

**MINUTES OF THE MEETING OF THE
LOUISVILLE METRO LAND DEVELOPMENT & TRANSPORTATION COMMITTEE**

February 23, 2017

A meeting of the Louisville Metro Land Development and Transportation Committee was held on February 23, 2017, at 1:00 p.m. at the Old Jail Building, 514 W Liberty Street, Louisville, KY 40202.

Committee Members present:

Marilyn Lewis, Chair
Robert Peterson, Vice Chair
Jeff Brown
Richard Carlson
Marshall Gazaway

Staff Members present:

Brian Davis, Planning Manager
Ross Allen, Planner I
Laura Mattingly, Planner I
Beth Jones, Planner II
Tammy Markert, Transportation Planning
John Carroll, Legal Counsel
James Carey, Legal Counsel
Kristen Loeser, Management Assistant

The following cases were heard:

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APPROVAL OF MINUTES

00:04:14 On a motion by Commissioner Carlson, seconded by Vice Chair Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on February 9, 2017.

The vote was as follows:

Yes: Carlson, Brown, Lewis, and Peterson

Absent: None

Abstain: Gazaway

No: None

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NEW BUSINESS

CASE NUMBER 16DEVPLAN1225

Project Name: Terra View Trail
Location: 14105 Aiken Road
Owner(s): Otte Family Limited Partnership
Applicant(s): John Dougherty, Louisville Paving & Construction
Representative(s): Bill Bardenwerper, Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction: Louisville Metro
Council District: 19 – Julie Denton
Case Manager: Laura Mattingly, Planner I

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

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

Agency Testimony:

00:05:20 Laura Mattingly presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Bill Bardenwerper, 1000 N Hurstbourne Pkwy., Louisville, KY 40223
Derek Triplett, 503 Washburn Ave., Louisville, KY 40222

Summary of testimony of those in favor:

00:11:40 Bill Bardenwerper spoke on behalf of the applicant (see recording for detailed presentation).

00:16:59 Derek Triplett with Land Design and Development stated that Louisville Pavement intends to use this property as an equipment staging area for construction purposes. He went on to describe what each proposed structure would be used for and spoke on storm water runoff. Landscaping and tree canopy requirements have been met. He responded to questions from the Commissioners and clarified that the plan should say “edge of gravel” rather than “edge of asphalt” (see recording for detailed presentation).

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00:21:05 Bill Bardenwerper responded to questions from the Commissioners (see recording for detailed presentation).

00:24:45 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that LOJIC has indicated the quarry as a protected waterway. The Army Corps of Engineers has previously approved the quarry for fill activity. There are no other natural features on site, and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided through the proposed vehicular access and sidewalks. Transportation has given their preliminary approvals, and

WHEREAS, the Committee further finds that this development does not meet the threshold for open space or outdoor amenity requirements, and

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

WHEREAS, the Committee further finds that the overall land uses are compatible with the existing and future development of the area, as this area is comprised of industrial vacant land as well as commercially zoned properties and is in close proximity to the interstate, and

WHEREAS, the Committee further finds that this development conforms to the Land Development Code and the Comprehensive Plan; now, therefore be it

RESOLVED, that the Louisville Metro Land Development and Transportation Committee, in Case Number 16DEVPLAN1225, does hereby **APPROVE** the Revised Detailed District Development Plan review for heavy equipment staging and storing, on condition that the plan clearly shows the gravel storage area limits and that there will be a paved asphalt or concrete approach from the Terra View Trail access point, based on the Staff Report and testimony heard today and **SUBJECT** to the following binding elements:

Binding Elements

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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 elements 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. Use of the subject site shall be limited to nursery, earth fill, recycling yard, environmental processing, and other uses permitted in the M-3 district. There shall be no other use of the property unless prior approval is obtained from the (Planning Commission / LD&T Committee). Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The (Planning Commission/LD&T Committee) may require a public hearing on the request to amend this binding element.
3. ~~Signs shall be in accordance with Chapter 8 or as presented at the public hearing (___sq. ft. and ___ft. tall).~~
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from ~~Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and Transportation, and the Metropolitan Sewer District.~~ **Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.**
 - b. The appropriate **modified** conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - c. 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; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

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- ~~d. If a certificate of occupancy (building permit) is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~
- ~~e. 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.~~
- ~~f. 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.~~
- d. A minor subdivision plat 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; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.**
- e. 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.**
- f. Building elevations must be submitted to Planning & Design Services staff for approval prior to building permit issuance.**
- 6. A berm shall be erected, where needed, to contain all organic materials used for the recycling operations within the site, which will be inspected and monitored by the Metropolitan Sewer District as a condition of approval for recycling operations occurring on the development site.
- 7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the**

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proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
9. Owner shall dedicate Terra Crossing Blvd to public use, the area shown as an 80' private access easement on the proposed minor plat, within 60 days of request by Louisville Metro Public Works Director.

The vote was as follows:

Yes: Carlson, Brown, Lewis, Gazaway, and Peterson

Absent: None

Abstain: None

No: None

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NEW BUSINESS

CASE NUMBER 16DEVPLAN1230

Request:	CFR for the I-64 and Grinstead CSO Basin
Project Name:	I-64 and Grinstead CSO Basin
Location:	2301 and 2141 Lexington Road
Area:	14.22 acres
Zoning:	R-1, R-2, C-1, C-2
Form District:	Traditional Neighborhood
Owner:	Louisville/Jefferson County MSD/Commonwealth of KY
Applicant:	Brandon Flaherty – Louisville MSD
Representative:	Ashley Bartley – Qk4
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Ross Allen, Planner I

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

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

Agency Testimony:

00:27:30 Ross Allen presented the case (see Staff Report and recording for detailed presentation).

