

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

October 24, 2019

A meeting of the Land Development and Transportation Committee was held on Thursday, October 24, 2019 at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Committee Members present were:

Vince Jarboe (Acting Chair)
Jeff Brown
Ruth Daniels
Jim Mims

Committee Members absent were:

Marilyn Lewis, Chair
Rob Peterson, Vice Chair
Richard Carlson

Staff Members present were:

Emily Liu, Director, Planning & Design Services
Joseph Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning Manager
Julia Williams, Planning Supervisor
Joel Dock, Planner II
Dante St. Germain, Planner II
Jay Lockett, Planner I
John Carroll, Legal Counsel
Rachel Dooley, Management Assistant (minutes)

Others Present:

Beth Stuber, Transportation Planning
Tony Kelly, MSD

The following matters were considered:

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Approval of Minutes

Appointing Acting Chair of the Land Development and Transportation meeting.

00:30:00 On a motion by Commissioner Brown, seconded by Commissioner Daniels, Vince Jarboe was appointed to be acting chair of the Land Development and Transportation public meeting conducted on October 24, 2019.

The vote as follows:

YES: Commissioners Brown, Daniels, and Mims

Approval of the October 10, 2019 LD&T Committee Meeting Minutes

00:02:10 On a motion by Commissioner Brown, seconded by Commissioner Daniels, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on October 10, 2019.

The vote was as follows:

YES: Commissioners Brown and Daniels

ABSENT: Commissioner Carlson, Lewis, Peterson

ABSTAIN: Commissioner Mims and Jarboe

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Case No. 19-ZONE-0045

Request: Change in zoning from R-4 to R-5 with Detailed District Development Plan/Major Preliminary Subdivision and associated rear yard Waiver

Project Name: Rollington Ridge Subdivision

Location: 4308 Rollington Road

Owner: Arthur G Meyer

Applicant: Deer Valley Subdivision LLC

Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 17 – Markus Winkler

Case Manager: **Dante St. Germain, AICP, Planner II**

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

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

Agency Testimony:

00:02:53 Dante St. Germain stated the applicant requested to continue this case to date uncertain.

The following spoke in favor of the request:

Paul Whitty, 1000 N. Hurstbourne Parkway, Louisville, Kentucky, 40223

The following spoke in opposition to the request:

Jamie Hallac, 13200 Holly Forest Road, Louisville, Kentucky, 40205

Summary of testimony of those in opposition:

00:3:34 Jamie Hallac stated information notifying the public of the public hearing meetings are not consistent. Mr. Hallac spoke about his concerns with increased traffic and subdivision house density.

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Rebuttal

00:08:25 Paul Whitty noted the implication for purposely misinforming the public is off base.

Discussion

00:07:56 Commissioners' discussion (see recording for detailed discussion.)

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

00:08:49 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to date uncertain.

The vote was as follows:

YES: Commissioners Brown, Daniels, Mims, and Jarboe

ABSENT: Commissioner Peterson, Carlson, and Lewis.

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New Business

Case No. 19-MPLAT-0030

Request: A Record Plat Amendment to allow a property to shift into the designated open space.

Project Name: Minor Plat

Location: 1544 & 1550 Lincoln Hill Way

Owner: Boland Maloney Realty Company

Applicant: Jason Graves – Century Land Surveying
The Buttorf Company. Inc.

Representative: Jason Graves – Century Land Surveying
The Buttorf Company. Inc.

Jurisdiction: Louisville Metro

Council District: 19 – Anthony Piagentini

Case Manager: Jay Lockett, AICP, Planner I

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

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

Agency Testimony:

00:09:49 Jay Lockett presented the case (see staff report and recording for detailed presentation.)

00:10:59 Commissioner Brown asked if notifications to the public included the subdivisions Homeowner’s Association. Jay Lockett replied the applicant will be able to answer this question.

The following spoke in favor of the request:

Rick Buttorff, 9511 Norton Commons Blvd, Louisville, Kentucky, 40059

Summary of testimony of those in favor:

00:11:39 Rick Buttorff stated Boland Maloney owns the subdivision and the land of the current Homeowner’s Association which should have been notified. Mr. Buttorff detailed the plat. Commissioner Mims asked if the home has a side

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New Business

Case No. 19-MPLAT-0030

entry garage. Rick Buttorff replied yes, all homes along this road have side entry garage.

The following spoke in opposition to the request:

No one spoke.

