

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

September 26, 2019

A meeting of the Land Development and Transportation Committee was held on Thursday, September 26, 2019 at 1:00 PM in the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Committee Members present were:

Marilyn Lewis, Chair
Jeff Brown
Richard Carlson
Ruth Daniels

Committee Members absent were:

Rob Peterson, Vice Chair

Staff Members present were:

Emily Liu, Director, Planning & Design Services
Joseph Reverman, Assistant Director, Planning & Design Services
Julia Williams, Planning Supervisor
Joel Dock, Planner II
Lacey Gabbard, Planner I
John Carroll, Legal Counsel
Chris Cestaro, Management Assistant (minutes)

Others Present:

Beth Stuber, Transportation Planning
Tony Kelly, MSD

The following matters were considered:

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Approval of Minutes

Approval of the September 12, 2019 LD&T Committee Meeting Minutes

00:02:13 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on September 12, 2019.

The vote was as follows:

YES: Commissioners Brown, Daniels, Carlson, and Lewis.
ABSENT: Commissioner Peterson.

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New Business

Case No. 18ZONE1008

Request:	Change in zoning from R-4 to CTC-1
Project Name:	10616 Watterson Trail Rezone
Location:	10616 Watterson Trail
Owner:	Thomas Kruse and Rick Allison
Applicant:	Kruse Allison Construction, LLC
Representative:	Bill Schroll – Schroll Land Surveying LLC
Jurisdiction:	City of Jeffersontown
Council District:	11 – Kevin Kramer

Case Manager: **Julia Williams, AICP, Planning Supervisor**

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

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

Agency Testimony:

00:03:00 Julia Williams presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Bill Schroll, Schroll Land Surveying LLC, 5450 Southview Drive, Louisville, KY 40214

Rick Allison, 10616 Watterson Trail, Louisville, KY 40299 (applicant; signed in but did not speak.)

Summary of testimony of those in favor:

00:05:05 Bill Schroll, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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Case No. 18ZONE1008

00:06:25 In response to a question from John Carroll, legal counsel for the Planning Commission, Ms. Williams said the CTC-1 zoning category is a specific zoning category related to Jeffersontown's Town Center form district. It is based on Louisville Metro's C-1 category. It eliminates auto-related uses.

00:06:52 Commissioner Carlson asked if there were some uses in CTC-1 that may be incompatible with the surrounding residential uses. Ms. Williams said that, in her opinion, every use in CTC-1 is appropriate for a Town Center form district. More detail can be provided at the public hearing. Mr. Schroll added that, originally, the applicant was going to request a different zoning classification; however, the City of Jeffersontown recommended this classification.

The following spoke in opposition to the request:

No one spoke.

Discussion

00:08:17 Commissioners' discussion (see recording for detailed discussion.)

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

00:08:25 The Committee by general consensus scheduled this case to be heard at the **October 3, 2019** Planning Commission public hearing.

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New Business

Case No. 19-AMEND-0001

Request:	Binding Element Amendment Request
Project Name:	4100 Cane Run Road (Stor All)
Location:	4100 Cane Run Road
Owner:	James S. Womack
Applicant:	James S. Womack
Representative:	Land Design & Development
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green

Case Manager: Lacey Gabbard, AICP, Planner I

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

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

Agency Testimony:

00:08:35 Lacey Gabbard presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Ann Richard, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Wade Johnson, 219 Ridge Runner Road, Lancaster, KY 40444 (construction manager for all Stor-Alls)

Summary of testimony of those in favor:

00:10:31 Ann Richard, the applicant's representative, presented the applicant's case and showed some Power Point exhibits (see recording for detailed presentation.)

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Case No. 19-AMEND-0001

00:13:47 Commissioner Carlson asked why the binding elements are being amended now. Wade Johnson, the construction manager for all Stor-Alls, discussed building materials for this 22-year-old project. He explained that the split-faced block required by the binding elements have proven to be an inadequate building material that breaks down over time.

