

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
October 14, 2021**

A meeting of the Land Development and Transportation Committee was held at 1:00 p.m. on Thursday, October 14, 2021 via Webex Teleconferencing.

Committee Members present were:

Rob Peterson, Chair
Te'Andre Sistrunk, Vice Chair
Jeff Brown
Richard Carlson

Committee Members absent were:

Ruth Daniels

Staff Members present were:

Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning Manager
Julia Williams, Planning Supervisor
Dante St. Germain, Planner II
Jay Lockett, Planner I
Laura Ferguson, Legal Counsel
Pamela M. Brashear, Management Assistant

Others present:

Tony Kelly, MSD

The following matters were considered:

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APPROVAL OF MINUTES

SEPTEMBER 23, 2021 LD&T COMMITTEE MEETING MINUTES

04:37 Commissioner Carlson stated the minutes on page 12, Case 21-ZONE-0106 – Steve Porter's comment referring to Lovers Lane needs to be changed. It may be confusing in the future because there's a Lovers Lane in the Fern Creek area. Joe Reverman suggests putting Lovers Lane in quotation marks and adding Springdale Rd. to the minutes.

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

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes (with changes) of its meeting conducted on September 23, 2021.

The vote was as follows:

YES: Commissioners Brown, Carlson, Sistrunk and Peterson

NOT PRESENT FOR THIS CASE: Commissioner Daniels

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NEW BUSINESS

CASE NO. 21-STRCLOSURE-0026

Request: Closure of Public right-of-way
Project Name: Wayne St Closure
Location: Wayne Street Right-of-way between I-71 and Wood St
Owner: Louisville Metro
Applicant: Waterfront Botanical Gardens, Inc
Representative: Sabak, Wilson and Lingo, Inc
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander
Case Manager: Jay Luckett, 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. 5th Street.)

Agency Testimony:

00:06:56 Jay Luckett discussed the case summary from the staff report and indicated that the application was ready for a public hearing (see recording for detailed presentation).

Deliberation

LD&T deliberation.

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

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

RESOLVED, that the Land Development & Transportation Committee does hereby place this case on the Consent Agenda for the October 21, 2021 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Carlson, Sistrunk and Peterson
NOT PRESENT FOR THIS CASE: Commissioner Daniels

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NEW BUSINESS

CASE NO. 21-RSUB-0009

Request: Revised Preliminary Subdivision Plan
Project Name: Shakes Run Section 10 and 15-19
Location: 17118 Deer Crossing Trail, 2307 White Oak Way & Tax
Block 42, Lots 274, 275
Owner: Shakes Run Partners LLC, Shakes Run Development 9 LLC
Applicant: Shakes Run Partners LLC, Shakes Run Development 9 LLC
Representative: Sabak Wilson and Lingo
Jurisdiction: Louisville Metro
Council District: 20- Stuart Benson
Case Manager: Julia Williams, AICP, Planning Supervisor

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

Agency Testimony:

00:10:09 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

The following spoke in favor of this request:

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

Summary of testimony of those in favor:

Kelli Jones gave a power point presentation discussing the revisions. There is an increase in tree canopy and open space. The number of lots has decreased from 483 to 444 (see recording for detailed presentation).

Deliberation

Land Development and Transportation 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.

Revised Preliminary Subdivision plan

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CASE NO. 21-RSUB-0009

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

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

Existing 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.
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."

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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.

6. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.

7. 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.

8. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.

9. The Tree Canopy Protection Areas surrounding the blue line stream on Open Space Lots 490 and 497 will be converted to Woodland Protection Areas prior to record plat approval and shall be indicated as such on the Approved Tree Preservation Plan.

10. 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 in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
- b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.

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c. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.

11. At the time the developer turns control of the homeowners' association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners' association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.

12. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.

13. 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."

14. The applicant shall provide language in the deeds of restriction describing the location of the Outer Buffer Zone along Shakes Run. The language shall state that no permanent structures or impervious surface coverages of greater than 100 s.f. are allowed in this zone as required in 4.8.6E of the Land Development Code. The form of such restrictions shall be approved by Planning Commission Counsel.

15. If sinkholes are found on the property or if ponds are to be filled on the site, a geotechnical report shall be conducted for the site and the results shall be submitted to Public Works and MSD for review prior to construction plan approval and the recommendations of the report shall be carried out during construction on the site.