Discussion

00:12:23 Commissioners' discussion (see recording for detailed discussion.)

00:13:16 Joe Reverman and Julia Williams discussed if the approval is for a Record Plat Amendment or the approval of a Minor Plat for the purpose of amending a Record Plat.

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

00:12:58 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the Minor Plat to amend the Record Plat.

The vote was as follows:

YES: Commissioners Brown, Daniels, Mims, and Jarboe

ABSENT: Commissioner Peterson, Carlson, and Lewis.

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New Business

Case No. 19-STRCLOSURE-0008

Request: Closure of Public Right-of-Way
Project Name: Noble Funk Development Alley Closure
Location: Alley south of W Breckinridge St between S 2nd St
and S 3rd St
Owner: Louisville Metro
Applicant: Domino Partners
Representative: QK4
Jurisdiction: Louisville Metro
Council District: 4– Barbara Sexton Smith

Case Manager: Jay Lockett, AICP, Planner I

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

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

Agency Testimony:

00:14:25 Jay Lockett presented the case (see staff report and recording for detailed presentation). Mr. Lockett detailed the redevelopment for the site to facilitate moving the entrance to the north of property which requires the closure of this alley.

00:16:00 Commissioner Brown asked as a condition of the closure would there would be a cross connectivity to replace the alley from 2nd Street to 3rd Street. Jay Lockett replied there has been discussion for connectivity, but no final plat has been created.

00:16:26 Commissioner Mims and Jay Lockett discussed the comprehensive plan detailing downtown form district for existing alleyway networks.

00:18:11 Commissioner Daniels asked if they propose keeping the connectivity for the building along S. 3rd Street. Jay Lockett detailed the accessibility via a different alley and a future access easement through the

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New Business

Case No. 19-STRCLOSURE-0008

applicant's lot. Commissioner Mims and Jay Lockett discussed staff reviewing the access easement and the conditions for approval for the easement.

The following spoke in favor of the request:

Ashley Bartley, 1046 E. Chestnut Street, Louisville, Kentucky, 40204

Dominique Shrader, 4273 Market Street, Louisville, Kentucky, 40202

Kevin Weber, 9111

Summary of testimony of those in favor:

00:19:56 Ashley Bartley presented case via Power Point slide show (see recording for detailed presentation). Ms. Bartley stated there will be an access easement provided through the parking lot to allow east/west traffic. Those access plats will be done prior to the Planning Commission hearing. She detailed the proposed site plan, Sobro District plan, and the interactive street level design of the development.

00:28:26 Dominique Shrader, representing Domino Partners, stated they plan to provide the community a multi-use venue. The development will have green space to create an area for events and community-oriented activities. Ms. Shrader detailed the planned easement to make the area more pedestrian friendly.

00:31:39 Kevin Weber, representing Spaulding University, stated he is in full support of this development and student safety will be improved with this property.

00:32:48 Commissioner Brown inquired about the future development of the alley after the closure. Ashley Bartley replied it will remain paved and they will restore the curb cuts to a sidewalk.

00:33:15 Commissioner Mims, Ashley Bartley, and Dominique discussed the easement plat for the cross-access agreement and parking availability (see recording for detailed presentation).

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New Business

Case No. 19-STRCLOSURE-0008

00:36:43 Commissioners, Emily Liu, and Ashley Bartley discussed Advanced Planning receiving this plan for approval and how this case will be heard at the Planning Commission hearing (see recording for detailed presentation).

The following spoke in opposition to the request:

No one spoke.

00:40:17 Commissioners' discussion (see recording for detailed presentation).

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

00:47:40 On a motion by Commissioner Brown, seconded by Commissioner Daniels, the following resolution was adopted.

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby schedule this case for the **December 5, 2019** Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Daniels, Mims, and Jarboe

NOT PRESENT AND NOT VOTING: Commissioner Peterson, Carlson, and Lewis.

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New Business

Case No. 19-MSUB-0010

Request: Major Preliminary Subdivision with a Sidewalk Waiver
Project Name: Santa Fe Crossing
Location: 5700, 5701, 5702, 5704, 5706, 5708 AND 5709
SANTA FE TRL; 6423 AND 6501HACKEL DR; 6421
LOWER HUNTERS TRC
Owner: Habitat for Humanity of Louisville
Applicant: Habitat for Humanity of Louisville
Representative: Sabak, Wilson and Lingo
Jurisdiction: Louisville Metro
Council District: 1– Jessica Green

Case Manager: Jay Lockett, AICP, Planner I

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

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

Agency Testimony:

00:43:25 Jay Lockett presented the case (see staff report and recording for detailed presentation).