00:15:14 Commissioner Carlson asked about a binding element that references a fence. Mr. Johnson said there are no plans for the removal of any fence (a new one was just built this past summer.) Ms. Gabbard said eliminating the portion of the binding element would ensure that the fence cannot be removed.

The following spoke in opposition to the request:

No one spoke.

00:18:02 Commissioners' discussion.

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

00:19:07 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that no changes to the site layout are proposed with this request. There do not appear to be any natural resources on the site, which is already mostly developed; and

WHEREAS, the Committee further finds that there are no changes to existing vehicular or pedestrian circulation in and around the subject site associated with this request; and

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Case No. 19-AMEND-0001

WHEREAS, the Committee further finds that there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Committee further finds that the subject site is already developed, and obtained a building permit for the existing structures. New building permits for the proposed structure, Building 9, will be obtained. MSD reviews all building permits; and

WHEREAS, the Committee further finds that these binding element modifications have been submitted in order to allow the applicant to make aesthetic design modifications to the proposed building exterior. There are existing buildings on the subject site which have metal siding rather than split face block; and

WHEREAS, the Committee further finds that the requested modification of binding elements conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. The intent of requesting the binding element amendment is so that the applicant can make alterations to the proposed building façade; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested amendments to existing binding elements #13 and #16, to read as follows:

13. An 8-foot high solid wood fence shall be constructed along the proposed exterior line of Building Number 9 to screen and buffer the mini-warehouses from the adjoining mobile home park.

16. The exterior walls of the perimeter buildings 2 and 3 shall be split face block with natural gray color. The doors shall be dark green color.

The vote was as follows:

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

ABSENT: Commissioner Peterson.

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New Business

**Case No. 19-STRCLOSURE-0006
(heard with Case No. 19-ZONE-0037)**

NOTE: All notes and testimony for Case No. 19-STRCLOSURE-0006 will be noted under Case No. 19-ZONE-0037

Request:	Street Closure of Jefferson Terrace
Project Name:	Enclave at Warwick Village
Location:	413R, 415R, & 417 Washburn Avenue
Owner:	City of Lyndon
Applicant:	Butch Ernspiker
Representative:	Duncan Galloway Egan Greenwald, PLLC
Jurisdiction:	City of Lyndon
Council District:	7 – Paula McCraney

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

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

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

Agency Testimony:

See all notes and testimony under Case No. 19-ZONE-0037.

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

00:40:48 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

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New Business

**Case No. 19-STRCLOSURE-0006
(heard with Case No. 19-ZONE-0037)**

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby place the Street Closure portion of this case on the **Consent Agenda for the October 3, 2019** Planning Commission public hearing.

The vote was as follows:

**YES: Commissioners Brown, Daniels, Carlson, and Lewis.
ABSENT: Commissioner Peterson.**

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New Business

Case No. 19-ZONE-0037

NOTE: All notes and testimony for Case No. 19-STRCLOSURE-0006 will be noted under Case No. 19-ZONE-0037

Request:	Change in zoning from R-5 to R-5A multi-family with a Detailed Plan, waiver, and variance.
Project Name:	Enclave at Warwick Village
Location:	413R, 415R, & 417 Washburn Avenue
Owner:	Larry Foreman
Applicant:	Butch Ernspiker
Representative:	Duncan Galloway Egan Greenwald, PLLC
Jurisdiction:	City of Lyndon
Council District:	7 – Paula McCraney

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

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

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

Agency Testimony:

00:19:54 Joel Dock presented the case (see staff report and recording for detailed presentation.)

00:24:32 Mr. Dock discussed the Agency Reviews for the street closure request.

00:25:14 Commissioner Brown asked if binding element/s had been added regarding the bonding requirement for private-road residential developments. Mr. Dock said those are added for PRD developments and private streets. This is a multi-family development. He said binding element #7 has been added (see staff report) which may address Commissioner Brown's concerns:

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Case No. 19-ZONE-0037

7. Construction, maintenance and upkeep of all internal roadways and walks shall be the responsibility of the developer and/or property owner. All internal roadways shall be named in accordance with the Land Development Code.

