

**MINUTES OF THE MEETING  
OF THE  
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE  
April 11, 2019**

A meeting of the Land Development and Transportation Committee was held on, April 11, 2019 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Committee Members present were:**

Marilyn Lewis, Chair  
Rob Peterson, Vice Chair  
Richard Carlson  
Jeffrey Brown  
Ruth Daniels

**Staff Members present were:**

Joe Reverman, Planning and Design Assistant Director  
Brian Davis, Planning and Design Manager  
Julia Williams, Planning and Design Supervisor  
Dante St. Germain, Planner II  
Travis Fiechter, Legal Counsel  
Beth Stuber, Engineering Supervisor  
Pamela M. Brashear, Management Assistant

**Others present:**

Tony Kelly, Metropolitan Sewer District

The following matters were considered:

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
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**APPROVAL OF MINUTES**

**MARCH 28, 2019 LD&T COMMITTEE MEETING MINUTES**

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

**RESOLVED**, that the Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on March 28, 2019.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Peterson and Lewis**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES**  
**April 11, 2019**

**NEW BUSINESS**

**CASE NO. 18STREETS1005**

Request: Closure of Public right-of-way  
Project Name: Smilin' Irishman alley closure  
Location: Between York Street and Cawthon Street west of South 7<sup>th</sup> Street  
Owner: Louisville Metro  
Applicant: 809 SoBro, LLC.  
Representative: Evans Griffin, Inc.  
Jurisdiction: Louisville Metro  
Council District: 6 – David James  
**Case Manager: Jay Lockett, AICP, 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:03:18 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

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

Carl Lentz, LJB/Evans Griffin, 4010 Dupont Circle, Suite 478, Louisville, Ky. 40207

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

00:06:02 Mr. Lentz explained the alley closure. The applicant/representatives are working with Planning and Design staff and the agencies to get the development plan approved. Commissioner Carlson asked if the issue with AT&T has been resolved. Mr. Lentz said he's met with AT&T 2 times and the utility line will be re-routed along 7<sup>th</sup> St. There will be a condition of approval.

**Deliberation**

00:10:19 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**  
**April 11, 2019**

**NEW BUSINESS**

**CASE NO. 18STREETS1005**

**Closure of Public Right-of-Way**

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the staff report and testimony heard today to include the proposed condition of approval as noted in the staff report was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby place this case on the Consent Agenda for the April 18, 2019 Planning Commission meeting.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Peterson and Lewis**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES**  
**April 11, 2019**

**NEW BUSINESS**

**CASE NO. 19DEVPLAN1025**

Request:	Revised Detailed District Development Plan
Project Name:	Glenmary Cove
Location:	8602 Old Bardstown Road
Owner:	David Monsour, Monsour Builders Inc.
Applicant:	David Durik, Old Bardstown Road LLC
Representative:	Kathy M. Linares, Mindel Scott
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
<b>Case Manager:</b>	<b>Lacey Gabbard, AICP, Planner I</b>

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:12:20 Ms. Gabbard discussed the case summary, standard of review and staff analysis from the staff report.

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

Kathy Linares, Mindel Scott, 5151 Jefferson Boulevard, Suite 101, Louisville, Ky. 40219

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

00:14:00 Ms. Linares provided a power point presentation, giving a brief summary of the request - Sanctuary Ln. will be extended; there's an open space lot; buffering is being provided; the pond is being preserved; and the proposal will be a nice fit in the neighborhood.

**Deliberation**

00:17:58 Commissioner Brown stated there are no changes to the binding elements. Commissioner Peterson said the plan fits the market. Commissioner Daniels stated she likes the reduction of lots.

**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. 19DEVPLAN1025**

**Revised Detailed District Development Plan**

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the Standard of Review and 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 has approved the preliminary development plan; and

**WHEREAS**, there are no open space requirements pertinent to the current proposal. Any future multi-family development proposed on the subject site will be required to meet Land Development Code requirements; and

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

**WHEREAS**, the Louisville Metro Land Development and 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 and 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 **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. Any changes/additions/alterations of any binding element(s)

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shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. 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.
3. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - d. A major subdivision plat creating the lots, easements, and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
4. 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.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, and 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 the 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.

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6. The site shall be developed in accordance with the tree preservation areas delineated on the tree preservation/landscaping plan. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.
7. The following note shall be provided within the deed restrictions for the subject site prior to recording of the record plat:
  - a. Tree Canopy Protection Areas (TCPAs) are individual trees and/or groupings of trees (trees may be existing or proposed) designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code (LDC), and are to be permanently protected. There shall be no disturbance or removal of any trees in the TCPAs identified on the tree preservation/landscape plan on file in the offices of the Planning Commission. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of preliminary plan approval. No further clearing, grading, construction or land disturbing activity shall take place beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified in the approved preliminary subdivision plan.
8. 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, TCPAs and other issues required by these binding elements/conditions of approval.
  - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
9. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfilling this funding requirement.