00:44:48 Commissioner Mims asked if there is a pedestrian sidewalk along Greenbelt Highway. Jay Lockett replied there is an emergency lane the nearest sidewalks are 1,400 ft north and 6,200 ft south.

The following spoke in favor of the request:

Doug Shultz, 608 S. 3rd Street, Louisville, Kentucky, 40202

Johnanna Hall, 6410 Lower Hunters Trace, Louisville, Kentucky, 40258

Irena Cvjanovic, 6419 Hackel Drive, Louisville, Kentucky, 40258

Summary of testimony of those in favor:

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New Business

Case No. 19-MSUB-0010

00:45:52 Doug Shultz presented a Power Point slide show (see recording for detailed presentation). Mr. Shultz stated there is a waiver for a sidewalk requirement along Greenbelt Highway. He noted that Leslie Woods is present for questions.

00:48:50 Johnanna Hall stated this project will bring much needed sidewalks and streetlights to the neighborhood.

00:49:17 Commissioner Brown and Dough Shultz discussed sidewalks along Greenbelt Highway, Lower Hunters Trace, and Santa Fe Trail (see recording for detailed presentation).

00:51:06 Commissioner Mims inquired about the removal of trees along Greenbelt Highway. Doug Shultz replied there will be no removal of trees as there is a 75ft set back from the highway. Mr. Shultz stated they will comply with the tree canopy requirements via street trees.

00:52:43 Irena Cvjanovic, adjacent property owner, asked if trees and brush will be removed and fencing provided along the property line. Dough Shultz replied when the property is developed the brush will be removed and required privacy fencing will be provided.

The following spoke in opposition to the request:

No one spoke.

00:55:14 Commissioners' discussion (see recording for detailed presentation).

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

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New Business

Case No. 19-MSUB-0010

Waiver

00:57:56 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds the waiver will not adversely affect adjacent property owners, as there are no sidewalks along Greenbelt Highway in this area; and

WHEREAS, the Louisville Metro Land Development and Transportation Committee further finds Granting of the waiver will result in a development in compliance with the Comprehensive Plan and the overall intent of the Land Development Code, as significant new sidewalk connectivity will be constructed within and around the development; and

WHEREAS, the Louisville Metro Land Development and Transportation Committee further finds the applicant cannot reasonably comply with one of the listed methods of compliance, as construction of a sidewalk in this area is constrained by a drainage swale, and would not connect to any existing sidewalk network along Greenbelt Hwy; and

WHEREAS, the Louisville Metro Land Development and Transportation Committee further finds Strict application of the provisions of the regulation would create an unreasonable hardship on the applicant, as the sidewalk to be constructed in this area would be unreasonable for the proposed development; and

WHEREAS, the Louisville Metro Land Development and Transportation Committee further finds Sidewalks do not exist in the area and are unlikely to be constructed in the future. The nearest sidewalks along this side of Greenbelt Hwy in this area are approximately 1400 feet to the north or approximately 6200 feet to the south; now, therefore it be:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the Waiver from 5.8.1.B (19-Waiver-0073) to not provide sidewalks in the Greenbelt Hwy right-of-way adjacent to lots 1-7.

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New Business

Case No. 19-MSUB-0010

The vote was as follows:

YES: Commissioners Brown, Daniels, Mims and Jarboe

ABSENT: Commissioner Peterson Carlson, and Lewis.

Major Preliminary Subdivision Plan

00:58:44 On a motion by Commissioner Brown, seconded by Commissioner Daniels, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the Major Preliminary Subdivision Plan **SUBJECT** to the following Conditions of Approval with added conditions: numbers 6, 7

1. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
2. 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.
3. 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."

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New Business

Case No. 19-MSUB-0010

4. 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.
5. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
6. Tree Preservation along the Greenbelt right-of-way within the 75 foot parkway set back will be provided.
7. The existing shrubs and vegetation along the eastside of lots 40 and 41 shall be cleared and a privacy fence installed

The vote was as follows:

YES: Commissioners Brown, Daniels, Mims and Jarboe

ABSENT: Commissioner Peterson Carlson, and Lewis.