The following spoke in favor of the request:

Kyle P. Galloway, 9625 Ormsby Station Road, Louisville, KY 40223

Sarah Beth Sammons, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Jack Lowe, 4309 Glenarm Road, Crestwood, KY 40014

Michael T. Wiseman, 420 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in favor:

00:26:52 Kyle Galloway, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He addressed Commissioner Brown's earlier question regarding who would be responsible for maintaining the internal streets (condominium regime's responsibility.)

00:32:21 In response to a question from Commissioner Brown, Mr. Galloway discussed the unimproved right-of-way and explained that no parcels would be "land-locked".

00:33:04 Jack Lowe, an adjacent property owner, spoke in support. He asked that, as adjacent property owners, that they be kept "in the loop" regarding how the landscaping/ visual barriers will be developed and maintained.

00:35:51 Michael Wiseman said he was here today mostly to learn more about the proposal. He said his property was located in front of the driveway/access.

The following spoke in opposition to the request:

No one spoke.

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Case No. 19-ZONE-0037

00:36:56 Commissioners' discussion.

00:36:53 Commissioner Brown said that, since this project will be a condominium regime, it may be something that should require a bond binding element. Commissioner Brown asked if putting the street closure on the Consent Agenda for Planning Commission would change the notice requirement. Mr. Dock discussed scheduling the street closure and the zoning portions (see recording.)

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

The Committee by general consensus scheduled the zoning portion of the case (Case No. 19-ZONE-0037) to be heard at the October 31, 2019 Planning Commission public hearing.

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New Business

Case No. 19SUBDIV1007

Request: Major Preliminary Subdivision Plan
(Development Potential Transfer) with steep
slope and protected waterway review

Project Name: Caudill Farm

Location: 1901 Long Run Road

Owner: The Caudill Family PTR, LTD; Caudill,
Sandford Dan & Andrea; S. Dan Caudill Family
Trust

Applicant: The Caudill Family PTR, LTD; Caudill,
Sandford Dan & Andrea; S. Dan Caudill Family
Trust

Representative: Bardenwerper, Talbott & Roberts PLLC

Jurisdiction: Louisville Metro

Council District: 19 – Anthony Piagentini

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

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

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

Agency Testimony:

00:41:47 Joel Dock presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

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Summary of testimony of those in favor:

00:47:32 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:50:39 Kevin Young, an applicant's representative, discussed landscaping, topography, and tree canopy protection (see recording for detailed presentation.)

00:59:26 Mr. Pregliasco finished the presentation and discussed "Steep Slope" regulation / LDC Code issues.

01:02:28 He proposed an additional Condition of Approval to read as follows:

Within 60 days of recording the record plat, the developer, its successors or assigns, shall pay to Louisville Metro Government \$47,000 for the express purpose of planning and/or design of the Eastwood Cut-Off intersection at Shelbyville Road.

01:04:19 Commissioner Carlson and Mr. Pregliasco discussed wait times noted in the traffic study in Table 3 for the Eastwood Cut-Off northbound intersection.

01:06:19 Commissioner Brown asked Mr. Young how long the new bridge span will be. Mr. Young said it is getting closer to 100 feet – he said the applicant is considering putting some piers down and making two spans.

01:06:43 Commissioner Lewis and Mr. Young discussed Old Stagecoach Road. Mr. Young said that road does not serve any other properties except the Caudill farm.

The following spoke neither for nor against the request ("Other"):

Bob Federico, 17007 Ash Hill Drive, Louisville, KY 40245

Summary of testimony of those neither for nor against:

01:07:49 Bob Federico, Chairman of the Eastwood Village Council, discussed the Eastwood Cut-Off intersection and said the traffic is already concerning and a safety issue. He said he is not opposed to the development

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but does have concerns about density and layout, specifically because of the extensive development that has taken place in this area with little or no changes to the roads. He said that, between the Eastwood Cut-Off interchange, the lack of signalization, no road shoulders, lack of turn lanes, and two lanes throughout the entire corridor, an unsafe traffic situation is developing. He said there is currently a proposed KYTC project to widen US 60 from the Eastwood Cut-Off to Rock Crest Way and asked that this project be put on hold until that proposal is at least funded and underway. He also requested that if and when this subdivision is approved, the Planning Commission tie issuance of building permits for this subdivision, and any new subdivisions affecting the Eastwood Corridor, to the completion of the widening project.