**The vote was as follows:**



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**CASE NO. 19DEVPLAN1025**

**YES: Commissioners Brown, Carlson, Daniels, Peterson and Lewis**

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

**CASE NO. 18ZONE1016**

Request:	Change in zoning from R-4 to C-2 with a Waiver and Detailed Development Plan
Project Name:	4141 Bardstown Road
Location:	4141 Bardstown Road
Owner:	4141 Bardstown LLC
Applicant:	4141 Bardstown LLC
Representative:	Bluestone Engineers PLLC
Jurisdiction:	Louisville Metro
Council District:	10- Pat Mulvihill
<b>Case Manager:</b>	<b>Julia Williams, AICP, Planning Supervisor</b>
<b>Presented By:</b>	<b>Brian Davis, AICP, Planning and Design Manager</b>

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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:25:55 Mr. Davis discussed the case summary, standard of review and staff analysis from the staff report.

**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:**

00:29:00 Mr. Crumpton stated there's no proposed construction work for this project. There was construction previously when a portion (front) of the building burned down. The zoning is being corrected on the existing parking in the rear. It's been cleaned up with paving and landscaping. Also, Fairland Ave. has been widened to 18 feet. Commissioner Brown requests providing pictures of the existing screening at the public hearing. Mr. Crumpton said he will. There are letters of support from 2 neighbors who are happy with what's been done.

**Deliberation**

00:32:29 Planning Commission deliberation.

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**NEW BUSINESS**

**CASE NO. 18ZONE1016**

**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 May 9, 2019 public hearing at the Old Jail Building. The applicant will provide a revised legal description at that time.**

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**NEW BUSINESS**

**CASE NO. 19ZONE1001**

Request: Change in zoning from R-4 to R-5 with associated Major Preliminary Subdivision for 35 lots on 9.01 acres, rear yard waiver, and binding elements  
Project Name: Shepherdsville Road Subdivision  
Location: 8809 Shepherdsville Road  
Owner: Linda Sue Goodwin Neubeck  
Applicant: Superior Builders, Inc.  
Representative: Mindel Scott  
Jurisdiction: Louisville Metro  
Council District: 23 – James Peden  
**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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:33:21 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

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

Nick Pregliasco, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, 2<sup>nd</sup> floor, Louisville, Ky. 40223

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

00:36:37 Mr. Pregliasco gave a power point presentation summarizing the proposal. There will be a greater cost for relocating telephone and LG&E lines as well as the grade difference.

Mr. Pregliasco summarized the traffic study. A left turn lane is not warranted.

00:44:20 Commissioner Brown asked, what is the distance between the proposed entrance and the Cooper Ave. intersection? Also, what is the distance from the proposed entrance to Manslick Rd.? Mr. Mindel spoke off camera (inaudible). Commissioner Brown stated, you are entitled to access on Shepherdsville Rd. but the proposed location might cause a problem for the dedicated left turn lane and future improvements. The access needs to be moved to the southern side of the property so there's equal spacing between Cooper and Manslick.

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**CASE NO. 19ZONE1001**

**Deliberation**

00:48:29 Commissioner Brown stated the applicant needs to substantially meet the intersection spacing requirement in chapter 6 of the Access Management Appendix. Commissioner Brown said a left turn lane is warranted. David Mindel discussed the costs of putting in a left turn lane for only 35-36 lots. Commissioner Peterson wants more justification for the left turn lane. Commissioner Daniels agrees with Commissioner Brown but wants further discussion. Commissioner Brown added, adding the left turn lane may change the overall site design and may have to go to the Technical Review Committee before setting the public hearing.

**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** Case No. 19ZONE1001 to the May 16, 2019 LD&T meeting to resolve Transportation Planning issues.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Peterson and Lewis**

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**NEW BUSINESS**

**CASE NO. 18ZONE1004**

Request: Change in zoning from R-4, single-family to R-6, multi-family with detailed plan, landscape waivers, stub extension waiver, height variance, and setback variance

Project Name: Mill Creek Condos

Location: 9801 Watterson Trail and 9710-9712 Locust Lane

Owner: 614 Development Group

Applicant: 614 Development Group

Representative: Dinsmore & Shohl, LLP

Jurisdiction: Louisville Metro

Council District: 11 – Kevin Kramer

**Case Manager: Joel 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

00:56:51 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

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

Cliff Ashburner, Dinsmore and Shohl, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Ky. 40202  
Ashley Bartley, QK4, 1046 East Chestnut Street, Louisville, Ky. 40204

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

01:02:02 Mr. Ashburner gave a power point presentation. The design fits within the context of the site. The easement for Locust Ln. is south of the physical Locust Ln. and the plan is to leave it in its current location. Pedestrian connection will be provided, but not vehicular connection.