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New Business

Case No. 19-RSUB-0004

Request: Revised Conservation Subdivision
Project Name: Bridle Run Subdivision
Location: 1312 Flat Rock Road
Owner: Brookstone Homes
Applicant: Brookstone Homes
Representative: Land Design & Development, Inc.
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini

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

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

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

Agency Testimony:

00:43:25 Joel Dock presented the case (see staff report and recording for detailed presentation.)

01:01:57 Joe Reverman asked if there has been a change in open space. Joel Dock replied the change in open space is the difference in acreage number after a survey, 38% to 37% open space.

The following spoke in favor of the request:

Sarah B. Sammons, RIA, LD&D 503 Washburn Avenue, Louisville, Kentucky, 40222

Summary of testimony of those in favor:

01:02:56 Sarah Beth Sammons presented Power Point slide show (see recording for detailed presentation). Ms. Sammons detailed the plan revisions,

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New Business

Case No. 19-RSUB-0004

reduced lot width, and open space acreage. She noted there is an increase in tree canopy number.

01:04:38 Commissioner Jarboe asked if the trees shown on the development plan are existing trees or proposed to be planted. Sarah Sammons replied the masses shown are existing trees and vegetation which are planned to remain, and the street trees will be new.

The following spoke in opposition to the request:

No one spoke.

Commissioner Deliberation:

01:05:06 Commissioners' discussion (see recording for detailed presentation).

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

01:06:06 On a motion by Commissioner Brown, seconded by Commissioner Daniels, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE SUBJECT** to the following Conditions of Approval:

1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.

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New Business

Case No. 19-RSUB-0004

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

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New Business

Case No. 19-RSUB-0004

6. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for A and B Streets, as shown on the preliminary subdivision plan. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
7. Open space/conservation 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.
8. 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.
9. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
10. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
11. 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.

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New Business

Case No. 19-RSUB-0004

12. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs and other issues required by these binding elements / conditions of approval.
 - c. A deed restriction in a form approved by Counsel to the Planning Commission shall permanently prohibit further subdivision or development of conservations areas.
 - d. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
 - e. The applicant shall submit a Conservation Area Management Plan detailing the entities responsible for maintaining various elements of the property, and describing management objectives and techniques for each part of the property.
13. 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.
14. Any signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
15. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

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New Business

Case No. 19-RSUB-0004

16. In the event the party responsible for maintenance of the Conservation Areas fails to maintain all or any portion in reasonable order and condition according to the Management Plan, Louisville Metro Government may assume responsibility for its maintenance and may enter the premises and take corrective action, including provision of extended maintenance. The cost of maintenance may be charged to the Management Entity, or the individual property owners according to the pro-rata share based on the Management Plan. Costs may include administrative costs in taking such actions as well as penalties as provided under these regulations. Such costs shall become a lien on all subdivision properties

The vote was as follows:

YES: Commissioners Brown, Daniels, Mims, and Jarboe

ABSENT: Commissioner Peterson, Carlson, and Lewis.

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New Business

Case No. 19-ZONE-0049

Request: Change in zoning from R-5 to OR-1 with detailed plan and landscape waiver
Project Name: Burton Office
Location: 3700 Brownsboro Road
Owner: Steven and Betty Burton
Applicant: Steven and Betty Burton
Representative: Bardenwerper, Talbott, & Roberts, PLLC
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander

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

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

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

Agency Testimony:

01:07:00 Joel Dock presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Paul Whitty, 1000 N. Hurstbourne Parkway, Louisville, Kentucky, 40223

Summary of testimony of those in favor:

01:10:25 Paul Whitty, representing John Talbott, presented Power Point slide show (see recording for detailed presentation). Mr. Whitty detailed the site via street view and aerial photos. He stated Mike Hill is present for questions.

01:12:02 Commissioner Brown asked if the site is just being brought into compliance? Paul Whitty replied yes.

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Case No. 19-ZONE-0049

The following spoke in opposition to the request:

No one spoke

Commissioner Deliberation:

01:12:17 Commissioners' deliberation (see recording.)

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

The Committee by general consensus placed this case on the Business Session for the **November 21, 2019** Planning Commission public hearing at the Old Jail Building.

