and construction of the sidewalk have not been accepted with this plan.

Deliberation

00:51:06 Commissioner Brown stated he supports the staff report allowing the city of Prospect to deal with the waivers. There is an option of the fee-in-lieu.

00:51:36 Commissioner Daniels said she agrees with Commissioner Brown.

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 from Chapter 5.8.1.B to not provide a sidewalk along Covered Bridge Road, Hunting Creek Drive, and US 42

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

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NEW BUSINESS

CASE NO. 19-MSUB-0015

WHEREAS, the waiver will adversely affect adjacent property owners by not providing safe pedestrian access along Covered Bridge (collector) and US 42 (major arterial). The area is comprised of large lot residential with some vacant lots which, upon redevelopment, would be required to provide sidewalks; and

WHEREAS, the Planning Commission finds Land Use & Development Goal 1, Policy 1.3 promotes sidewalks along the streets of all developments. Land Use & Development Goal 1, Policy 1 states that in order to promote healthy lifestyles and reduce congestion, new development and redevelopment should provide for the movement of pedestrians, bicyclists and transit users, where appropriate. Land Use & Development Goal 3, Policy 5 states that developments should be evaluated for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.

There are no existing sidewalks along US 42 and Covered Bridge however the large lots around the subject site, upon redevelopment, would be required to provide sidewalks. There is transit located at the intersection of US 42 and Hunting Creek which is in the vicinity of the subject site. Sidewalks provided along this sites frontages would begin pedestrian infrastructure which is missing in the area; and

WHEREAS, the Planning Commission further finds the waiver is not the minimum necessary to afford relief to the applicant as there are no topographical or environmental issues that would prevent the construction of the sidewalks.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the city of Prospect **DENY** the waiver from chapter 5.8.1.B to not provide a sidewalk along Covered Bridge Road, Hunting Creek Drive and US 42.

The vote was as follows:

YES: Commissioners Brown, Daniels and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Peterson and Lewis

Preliminary Subdivision Plan

On a motion by Commissioner Brown, seconded by Commissioner Daniels, the following resolution based on the staff report and testimony heard today was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Preliminary Subdivision Plan **SUBJECT** to the following Conditions of Approval:

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NEW BUSINESS

CASE NO. 19-MSUB-0015

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 Tree Preservation Plan for approval by Planning and Design staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). 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.
3. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
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. 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.
6. All street signs shall be installed by the Developer and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
7. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.

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CASE NO. 19-MSUB-0015

8. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
9. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
10. A deed of consolidation or minor plat creating the proposed subdivision boundary will need to be recorded prior to recording of the record plat.
11. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
12. Language describing the location of the Gas Easement on Lots 1, 16 and 21 shall be provided in the deed restrictions. The form of such restrictions shall be approved by Planning Commission Counsel.

The vote was as follows:

YES: Commissioners Brown, Daniels and Carlson

NOT PRESENT AND NOT VOTING: Commissioners Peterson and Lewis

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NEW BUSINESS

CASE NO. 19-ZONE-0035

Request: Change in zoning from R-4 to R-5A with a variance, waiver, and RDDP
Project Name: Fairview Avenue Townhomes
Location: 10503 - 10505 Fairview Avenue
Owner: Kristy L. Thompson
Applicant: Kristy L. Thompson
Representative: Bluestone Engineers PLLC
Jurisdiction: City of Jeffersontown
Council District: 20-Stuart Benson
Case Manager: Julia Williams, AICP, Planning Supervisor

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

Agency Testimony:

00:54:31 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

00:56:27 Mr. Carroll asked if the entire application needs to be forwarded to Jeffersontown. Ms. Williams said everything but the variance.

The following spoke in favor of this request:

Chris Crumpton, Bluestone Engineers, PLLC, 3703 Taylorsville Road, Suite 205, Louisville, Ky. 40220

Summary of testimony of those in favor:

00:57:05 Mr. Crumpton stated this is a small project for townhomes. The request for the waiver and variance are needed because of existing conditions. The garage will be converted to storage units for the 4 units.

Mr. Crumpton said he has been working with the city of Jeffersontown and they support the proposal. Additional right-of-way will be dedicated at the request of Public Works and Jeffersontown. Also, the sidewalks will be extended.

00:58:45 Commissioner Daniels asked if the units are existing businesses. Mr. Crumpton said no, it's an old house and garage. It is however surrounded by existing businesses.

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NEW BUSINESS

CASE NO. 19-ZONE-0035

Deliberation

01:00:00 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 February 6, 2020 public hearing at the Old Jail Building.

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NEW BUSINESS

CASE NO. 19-ZONE-0080

Request: Change in zoning from C-1 and C-2 to PEC with a waiver and RDDP
Project Name: Durrett Lane
Location: 1231 and 1241 Durrett Lane
Owner: Durrett LLC
Applicant: Poe Durrett LLC
Representative: Land Design and Development; Frost Brown Todd
Jurisdiction: Louisville Metro
Council District: 21-Nicole George
Case Manager: Julia Williams, AICP, Planning Supervisor

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

Agency Testimony:

01:00:56 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Glenn Price, Frost Brown Todd, 400 West Market Street, Suite 3200, Louisville, Ky. 40202

Steve Poe, 1700 Marina's Edge Way, Suite 715, Louisville, Ky. 40206

Kevin Young, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

01:04:00 Mr. Price gave a power point presentation. There are 2 access points on Preston Hwy. but only one is open. If there are questions regarding truck traffic or location, they can be answered today rather than waiting for the public hearing.

01:07:46 Acting Chair Carlson asked if this would be a truck terminal for semi-trucks - off-loading, sorting and loading onto other trucks. Mr. Poe said he's not sure but it could be as there's no tenant yet. The building is functionally obsolete from previous uses.

01:10:33 Acting Chair Carlson asked, what type of perimeter landscaping will there be if you have a lot of semi-trucks? Mr. Poe said that hasn't been designed yet. Mr. Young stated the current configuration of the site doesn't lend itself to a lot of semi-truck

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NEW BUSINESS

CASE NO. 19-ZONE-0080

traffic. Any re-development would require a 15 foot landscape buffer. Trucks may be an added component in the future.

01:12:35 Commissioner Daniels asked if the building will be renovated contingent upon the tenants. Mr. Young said it's an option to have tenants use the existing building and a re-development of the site would be a new building or add on to the existing building. Mr. Poe added, once a tenant makes a decision, she/he will want to move quickly so that's why the rezoning is being done early in the process.

Deliberation

01:15:44 Planning Commission deliberation.

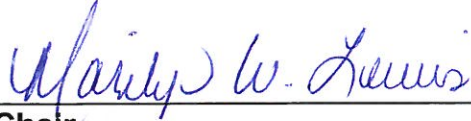
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The Committee by general consensus placed this case on the February 6, 2020 public hearing at the Old Jail Building.

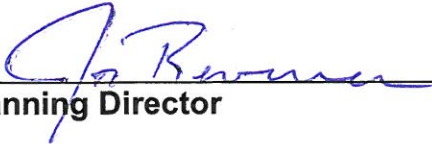
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ADJOURNMENT

The meeting adjourned at approximately 2:24 p.m.



Chair



Planning Director