

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
February 27, 2020**

A meeting of the Land Development and Transportation Committee was held on, February 27, 2020 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 – left at approximately 1:30 p.m.
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
Joel Dock, Planner II
Dante St. Germain, Planner II
Lacey Gabbard, Planner I
Jay Lockett, Planner I
Travis Fiechter, Legal Counsel
Beth Stuber, Engineering Supervisor
Pamela M. Brashear, Planning and Design Management Assistant

The following matters were considered:

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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APPROVAL OF MINUTES

FEBRUARY 13, 2020 LD&T COMMITTEE MEETING MINUTES

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

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on February 13, 2020.

The vote was as follows:

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

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NEW BUSINESS

CASE NO. 19-ZONE-0032

| | |
|----------------------|---|
| Request: | Change in zoning from R-5 to R-5B with detailed district development plan |
| Project Name: | Roosey Duplex |
| Location: | 1316 Bellwood Avenue |
| Owner: | Roosey Holdings, LLC |
| Applicant: | Roosey Holdings, LLC |
| Representative: | Roosey Holdings, LLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 8 – Brandon Coan |
| Case Manager: | Joel P. 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. 5th Street.)

Agency Testimony:

00:03:27 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

00:05:22 Commissioner Carlson stated that binding element 3 is not valid and may need to be removed. Mr. Dock said it is standard and can stay. Commissioner Carlson said the applicant has to follow the binding element and in this case will not be able to comply. Why not take it out? Mr. Dock said he understands and will think about it.

00:07:54 Mr. Reverman asked if the change in zoning affects how the short-term regulations are applied on the property, other than changing it from 1 to 2 units. Mr. Dock said he doesn't think so because single family and duplex are both allowed to have short-term rentals.

The following spoke in favor of this request:

Jessie Redden, 2103 2nd Avenue West, Seattle, Washington 98119

Summary of testimony of those in favor:

00:08:56 Ms. Redden said the staircase isn't external. A wall was put up to cover the internal staircase and accessing the 2nd floor will not disturb the person living on the 1st floor.

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NEW BUSINESS

CASE NO. 19-ZONE-0032

Ms. Redden gave some background information. Her parents wanted to stay in the Tyler Park neighborhood so the home was purchased. The home is setup for 2 different families to be able to live and that offsets the cost of the mortgage.

00:10:59 Chair Lewis asked if the plan is to split the home into 2 units. Also, putting up the wall in front of the staircase did result in an exterior entrance. Ms. Redden explained that the staircase is closed off like a vestibule and is entered through the back door into a room with a staircase. No exterior door was added. There is a person living on the 2nd floor as a long-term renter.

00:12:31 Commissioner Daniels asked if an anterior door (in back) was added. Ms. Redden said yes.

00:13:08 Ms. Redden said the previous owner used the home as 2 dwelling units as well.

The following spoke in opposition to this request:

Deborah J. Donnellan, 1314 Bellwood Avenue, Louisville, Ky. 40204

Summary of testimony of those in opposition:

00:14:13 Ms. Donnellan stated within 10 days of the applicant taking possession of the subject property, the property was divided and new meters were put in without requesting a zoning change. The subject property was never used as a 2 family dwelling. The previous owner had family members living there sometimes (never charged). The property was advertised as a single family dwelling with an in-law suite. It should be converted back to a single family dwelling. It's not better to ask for forgiveness, it's better to ask for permission.

Rebuttal:

00:17:21 Ms. Redden said she spoke with the previous owner about what she intended to do and she was under the impression that it was zoned properly.

Ms. Redden said a complaint led to now trying to bring the property in compliance.

Deliberation

00:19:33 Planning Commission deliberation.

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NEW BUSINESS

CASE NO. 19-ZONE-0032

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 March 19, 2020 public hearing at the Old Jail Building.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES
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NEW BUSINESS

CASE NO. 19-STRCLOSURE-0012

Request: Street Closure for Old LaGrange Road between Collins Lane and Chamberlain Lane
Project Name: Old LaGrange Street Closure
Location: Old LaGrange Road between Collins Lane and Chamberlain Lane
Owner: Louisville Metro Government
Applicant: Ghasem Properties Inc.
Representative: Milestone Design Group
Jurisdiction: Louisville Metro
Council District: 17- Markus Winkler
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. 5th Street.)

Agency Testimony:

00:20:57 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

00:24:40 Commissioner Brown said the binding elements need to be on the development plan. Mr. Lockett said the development plan has already been approved. One suggestion would be to record the list as a separate notes page with the plat and that way it would be permanently recorded in a way that it can be referenced.