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New Business

Case No. 19-ZONE-0040

Request: Change in zoning from OR-2 and PEC to PEC, with Detailed District Development Plan/Major Preliminary Subdivision and associated landscape Waiver

Project Name: Copper Chase Business Park

Location: 10000 – 10015 Grassland drive

Owner: Paul & Mildred Quinn, Bland Electric Co Inc, City of Jeffersontown Kentucky

Applicant: Paul & Mildred Quinn

Representative: Duncan Galloway Egan Greenwald

Jurisdiction: City of Jeffersontown

Council District: 11 – Kevin Kramer

Case Manager: **Dante St. Germain, AICP, Planner II**

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

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

Agency Testimony:

01:14:33 Dante St. Germain presented the case (see staff report and recording for detailed presentation.)

01:17:29 Commissioner Brown and Dante St. Germain discussed the proposed binding element number 15.

The following spoke in favor of the request:

Kyle Galloway, 9625 Ormsby Station Road, Louisville, Kentucky, 40223

Derek Triplett, 503 Washburn Avenue, Suite 101, Louisville, Kentucky, 40222

Summary of testimony of those in favor:

**MINUTES OF THE MEETING
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October 24, 2019

New Business

Case No. 19-ZONE-0040

01:18:19 Kyle Galloway presented a Power Point slide show (see recording for detailed presentation). Mr. Galloway noted the waiver request to allow a sidewalk to encroach into the PEC side yard 15' landscape buffer area along the northern property line abutting the City of Jeffersontown property. He stated Paul Quinn is available for questions.

The following spoke in opposition to the request:

Jessica Myers, 2404 Tregaron Avenue, Louisville, Kentucky, 40299

Summary of testimony of those in opposition:

01:23:56 Jessica Myers, adjacent property owner, stated concerns with the development, erosion of the stream buffer zone, landscape waiver, and increased railway noise, and placement of security cameras.

01:28:09 Commissioner Mims asked to review the landscape waiver request area plan. Dante St. Germain noted the areas that encroached on the landscape buffer area.

Rebuttal:

01:29:07 Kyle Galloway stated the flood plain areas are governed by MSD regulations and they will do what they can with flow reduction.

01:30:08 Commissioner Brown asked if shifting the property line to accommodate the path to eliminate the waiver is not an option at this time. Kyle Galloway replied Jeffersontown concluded the waiver would be simpler. Derek Triplett added they are in the process of dedicating an easement for the encroachment of the path for this development.

Commissioner Deliberation:

01:30:56 Commissioners' discussion (see recording for detailed presentation).

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

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New Business

Case No. 19-ZONE-0040

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 Consent Agenda for the **November 21, 2019** Planning Commission public hearing.

**MINUTES OF THE MEETING
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October 24, 2019

New Business

Case No. 19-ZONE-0056

Request: Change in zoning from R-4 to OR with Detailed District Development Plan
Project Name: Parks Herr Lane Office
Location: 1701 Herr Lane
Owner: JDP Real Estate Holdings
Applicant: JDP Real Estate Holdings
Representative: Bardenwerper, Talbott & Roberts
Jurisdiction: City of Graymoor-Devondale
Council District: 7 – Paula McCraney

Case Manager: **Dante St. Germain, AICP, Planner II**

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

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

Agency Testimony:

01:31:49 Dante St. Germain presented the case (see staff report and recording for detailed presentation.)

01:33:29 Commissioner Mims asked if this complies with the West Port Road neighborhood study area. Dante St. Germain replied the small area plan did not have specific recommendations for this lot, except for the design guidelines.

The following spoke in favor of the request:

Paul Whitty, 1000 N. Hurstbourne Parkway, Louisville, Kentucky, 40223

Summary of testimony of those in favor:

01:34:17 Paul Whitty presented a Power Point slide show (see recording for detailed presentation). Mr. Whitty noted access to the site will be via access easement on the adjacent property driveway.

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October 24, 2019

New Business

Case No. 19-ZONE-0056

01:37:47 Commissioner Daniels inquired if this development will be used for a single office or multiple offices. Paul Whitty replied there will be two office spaces.

The following spoke in opposition to the request:

Howard Natalie, 1803 Herr Lane, Louisville, Kentucky, 40222

Tom Halbleib, 400 W. Market Street, Suite 1800, Louisville, Kentucky, 40202

Summary of testimony of those in opposition:

01:38:19 Howard Natalie expressed concerns with drainage, size of the building, and increased traffic on Herr Lane from this development. Mr. Natalie stated he would like to see the site remain zoned residential and be made into a community oriented green space.