16. The applicant shall obtain approval of a detailed landscape plan for the 30-foot Landscape Buffer Area along Eastwood-Fisherville Road. The landscape buffer area shall include a berm, hedge, fence or wall adequate to form an effective visual screen at least six feet in height. The landscape buffer area shall be maintained by the property owners' association. The landscape plan shall be submitted for review and approval by DPDS staff prior to record plat approval.

17. A minor plat or deed of consolidation creating the proposed subdivision boundary will need to be recorded prior to recording of the record plat.

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18. 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.

19. 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.

20. The number of lots recorded shall not exceed 50 until the Eastwood-Fisherville Road improvements are completed. Also, the number of building permits shall not exceed 199 until Street A (Shakes Creek Drive) and Deer Crossing Trail are connected (via Street D) and provide two points of entry to the subdivision. Modified by the Development Review Committee on September 22, 2010, Case # 14669.

21. A professional archaeological survey shall be performed to determine the boundary of the cemetery located on proposed Lot 488. Documentation of acceptance of the cemetery boundaries by the Historic Landmarks Commission or delegated staff persons shall be provided for Planning Commission and building permit agency files prior to initiation of any site disturbance activities. After the boundary has been approved, all buildings and structures other than fences and walls shall be set back at least 30 feet or another distance set by the Historic Landmarks Commission. Should the final boundary of the cemetery indicate that any road (including the subdivision entrance road) or buildable lot on the approved plan is encroaching into the cemetery boundary or the required buffer/setback around the cemetery, then the preliminary subdivision plan must be revised to eliminate this encroachment.

22. The inactive cemetery on Lot 488 shall be preserved and maintained as described in Section 4.4.6 of the Land Development Code. Ownership and maintenance of the cemetery shall be transferred to the homeowners' association. A deed restriction in a form approved by the Planning Commission legal counsel shall be recorded acknowledging the location, site, ownership and maintenance of the cemetery.

23. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for Streets A, B, C,

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D and E. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.

24. A 30-foot Tree Canopy Protection Area (TCPA) shall be provided along the perimeter of the entire development. Existing tree canopy and undergrowth shall be preserved in this area and indicated on a tree preservation submitted to Planning Commission staff for approval.

25. The developer shall provide written notification to potential lot purchasers that they adjoin an agricultural activity (the Heidi Sanner property) involving bee keeping and fowl raising before the sale of those lots. This notice shall also be provided in the recorded covenants and restrictions for the subdivision.

26. Prior to seeking construction plan approval for lots 37 to 42, 63 to 65, and 71 to 73, the developer will have representatives of LG&E field locate an existing underground gas transmission line. The owner shall provide LG&E with an easement for the underground transmission line and work with the utility company to ensure protection of the line, or relocation, during site construction. Additional building setbacks will be provided to these lots in accordance with Chapter 5.3.1, C.4 of the Metropolitan Land Development Code.

27. Written notification to first and second tier property owners shall be provided if there are any changes, additions or deletions to the approved preliminary subdivision plan.

28. The applicant shall be required to field locate the existing High Pressure Gas Line located along the common boundary with the Sanner property prior to construction plan approval. If the line crosses onto the proposed development the applicant must revise the preliminary subdivision plan to include the additional setback required by Section 5.3.1, C.4 of the Land Development Code.

29. No construction traffic shall be allowed to go through Derbyshire Estates.

30. A 30-foot wide Tree Canopy Protection Area (TCPA) shall be permanently preserved along the perimeter of the entire development property regardless of current, or future, property ownership and/or control. All vegetation shall be preserved and protected in this area except for the removal of dead or declining trees that pose a public safety threat. The area shall be indicated on a preservation plan submitted to the Planning Commission. Canfield will install tree protection fencing along wooded portions of the 30-foot perimeter TCPA in the area or section of active development to protect these areas from disturbance, grading, clearing, mowing, and/or construction activity. Canfield will install in 30

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days and continually maintain tree protection fencing along non-wooded portions of the 30-foot perimeter TCPA to protect these areas from mowing, grading, clearing, and/or construction activity. The tree protection fencing shall be maintained until each section goes to record plat and markers referenced in paragraph 5 hereof are installed. Added by the Planning Commission on October 1, 2009

31. The pavement for the Street D stub road shall stop approximately 30 feet short of the Wetherby property (the right-of-way shall extend to the property line). This 30-foot area shall be maintained in a fashion similar to the TCPA on both sides of this right-of-way area. The 30-foot area shall be maintained by the homeowners' association like an open space until the stub is fully extended.