01:05:40 Ms. Bartley discussed the plan, waivers and variances. The active open space will be a stormwater basin/wet basin to be worked out at construction phase. It's on the low side of the site. The access on the site will be one-way. The majority of the parking is located within the buildings and an additional 21 surface area spaces. Commissioner Brown asked what is the width for Locust Ln.? Ms. Bartley said ~10 feet. Commissioner Brown stated the fire department ordinance must be adhered to, requiring it to be 18 feet wide with 6 foot shoulders (unless waived by the fire department). Commissioner Brown asked if the plan is to use the gravel road as part of

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the pedestrian connection. Ms. Bartley said yes. Commissioner Brown said Jeffersontown is missing an opportunity to connect the larger subdivision to a great new amenity on Watterson Trail. The gravel road will not be ADA compliant. Ms. Bartley said their intent is to use the proposed sidewalks. Chair Lewis asked if pedestrians can get to the gravel driveway or will it be blocked by a fence. Ms. Bartley said a fence is shown on the plan.

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

Kent Craig, 9600 Locust Lane, Louisville, Ky. 40299  
Michele Craig, 9600 Locust Lane, Louisville, Ky. 40299  
Linda C. Brown, 9811 Watterson Trail, Louisville, Ky. 40299

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

01:16:45 Mr. Craig said he wants to make sure there is easy access to his home.

Mr. Craig requests the following: access for a sign; a gate (possibly); a place to put garbage cans; pave the road by the condos; and will the electrical wires be placed underground – don't want interrupted service; and no roof nails in street.

01:19:38 Mrs. Craig stated they live in the landlocked home and her concerns include: the compatibility of the proposal in the community; will the proposed condos sell; gated access – negative component.

01:22:04 Ms. Brown discussed the stream that runs along 2 sides of her property. The proposal is mostly paved surface and will flow to her property. It has flooded in the past and the proposal will make it worse. There is a concern for traffic on Watterson Tr. It's difficult now to get out of the driveway and the proposal will add to the problem. Also, there may be oil and chemicals getting into the waterway.

**Rebuttal:**

01:25:06 Mr. Ashburner stated his client may be able to work something out (with Mr. Craig) concerning the mailboxes and garbage. There is no plan to pave the driveway, but it can be looked into between now and the public hearing. All the drainage will be piped and put in the detention basin. It won't leave the detention basin at a rate that exceeds the rate it currently runs off the site. In addition, there are water quality requirements that have to be met. Commissioner Carlson requests a binding element allowing emergency personnel access through the gate.

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**NEW BUSINESS**

**CASE NO. 18ZONE1004**

**Deliberation**

01:30:28 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 May 23, 2019 public hearing at the Old Jail Building.**



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**NEW BUSINESS**

**CASE NO. 19ZONE1000**

Request: Change in zoning from C-1 to C-2, commercial with detailed plan  
Project Name: Shelby Street Event Space/Lounge  
Location: 1149 South Shelby Street  
Owner: Breitenstein Properties, LLC  
Applicant: Flynn Construction Services  
Representative: Heritage Engineering, LLC  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
**Case Manager: Joel 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

01:31:50 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

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

John Campbell, Heritage Engineering, 642 South 4<sup>th</sup> Street, Suite 100, Louisville, Ky. 40202

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

01:33:35 Mr. Campbell stated the proposal is an existing building and the only changes will be renovations for a rear deck to serve a two-story portion of the building. It will not be used as part of the event space. There will be 6 parking spaces in the rear and sidewalks will be added for a rear entrance into the building. The rear yard (generous portion) will be landscaped and grassed to return it from an impervious surface. There's 1 existing on-street parking space that will be utilized.

Mr. Campbell discussed the uses. The plan is in order.

**Deliberation**

01:38:00 Planning Commission deliberation.

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**NEW BUSINESS**

**CASE NO. 19ZONE1000**

**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 May 9, 2019 public hearing at the Old Jail Building.**

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**NEW BUSINESS**

**CASE NO. 18ZONE1087**

Request: Change in zoning from C-1, commercial to M-2, industrial with revised plan and landscape waivers  
Project Name: 1332 Tile Factory Lane  
Location: 1330 and 1332 Tile Factory Lane  
Owner: Roark Realty LLC  
Applicant: Roark Realty LLC  
Representative: Frost Brown Todd, LLC  
Jurisdiction: Louisville Metro  
Council District: 21 – Nicole George  
**Case Manager: Joel 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

01:40:07 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

01:43:00 Commissioner Carlson asked if the binding element violations have been corrected. Commissioner Brown asked, with the elimination of binding element number 1, what type of screening will be provided? Mr. Dock replied, with the elimination of binding element number 1 and submittal of a plan, the applicant is subject to landscaping requirements from chapter 10 of the Land Development Code. They are asking to waive those requirements.