01:40:43 Tom Halblieb, representing adjacent property owner Joel Halblieb. Mr. Halblieb stated concerns regarding traffic safety, increased light pollution from the site, and how this development would be an eyesore to the community.

Rebuttal:

01:46:11 Paul Whitty stated the neighborhood form district recognizes that mix used developments are appropriate for this zoning. Mr. Whitty noted that lighting is required to be directed down and away from residential areas.

Commissioner Deliberation:

01:47:27 Commissioners' discussion (see recording for detailed presentation).

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

The Committee by general consensus placed this case on the **November 21, 2019** Planning Commission public hearing

***Committee recessed for 5 minutes**

**MINUTES OF THE MEETING
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October 24, 2019

New Business

Case No. 19-ZONE-0060

Request: Change in zoning from R-5B to R-8A with Detailed District Development Plan and associated landscape Waiver

Project Name: Hepburn Avenue Rezoning

Location: 1400 Hepburn Avenue

Owner: Wilson Property Rentals LLC

Applicant: Wilson Property Rentals LLC

Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 8 – Brandon Coan

Case Manager: **Dante St. Germain, AICP, Planner II**

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

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

Agency Testimony:

01:49:15 Dante St. Germain presented the case (see staff report and recording for detailed presentation.) Dante clarified the confusion in change in zoning, it is proposed to be R-8A not OR-2.

01:53:00 Commissioner Brown questioned there is not enough parking space on Hepburn Avenue. Beth Stuber replied Transportation Planning will be able to review this to double check the rules regarding parking frontage percentage. Commissioner Brown asked if the zoning were R-6 how many units could this site accommodate. Dante St. Germain replied 2 units.

01:54:22 Commissioner Mims inquired about the neighborhood/areawide plan. Dante St. Germain detailed the plan and this site was included. Commissioners, Joe Reverman, and Dante St. Germain discussed previous nonconforming uses of the site (see recording for detailed presentation).

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October 24, 2019

New Business

Case No. 19-ZONE-0060

The following spoke in favor of the request:

Paul Whitty, 1000 N. Hurstbourne Parkway, Louisville, Kentucky, 40223

Summary of testimony of those in favor:

01:58:35 Paul Whitty presented a Power Point slide show (see recording for detailed presentation). Mr. Whitty noted the history, size of the lot, and site plan.

The following spoke in opposition to the request:

Rick Sweeney, 1328 Hepburn Avenue, Louisville, Kentucky, 40204

Joan Kallay, 1310 Highland Avenue, Louisville, Kentucky, 40204

Tom Kallay, 1310 Highland Avenue, Louisville, Kentucky, 40204

Elizabeth Jones Brown, 1408 Highland, Louisville, Kentucky, 40204

Lauren M. Hart, 1306 Highland Avenue, Louisville, Kentucky, 40204

Summary of testimony of those in opposition:

02:04:19 Rich Sweeney stated he questioned the measurements of the parking spaces. Mr. Sweeney detailed the history of the site and the nonconforming use of the site. He is opposed to the density of the residential property as 6 units is too many for this neighborhood.

02:10:34 Joan Kallay stated the higher density has an impact on the quality of living and property care. This would adversely affect property value and future zoning in the area.

02:11:55 Tom Kallay stated there was pushback at the neighborhood meeting and there hasn't been an update since then. Mr. Kallay questioned the density allowed for this site.

02:13:50 Elizabeth Jones Brown, board member of the original Highlands HOA, stated she is opposed to this plan. Ms. Brown noted this would start a precedent for unauthorized high-density duplexes to be given successful zoning change applications.

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New Business

Case No. 19-ZONE-0060

02:15:17 Lauren Heart expressed concerns with homes being chopped up into small apartments for short term rentals as this neighborhood is family oriented.

Rebuttal:

02:18:39 Paul Whitty stated there will be a garage and on street parking and will be cleared up prior to the Planning Commission hearing. Joe Reverman stated the process for approving or denying this case for the Planning Commission. Joe Reverman, Paul Whitty, and Dante St. Germain discussed the size of the apartments (see recording for detailed presentation).

Commissioner Deliberation:

02:24:14 Commissioners' deliberation (see recording for detailed presentation).

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

The Committee by general consensus scheduled this case to be heard at the **December 19, 2019** Planning Commission public hearing.

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The meeting adjourned at approximately 03:32 p.m.

Chairman

Division Director