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:28:03 Mr. Pregliasco gave a power point presentation. Emergency Services had a concern of not having a direct route to reach some areas. The full closure request was withdrawn and a new request for the excess right-of-way, beyond the pavement, was made. Emergency Services has withdrawn their objection. An additional item would be compliance with all requirements for a private fire hydrant on the property.

00:35:00 Mr. Fiechter asked what will happen to the power lines in the right-of-way. Mr. Pregliasco said they may grant an easement but haven't heard any comments from LG&E. It will be looked into before the public hearing.

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NEW BUSINESS

CASE NO. 19-STRCLOSURE-0012

Deliberation

00:36:09 Commissioner Carlson explained the private and public fire hydrants. There should not be a condition of approval attached to this street closure. Legal counsel may need to look at the Fire Hydrant Ordinance. It's fine to put this case on the consent agenda.

00:38:53 Commissioner Daniels agrees with Commissioner Carlson.

00:39:43 Commissioner Brown asked Mr. Lockett if LG&E signed off or required an easement as a condition of the closure. Mr. Lockett found the letter and said LG&E has received the necessary easement to cover facilities and have no objection to the closing. Also, they would still have to abide by the fire hydrant regulations even if they hadn't made the street closure application.

00:40:19 Chair Lewis said she agrees.

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

RESOLVED, that the Louisville Metro Planning Commission does hereby schedule this case for the March 5, 2020 Planning Commission Consent Agenda.

The vote was as follows:

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

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NEW BUSINESS

CASE NO. 19-RSUB-0009

Request: Revised Major Subdivision
Project Name: Southern Breeze Section 2
Location: 9813 Southern Breeze Lane
Owner: Phillip W. and Martha R. Leigh
Applicant: Phillip W. and Martha R. Leigh
Representative: Christopher T. Crumpton, Blue Stone Engineers, PLLC
Jurisdiction: Jeffersontown
Council District: 11 – Kevin Kramer
Case Manager: Lacey Gabbard, 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:

00:41:54 Ms. Gabbard discussed the case summary, standard of review and staff analysis from the staff report. Commissioner Brown asked if the conditions of approval will be changed or stay the same. Ms. Gabbard said she didn't suggest any changes.

The following spoke in favor of this request:

Chris Crumpton, Blue Stone Engineers, PLLC, 3703 Taylorsville Road, Louisville, Ky. 40220
Phillip Leigh, 4518 Cortico Road, Louisville, Ky. 40299

Summary of testimony of those in favor:

00:43:34 Mr. Crumpton stated this was previously approved but the city of Jeffersontown had questions regarding the future extension of the roadway connecting to Longview Rd. The mayor and attorney for Jeffersontown will allow it to go to record as long as a condition of approval stating lot 1 could not be a buildable lot until they determine the connectivity. Everything is in place, except the lots haven't been platted.

00:50:44 Mr. Leigh stated when he tried to get this approved previously, the fire dept. was concerned about being able to enter with only 1 way in/out. Another right-of-way was put in place. Neighbors don't want the road reopened.

The following spoke neither for nor against the request:

Gerald Hensel, 9405 Watterson Trail, Louisville, Ky. 40299

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NEW BUSINESS

CASE NO. 19-RSUB-0009

Summary of testimony of those neither for nor against:

00:47:39 Mr. Hensel wants to know if they're changing the lot sizes or prices. He's concerned about the value of his property. Also, will they widen the road?

00:48:41 Mr. Crumpton said the lots are similar to what has already been approved. The lots will be a little larger. The road will not be extended at this time and lot one is non-buildable until Jeffersontown decides.

Deliberation

00:52:32 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.

Revised Major Subdivision

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 Major 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. 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 the Planning Commission staff's landscape architect if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:

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CASE NO. 19-RSUB-0009

- a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
3. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
 4. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities – preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
 5. 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.
 - c. Bylaws of the Homeowners Association in a form approved by Counsel for the Planning Commission.
 6. 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.
 7. The site shall be developed in accordance with the Tree Canopy Protection Areas (TCPAs) delineated on the site plan and related notes. Any modification of the woodland protection areas requires notification of adjoining property owners and LD&T action.

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8. The applicant shall provide deeds of restriction ensuring that TCPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of such restrictions shall be approved by Planning Commission Counsel.
9. Tree Canopy Protection Areas (TCPAs) identified on this plan represent portions of the site that shall permanently preserve all existing vegetation. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated TCPAs 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, or for the installation of sewer or drainage facilities.
10. 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 in the approved development or preliminary subdivision plan.
11. 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."
12. The signature entrance shall be submitted to the Planning Commission staff for review prior to recording the record plat.
13. 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.
14. A minor plat creating the proposed subdivision boundary will need to be recorded prior to recording of the record plat.