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

Tanner Nichols, Frost Brown Todd, LLC, 400 West Market Street, Suite 3200, Louisville, Ky. 40202

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

01:44:04 Mr. Nichols gave a power point presentation and stated the purpose for being here is to correct the zoning for a longstanding use. There's always been heavy equipment parked on the property. The current binding elements will be removed and replaced with new binding elements. The new binding elements require landscaping, buffering and screening, however a waiver is being requested. Commissioner Carlson asked what the binding element violations were. Mr. Nichols answered as follows: no screening to protect adjacent residents; drainage improvements were required by water management; and outside storage and materials were not permitted on a particular

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**CASE NO. 18ZONE1087**

portion of the property. Commissioner Carlson said he wants to know more about the trucks parking. Will there be empty or have hazardous materials inside? This is important because it's next door to residential. There are some M-2 uses that don't need to be close to residential. Mr. Nichols said the trucks don't have hazardous materials. Mr. Dock stated M-2 doesn't allow hazardous or nuisance uses so adding a binding element would be redundant. Commissioner Carlson said there are different penalties for violating the Land Development Code and violating a binding element. Commissioner Brown said the proposed crosswalk doesn't add a lot of value. Chapter 9 would recommend against marking a crosswalk as shown on the plan and giving pedestrians a false sense of security. It doesn't connect to a public sidewalk.

**Deliberation**

01:15:21 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 May 23, 2019 public hearing at the Old Jail Building.**

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**NEW BUSINESS**

**CASE NO. 18ZONE1091**

Request: Change in zoning from C-1 to C-2, commercial with detailed plan  
Project Name: Brough Brothers Distillery  
Location: 1460-1464 Dixie Highway  
Owner: Robert Berry, Sr.  
Applicant: Victory Global  
Representative: Victory Global  
Jurisdiction: Louisville Metro  
Council District: 3 – Keisha Dorsey  
**Case Manager: Joel 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. 5<sup>th</sup> Street.)

**Agency Testimony:**

01:53:19 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

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

Victor Yarbrough, Victory Global, LLC, 241 James Briggs Avenue, Lexington, Ky. 40509

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

01:55:18 Mr. Yarbrough stated he wants to revitalize Dixie Hwy. by adding a micro-distillery. The proposal is a small scope and scale – makes 25 gallons and is 4 ft. tall. There will be a very minimal impact on the environment, transportation and traffic patterns. The hours of operation will be 9:00 a.m. – 5:0 p.m. Commissioner Daniels asked how many parking spaces are being proposed. Mr. Yarbrough said 6 spaces – 4 on-street and 2 on the property. Commissioner Brown asked if there will be package sells or just tastings. Mr. Yarbrough said you can have package sells but they would be limited. There has to be a distributor on site to be able to distill and sell on the premises.

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

Darrell Nathan, 1472 Dixie Highway, Louisville, Ky. 40210  
Carla Mitchell, 1466 Dixie Highway, Louisville, Ky. 40210

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

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**CASE NO. 18ZONE1091**

02:00:36 Mr. Nathan, pastor of St. Zion Baptist Church, stated there are a lot of problems in the area and is concerned about this type of establishment. There are plenty of places that serve spirits. There's also a concern for the following: traffic, lack of parking and the integrity of the structure.

02:03:01 Ms. Mitchell agrees with Mr. Nathan. The applicant's parking entrance is in the middle of the street – parking layout is not enough space for trucks. There are a lot of transients in the area that may taste at the distillery on a regular basis. There are 3 outlets that sell liquor in a 1 block radius.

02:07:03 Commissioner Daniels stated, this is a low income neighborhood, so who would be your customer base? Mr. Yarbrough said this will be a manufacturing facility and the primary focus is to distributors throughout the state - an import/export company. At least 60% of the product will be going to the United Kingdom. Commissioner Brown asked how the deliveries - loading and unloading work. Mr. Yarbrough said they may use a van and loading/unloading will take place in the parking lot. Commissioner Carlson asked if the hours of operation can be placed in a binding element. Mr. Yarbrough agreed.

**Deliberation**

02:08:44 Planning Commission deliberation.

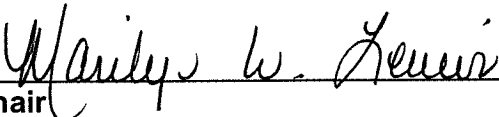
**An audio/visual recording of the Land Development & Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**


**The Committee by general consensus placed this case on the May 9, 2019 public hearing at the Old Jail Building.**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES**  
**April 11, 2019**

**ADJOURNMENT**

The meeting adjourned at approximately 3:18 p.m.

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Planning Director