32. Prior to site disturbance in a particular area or section of the development, Canfield will install and maintain tree protection fencing around any interior TCPA's within that area or section. Added by the Planning Commission on October 1, 2009.

33. Once a particular area or section of development is substantially completed, Canfield Development will install marker signs, to be approved by Planning and Design Services staff, at least every 60 feet with a minimum of one marker per lot, along the inside edge of 30-foot perimeter TCPA denoting the area as a protected area. The signs shall be consistent with the size and scale of signs used by the Jefferson County Environmental Trust to denote a conservation easement and shall indicate that the area is a permanently preserved area and no mowing or clearing is allowed. Added by the Planning Commission on October 1, 2009.

34. The bridge of Shakes Run Creek shall be constructed prior to issuance of any building permits for lots on the south side of the creek. Added by the Development Review Committee on September 22, 2010, Case # 14669

The vote was as follows:

YES: Commissioners Brown, Carlson, Sistrunk and Peterson
NOT PRESENT AND NOT VOTING: Commissioner Daniels

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NEW BUSINESS

CASE NO. 18ZONE1047

Request: Change in zoning from R-4 to C-2, with Detailed District Development Plan and Binding Elements, and CUP for Mini-Storage

Project Name: 3rd Street Road Storage

Location: 8713 3rd Street Road & TB 1049 Lot 0927

Owner: Third Street Road Ventures LLC

Applicant: Third Street Road Ventures LLC

Representative: Bluestone Engineers

Jurisdiction: Louisville Metro

Council District: 25 – Amy Holton Stewart

Case Manager: Julia Williams, AICP, Planning Supervisor

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

Agency Testimony:

00:23:06 Julia Williams said the applicant is still working out some issues with the proposal and requests a continuation for two weeks, the October 28, 2021 LDT meeting.

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 Sistrunk, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the October 28, 2021 LDT meeting at the applicant's request.

The vote was as follows:

YES: Commissioners Brown, Carlson, Sistrunk and Peterson
NOT PRESENT AND NOT VOTING: Commissioner Daniels

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NEW BUSINESS

CASE NO. 21-ZONE-0013

Request: Change in zoning from R-4 to R-7, with Detailed District Development Plan and Binding Elements, and Variance
Project Name: KJS Multi-Family
Location: 4805 – 4907 Bardstown Road & 8004 Watterson Trail
Owner: KJS LLC
Applicant: KJS LLC
Representative: Mindel Scott & Associates
Jurisdiction: Louisville Metro
Council District: 22 – Robin Engel
Case Manager: Dante St. Germain, AICP, Planner II

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

Agency Testimony:

00:24:50 Dante St. Germain discussed the case summary from the staff report and indicated that the application was ready for a public hearing (see recording for detailed presentation).

Commissioner Brown requests pedestrian stubs/connections/accommodations for the C-1 lots that will remain. Dante' St. Germain said yes, it will be required.

The following spoke in favor of this request:

Kathy Linares, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

David Mindel, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Diane Zimmerman, 12803 High Meadows Pike, Prospect, Ky. 40059

Summary of testimony of those in favor:

Kathy Linares gave a power point presentation discussing the current uses in the area. This proposal is appropriately located on a major arterial. There will be no pedestrian connection to Watterson Trail to the north (see recording for detailed presentation).

David Mindel said they went in the field and located the existing right-of-way, existing improvements and submitted an exhibit to Beth Stuber. It will be provided at the public hearing. Commissioner Brown said he's concerned about the Watterson Trail access -

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CASE NO. 21-ZONE-0013

very narrow frontage and limited right-of-way. Kathy Linares said they will expand both sides of the road and taper back in on either side of the roadway.

David Mindel said a left turn lane into the site is not warranted (will check with Diane Zimmerman). Commissioner Brown said it's close to the threshold and should be discussed further for a project of this scale (see recording for detailed presentation).

Commissioner Carlson asked if the issue of taking the buildings down to 2-stories around the perimeter had been addressed (brought up by neighbors). Kathy Linares said they increased the setbacks to address that concern (see recording for detailed presentation).

The following spoke in opposition to this request:

John Bingham, 8003 Courtland Drive, Louisville, Ky. 40228
Sherry Lamothe, 8024 Watterson Trail, Louisville, Ky. 40291

Summary of testimony of those in opposition:

John Bingham said he's a member of the Eastland congregation (next door to proposal). The main concerns are as follows: request needs to be R-6 instead of R-7; traffic; request 2-story tiered buildings; parking; and request 8-foot fence (see recording for detailed presentation).