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CASE NO. 19-RSUB-0009

15. 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.
16. Trees will be preserved and/or provided on site 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.
17. Prior to requesting certificates of occupancy, the developer shall post street signs and address numbers.
18. The applicant shall obtain approval of a detailed landscape plan for the 20-foot Landscape Buffer Area along Watterson Trail. 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.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels and Lewis

NOT PRESENT AND NOT VOTING: Commissioner Peterson

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NEW BUSINESS

CASE NO. 19-ZONE-0062

Request: Change in zoning form C-2 to EZ-1 with detailed district development plan
Project Name: South Park Road Warehouse
Location: 3105R and 3308 South Park Road
Owner: Utica Properties, LLC
Applicant: Utica Properties, LLC
Representative: Dinsmore & Shohl, LLP
Jurisdiction: Louisville Metro
Council District: 13 – Mark Fox
Case Manager: Joel P. 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. 5th Street.)

Agency Testimony:

00:54:06 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Daniel O’Gara, Dinsmore and Shohl, 101 South Fifth Street, Suite 2500, Louisville, Ky. 40202

Doug Thurman, 8916 Lippincott, Louisville, Ky. 40222

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

Summary of testimony of those in favor:

00:56:59 Mr. O’Gara gave a power point presentation.

Mr. O’Gara agrees with the proposed binding elements in the staff report. The proposal is a 300,000 square foot single story warehouse structure. There will be a 370,000 square foot (approximately) retention area. Connectivity is not required for industrial to industrial.

01:01:48 Commissioner Carlson asked if there is a Marathon Gas Pipeline nearby. Mr. Thurman said they moved the entrance because they didn’t want to be anywhere near the pipeline. Commissioner Carlson said you may be planting trees across the pipeline. Mr. Young stated there will be no trees planted on their easement. Commissioner Carlson said the sidewalk along the South Park frontage may be lower

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NEW BUSINESS

CASE NO. 19-ZONE-0062

than South Park Rd. Mr. Young agreed and said it is required. It will be pushed up to the guard rail area. There should be plenty of separation verge area to get the sidewalk in safely. Commissioner Carlson stated, east towards I-65 shouldn't be encouraged for pedestrians going past your property line to South Park Rd. Maybe it would be better to have a turn-around to show that the sidewalk ends? Commissioner Brown said there should be some type of accommodation for the I-65 overpass (South Park Overpass). Mr. Young said he will bring more information to the public hearing. Commissioner Carlson asked if they have a tenant in mind – construction/truck traffic is a concern. Mr. O'Gara stated they have looked at the left turn issue off South Park Rd. and had a traffic study done. The traffic study indicated a left turn lane is not warranted. Commissioner Carlson suggests prohibiting trucks from turning left onto South Park Rd. until the Blue Lick Rd. widening is complete. Mr. Young said they will address that at the public hearing. Safety is important.

Deliberation

01:11:33 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 March 19, 2020 public hearing at the Old Jail Building.

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NEW BUSINESS

CASE NO. 19-ZONE-0072

Request: Change in zoning from R-6 to C-1, with Detailed District Development Plan, Binding Elements and associated side yard setback Variance

Project Name: 18th Street Incubator

Location: 516 – 520 South 18th Street

Owner: OW Broadway Holdings LLC, Community Ventures Corporation, Louisville and Jefferson County Landbank

Applicant: Louisville Metro Government

Representative: Louisville Metro Government

Jurisdiction: Louisville Metro

Council District: 4 – Barbara Sexton Smith

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:

01:12:22 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:

Gretchen Milliken, 1031 South 4th Street, Louisville, Ky. 40203

Summary of testimony of those in favor:

01:14:44 Ms. Milliken, Advanced Planning and Sustainability, stated the 2 shotgun homes are in a commercial zone and support the Chef Space incubation program. A lot of the participants graduate into being restaurant entrepreneurs and like to stay in the west end neighborhood. Currently there aren't very many facilities for them to move into to start a restaurant or food business so these are seen as restaurant incubators and will provide white box restaurant spaces for the graduates.

Ms. Milliken stated the bridge between the 2 buildings is a shared ADA accessibility ramp (variance).

Deliberation

01:16:59 Planning Commission deliberation.

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NEW BUSINESS

CASE NO. 19-ZONE-0072

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 March 19, 2020 public hearing at the Old Jail Building.

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ADJOURNMENT

The meeting adjourned at approximately 2:19 p.m.

A handwritten signature in black ink, appearing to read "Robert Peterson", written over a horizontal line.

Chair

A handwritten signature in blue ink, appearing to read "J. Reunan", written over a horizontal line.

Planning Director