The following spoke in favor of the request:

Ashley Bartley, 1046 E Chestnut Street, Louisville, KY 40204
Neal Crawford, 1046 E Chestnut Street, Louisville, KY 40204

Summary of testimony of those in favor:

00:32:00 Ashley Bartley spoke on behalf of the applicant and provided an overview of the project (see recording for detailed presentation).

00:39:40 Neal Crawford of QK4 stated that there is a minimal amount of rock removal required, but the need for blasting will be determined by the contractor. If blasting is required, a pre-blast survey will be conducted. They do not anticipate a need for odor control, but an odor control system has been incorporated into the design. He

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further responded to questions from the Commissioners (see recording for detailed presentation).

00:44:47 Deliberation

00:46:05 On a motion by Commissioner Carlson, seconded by Vice Chair Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Land Development and Transportation Committee, in Case Number 16DEVPLAN1230, does hereby **APPROVE** the Community Facility Review based on the testimony heard today and the Staff Report, noting a correction to the committee name on page 3.

The vote was as follows:

Yes: Carlson, Brown, Lewis, Gazaway, and Peterson

Absent: None

Abstain: None

No: None

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NEW BUSINESS

CASE NUMBER 16ZONE1069

Project Name:	9205 Old Bardstown Road
Location:	9205 Old Bardstown Road
Owner(s):	Blue Grass Holdings LLC
Applicant:	J & B Louisville LLC
Representative:	Frost Brown Todd PLLC
Project Area:	11.05 acres
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Beth Jones, 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 Land Development and Transportation Committee meeting (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S 5th Street).

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

Agency Testimony:

00:48:15 Beth Jones presented the case (see Staff Report and recording for detailed presentation).

00:55:38 Tammy Markert of Transportation Planning stated that the current binding elements in the Staff Report were carried over from the original set of binding elements for this case. Ms. Jones stated these were provided by the applicant.

00:57:25 Commissioner Brown and Commissioner Carlson discussed the criteria for the purchase of a traffic signal.

The following spoke in favor of the request:

Tim Martin, 400 W Market Street, Suite 3200, Louisville, KY 40202

Jennifer Caummisar-Kern, 2780 Jefferson Centre Way, Suite 204, Jeffersonville, IN

Summary of testimony of those in favor:

00:58:14 Tim Martin spoke on behalf of the applicant (see recording for detailed presentation).

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NEW BUSINESS

CASE NUMBER 16ZONE1069

01:05:13 Jennifer Caummisar-Kern further provided detail regarding the development plan (see recording for detailed presentation).

01:07:37 **Deliberation**

01:09:15 By general consensus, the Committee scheduled the case for the March 16, 2017 Planning Commission public hearing.

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NEW BUSINESS

CASE NUMBER 16ZONE1070

Project Name: Menards
Location: 4700 Cooper Chapel Road
Owner(s): Multiple owners
Applicant: Menards, Inc.
Representative: Bardenwerper Talbott & Roberts PLLC
Project Area: 33.83 acres
Jurisdiction: Louisville Metro
Council District: 23 – James Peden
Case Manager: Beth Jones, 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 Land Development and Transportation Committee meeting (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S 5th Street).

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Agency Testimony:

01:10:05 Beth Jones presented the case noting corrections to the Staff Report (see recording for detailed presentation).

The following spoke in favor of the request:

Bill Bardenwerper, 1000 N Hurstbourne Pkwy., Louisville, KY 40223
Kathy Linares, 5151 Jefferson Blvd., Louisville, KY 40219
Rodney Wekkin, 5101 Menard Drive, Eau Claire, WI 54703
Diane Zimmerman, 12803 High Meadows Pike, Prospect, KY 40059
David Mindel, 5151 Jefferson Blvd., Louisville, KY 40219

Summary of testimony of those in favor:

01:18:30 Bill Bardenwerper spoke on behalf of the applicant (see recording for detailed presentation).

01:26:58 Kathy Linares provided further detail about the project (see recording for detailed presentation).

01:34:12 Bill Bardenwerper responded to questions from the Commissioners (see recording for detailed presentation).

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CASE NUMBER 16ZONE1070

01:37:25 Rodney Wekkin of Menard, Inc. responded to questions from the Commissioners. He stated that merchandise will ever be placed in the parking lot. The proposed store is similar in size to an existing store in Jeffersonville, IN.

01:38:29 Commissioner Carlson stated there is a fire station south of this site along Old Preston Highway and asked if Menards would be willing to fund a traffic signal at the intersection of Maple Spring Drive and Preston Highway. Diane Zimmerman stated that the volumes at this time do not meet the traffic signal warrant (see recording for detailed presentation).

01:44:15 In response to Commissioner Gazaway, David Mindel spoke about storm water runoff (see recording for detailed presentation).

01:48:58 In response to Commissioner Brown, Ms. Linares stated that the buildings and driveways would remain on Tracts 2 and 5. Commissioner Brown stated that access to Tract 2 could not remain as is if the property is rezoned. He requested binding elements for site lighting and hours of operation as well as justification for the parking waiver.

The following spoke in opposition to the request:

James Goomey, 4900 Cooper Chapel Road, Louisville, KY 40229

Summary of testimony of those in opposition:


01:50:50 James Goomey spoke on behalf of a neighbor who lives on Tract 2. He stated that the neighbor would like the developer to purchase his property because of the hardship this project will cause with entering and exiting the property.

01:52:40 By general consensus, the Committee scheduled the case for the March 16, 2017 Planning Commission public hearing.


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ADJOURNMENT

The meeting adjourned at approximately 3:00 p.m.



Chairman



Division Director