Sherry Lamothe said she's concerned about the date of the traffic study (April 2015). Ms. Zimmerman's comment stated that the January 2020 counts didn't differ much so there was no adjustment made (see recording for detailed presentation).

Rebuttal:

Kathy Linares said she will get confirmation regarding the fence (6-feet). The density, intensity and height of this development are very needed in Louisville and the proposed location is perfect. Additional open space is being provided.

David Mindel said there's good mass transportation and that's another good reason to approve the density at this location. There are large setbacks from the existing houses around the proposal.

Kathy Linares said the turning lane to be provided on Watterson Trail for access to Bardstown Rd. will be a significant improvement in the area.

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CASE NO. 21-ZONE-0013

Commissioner Carlson requests a binding element that says if there's an increase in density or number of dwelling units, then it will require a public hearing before the Planning Commission. David Mindel agrees.

Commissioner Sistrunk requests a line of site study. David Mindel said they will provide several exhibits at the public hearing (see recording for detailed presentation).

Diane Zimmerman stated she received an email from Jason Richardson from May 2021 indicating his only concerns were some issues with the peak hour factor. Doing new counts during the pandemic would not have been rational. A study was done January 2020 north of this site at Breckinridge Ln. and Bardstown Rd. Metro Traffic Engineering provided 2015 counts with Breckinridge Ln. and Watterson Tr. These were compared and there was no substantial difference in the volumes. It's reasonable to accept the 2015 count demonstrating there had been essentially no growth in the peak hours on Bardstown Rd. (see recording for detailed presentation).

Commissioner Carlson asked if there will be a pre-blast survey. David Mindel said yes, it's a requirement. Commissioner Carlson requests a binding element for pre-blast surveys for anyone within 500-feet. David Mindel said he agrees to the binding element.

Deliberation

LD&T deliberation (see recording for detailed presentation).

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 November 4, 2021 public hearing.

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NEW BUSINESS

CASE NO. 21-ZONE-0044

Request: Change in zoning from R-4 to R-5, with Detailed District Development Plan/Major Preliminary Subdivision and Binding Elements, and Waiver
Project Name: Leisure Lane Subdivision
Location: 6406 Leisure Lane
Owner: Revocable Living Trust of Cleo F Tingle
Applicant: Mayer Realtors
Representative: Mindel Scott & Associates
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. 5th Street.)

Agency Testimony:

01:39:04 Dante St. Germain discussed the case summary from the staff report and indicated that the application was ready for a public hearing (see recording for detailed presentation).

The following spoke in favor of this request:

Kathy Linares, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219
David Mindel, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

Kathy Linares gave a power point presentation. The proposal will be compatible with the surrounding neighborhood. A turn lane analysis has been provided – left turn is not warranted (see recording for detailed presentation).

Commissioner Sistrunk asked if anything special needs to be done since the property is on wetlands. David Mindel said a study was performed and he can present the letter, from the US Army Corp. of Engineers, at the public hearing.

Deliberation

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NEW BUSINESS

CASE NO. 21-ZONE-0044

LD&T 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 November 4, 2021 public hearing.

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NEW BUSINESS

CASE NO. 21-MSUB-0006

Request:	Major preliminary subdivision plan with waivers
Project Name:	Ernspiker Etawah Avenue
Location:	Etawah Avenue – Parcel #0021-0501-0000
Owner:	Etawah Woods, LLC
Applicant:	Etawah Woods, LLC
Representative:	Land Design & Development
Jurisdiction:	City of Lyndon
Council District:	7 – Paula McCraney
Case Manager:	Joel Dock, AICP, Planning Coordinator
Presented By:	Julia Williams, AICP, Planning Supervisor

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

Agency Testimony:

01:56:02 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

Commissioner Brown asked if there were comments from the fire dept. concerning the width of the road and the further subdivision on a substandard road. The city of Lyndon has signed off, but has the fire dept. or is it needed? Commissioner Carlson stated, if the plan is approved, the applicant wouldn't be able to get any building or construction permits until the roads are sufficiently widened or the fire dept. gives approval.

The following spoke in favor of this request:

Derrick Triplett, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

Derrick Triplett said they have fire dept. approval. The construction and the widening of Etawah Woods Ave. will take place simultaneously with construction of the subdivision.

Derrick Triplett gave a power point presentation (see recording for detailed presentation).

Commissioner Carlson asked why the applicant/city of Lyndon does not want to build sidewalks. Derrick Triplett said he's not sure, but they mentioned sidewalks are not a part of their road improvement plans (see recording for detailed presentation).

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NEW BUSINESS

CASE NO. 21-MSUB-0006

Deliberation

LD&T deliberation.

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

Waiver of Land Development Code (LDC), section 5.8 to not provide sidewalks within the public right-of-way

On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution based on the testimony heard today was adopted.

WHEREAS, the absence of sidewalks will adversely affect adjacent property owners as it will deprive them a way of walking and otherwise moving around off the public street; and

WHEREAS, there is no indication or this committee has not been shown any plans that sidewalk construction is impractical; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the waiver will violate related guidelines of Plan 2040 because the plan does encourage pedestrian mobility and the creation of the sidewalks would create that pedestrian mobility; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the city of Lyndon that the Waiver of the Land Development Code (LDC), section 5.8 to not provide sidewalks within the public right-of-way be **DENIED**.

The vote was as follows:

YES: Commissioners Brown, Carlson, Sistrunk and Peterson
NOT PRESENT AND NOT VOTING: Commissioner Daniels

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NEW BUSINESS

CASE NO. 21-MSUB-0006

Waiver of LDC, section 7.3.30 to allow lots for detached homes to not abut a public street

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

WHEREAS, the waiver will not adversely affect adjacent property owners as the street is not a through street and no sidewalks are proposed. For this reason, the use of a private roadway would not impact adjacent owners and their ability to access property or cross property on foot safely; and

WHEREAS, the waiver will not violate related guidelines of Plan 2040 as the roadway providing access does not connect and no sidewalks are available now or in the future. Provisioning public streets would not result in an increase in mobility, pedestrian safety, transit use, or connectivity at his location; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant based on the applicant's desire to not construct a public road; and

WHEREAS, the Louisville Metro Land Development & Transportation Committee further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the lots will still maintain access to a public roadway network.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the city of Lyndon **APPROVE** the Waiver of LDC, section 7.3.30 to allow lots for detached homes to not abut a public street.

The vote was as follows:

YES: Commissioners Brown, Carlson, Sistrunk and Peterson
NOT PRESENT AND NOT VOTING: Commissioner Daniels

Major Preliminary Subdivision

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

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CASE NO. 21-MSUB-0006

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Major Preliminary Subdivision Plan **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.
2. 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."
3. An address shall be obtained prior to requesting approval of the record subdivision plat. Address numbers shall be displayed on each structure prior to requesting a certificate of occupancy for that structure.
4. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
5. 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.
6. 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.
7. 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

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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.

8. 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.

9. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.

1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.

2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.

3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.

10. 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.

11. If proposed, the signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat. 12. 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."

The vote was as follows:

YES: Commissioners Brown, Carlson, Sistrunk and Peterson

NOT PRESENT AND NOT VOTING: Commissioner Daniels

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NEW BUSINESS

CASE NO. 21-ZONE-0076

Request: Change in zoning from R-4 to OR-3 with detailed plan and variance
Project Name: 8907 U.S Highway 42
Location: 8907 U.S Highway 42
Owner: Plainview pre-primary school
Applicant: Jeff Byrne
Representative: Bardenwerper, Talbott, & Roberts, PLLC
Jurisdiction: City of Prospect
Council District: 16 – Scott Reed
Case Manager: Joel Dock, AICP, Planning Coordinator
Presented By: Julia Williams, AICP, Planning Supervisor

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

Agency Testimony:

02:28:22 Julia Williams discussed the case summary from the staff report and indicated that the application was ready for a public hearing (see recording for detailed presentation).

The following spoke in favor of this request:

Paul Whitty, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Summary of testimony of those in favor:

Paul Whitty gave a power point presentation. The proposal is for an office professional/medical office building. There is no shared access with the Anchorage/Middletown Fire Station. The access will be via a private road (see recording for detailed presentation).

Deliberation

LD&T deliberation.

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

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NEW BUSINESS

CASE NO. 21-ZONE-0076

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 4, 2021 public hearing.

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NEW BUSINESS

CASE NO. 21-ZONE-0082

Request: Change in zoning from C-1 to C-2 with detailed plan
Project Name: Joe's Older Than Dirt
Location: 8131 New La Grange Road
Owner: Lyndon Leasing, LLC
Applicant: Cres Bride
Representative: Bardenwerper, Talbott, & Roberts, PLLC
Jurisdiction: City of Lyndon
Council District: 18 – Marilyn Parker
Case Manager: Joel Dock, AICP, Planning Coordinator
Presented By: Julia Williams, AICP, Planning Supervisor

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

Agency Testimony:

02:47:38 Julia Williams discussed the case summary from the staff report and indicated that the application was ready for a public hearing (see recording for detailed presentation).

Joe Reverman added, they're proposing to use the back entrance of the patio area as an entrance into the restaurant instead of putting in the sidewalk. The concern is that the hostess station is likely still at the front of the building and not providing pedestrian connection around the patio to the front door.

The following spoke in favor of this request:

John Talbott, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
Chris Brown,

Summary of testimony of those in favor:

John Talbott gave a power point present presentation giving background information. There will be a minor plat to separate the 2 buildings and make the zoning match the new property lines (see recording for detailed presentation).

Chris Brown said they will be providing sidewalks (see recording for detailed presentation).

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Deliberation

LD&T 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 November 4, 2021 public hearing.

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NEW BUSINESS

CASE NO. 21-ZONE-0103

Request: Change in zoning from PEC to M-3 with detailed plan and variance
Project Name: Blankenbaker Station II Lots 11 & 12
Location: Schutte Station Place (Parcel #0039 - 0551 – 0000)
Owner: Hosts Developments, LLC
Applicant: Foresee Investment, LLC
Representative: Bardenwerper, Talbott, & Roberts, PLLC
Jurisdiction: Louisville Metro
Council District: 20 – Stuart Benson
Case Manager: Joel Dock, AICP, Planning Coordinator
Presented By: Julia Williams, AICP, Planning Supervisor

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

Agency Testimony:

03:06:10 Julia Williams discussed the case summary from the staff report and indicated that the application was ready for a public hearing (see recording for detailed presentation).

The following spoke in favor of this request:

Bill Bardenwerper, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
Michael Brand, 5186 Carol Canyon Road, San Diego, Ca.
Kent Gootee, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219
Greg Oakley, Hollenbach-Oakley Developers at Blankenbaker Station, 12451 Plantside Drive, Louisville, Ky. 40299

Summary of testimony of those in favor:

Bill Bardenwerper gave a power point presentation. There's a variety of uses in the area (see recording for detailed presentation).

Michael Brand, president of Quadrant International, discussed the magnet (industrial uses) manufacturing process (see recording for detailed presentation).

Bill Bardenwerper proposes the following binding element: No other M-3 uses are allowed, except those in M-2 and this one, unless approved by the Planning Commission.

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Commissioner Carlson asked where and how are the chemicals stored on the property. Michael Brand explained some of the protocols they must follow (see recording for detailed presentation).

Commissioner Brown asked if Blankenbaker Station II is still updating traffic impact studies as sites are proposed for detailed development plans or are all the obligations fulfilled. Kent Gootee said all the obligations have been fulfilled at this point (see recording for detailed presentation).

The following spoke neither for nor against the request:

Steve Porter, 2406 Tucker Station Road, Louisville, Ky. 40299

Summary of testimony of those neither for nor against:

3:39:45 Steve Porter represents the Tucker Station Rd. Neighborhood Association. There's no general objection to this proposal, just the following concerns: binding element limiting all M-3 possible uses to just the magnet production; storage of hydrogen outside; access to adjoining property from parking lot – there's a perennial stream, it's in the flood zone and an active wildlife corridor (not needed and want removed from plan) (see recording for detailed presentation).

Rebuttal:

Kent Gootee said the stub was previously approved. It will serve as internal circulation between the properties. It's a prime example of being able to capture internal trips of the development as opposed to putting them on the public roads.

Greg Oakley said he likes the use and technology. He is happy to see this type of business come back to the United States. There are no other traffic studies required because it's a low impact use. The hydrogen equipment will be stored in the rear of the building and there's a maneuvering/truck dock area as shown on the site plan (see recording for detailed presentation).

Deliberation

LD&T deliberation.

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

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

The Committee by general consensus placed this case on the November 4, 2021 public hearing.

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ADJOURNMENT

The meeting adjourned at approximately 4:57 p.m.

DocuSigned by:



CHAIR: 821F6553-E038-42EC-BD2F-23E57EB5BC3F

Chair

DocuSigned by:



PLANNING DIRECTOR: 821F6553-E038-42EC-BD2F-23E57EB5BC3F

Planning Director