The following spoke in opposition to the request:

Joel Zipperle, 1900 Egmont Ridge Way, Louisville, KY 40245

Jim Campbell, 1905 Egmont Ridge Way, Louisville, KY 40245

Pam Holbrook, 1220 Forest Trail Place, Louisville, KY 40245

Randy Paas, 1901 Whitewood Ridge Drive, Louisville, KY 40245

Summary of testimony of those in opposition:

01:17:02 Joel Zipperle, a nearby resident, is mostly concerned about flooding and floodplain issues.

01:19:31 Jim Campbell, a nearby resident, is mostly concerned about traffic impacts and congestion. He said there has already been an increase in accidents due to recent development and there does not seem to be a plan for handling this.

01:20:33 Pam Holbrook said she is mostly concerned about flooding and floodplain issues. She said she bought her property (right behind the site) specifically because the subject site is in a floodplain and should therefore have been designated as a "no-development" area. She discussed conversations she has had with Kurt Mason, Urban Conservationist for the State, who stated that there are enough buildable areas in Jefferson County that natural floodplains do

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not need to be filled and developed. Ms. Holbrook's presentation, with Mr. Mason's quotes, is on file.

01:24:53 Randy Paas said his main objection was the preservation of tree canopy. He said his property is directly behind about seven of the lots. He asked if the developer would consider planting evergreen trees on each of those lots (a minimum of four per lot) to add more screening for his property.

Rebuttal:

01:27:23 Mr. Young discussed the floodplain, the stream, pulling the lots over to protect the trees, and water detention (see recording.)

01:30:57 Mr. Pregliasco discussed traffic, and added that the Corps of Engineers will have to approve the bridge.

01:33:14 Commissioners' deliberation (see recording.)

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

01:42:56 On a motion by Commissioner Brown, seconded by Commissioner Daniels, the following resolution, based on the Standard of Review and staff analysis, and evidence and testimony provided today, to **APPROVE** the Major Preliminary Subdivision Plan with land disturbing activity on slopes greater than 20% and bridge crossing over protected waterway, subject to the Conditions of Approval on pages 6-8 of the staff report, and with the added Condition of Approval #20 to read as follows:

20. Within 60 days of recording the record plat, the developer, its successors or assigns, shall pay to Louisville Metro Government \$47,000 for the express purpose of planning and/or design of the Eastwood Cut-Off intersection at Shelbyville Road.,

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WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the design and configuration of the development appears to result in the minimum disturbance of steep slopes as the relocation of these lots to another location within the development or the shifting of these lots to the south may result in disturbance of waterways on site. The site is constrained by two protected waterways and an intermittent stream. Each of these water features has been appropriately protected; and

WHEREAS, the Committee further finds that compatible on-site utilities will be provided in coordination with respective agencies. The developer shall work to place all utilities, where possible, in common trenches; and

WHEREAS, the Committee further finds that the geotechnical report indicated that there was no evidence of slope instability, for example "scarp, leaning trees consistent with a slide, tension cracks, etc." The report did indicate that the presence of manmade improvements might have resulted in erosion where "water runs down the slope as concentrated flow." The report provides for mitigation measures and construction practices necessary to assure the stability of buildings and foundations to be constructed on the site; and

WHEREAS, the Committee further finds that Plan 2040 calls for the integration of natural features into the pattern of development. It provides that proposals should respect the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems. In general, the geotechnical report demonstrates that the proposal is in conformance with the aforementioned policies of the Comprehensive Plan as construction methods have been provided to minimize property damage and environmental degradation related to disturbance of steep slopes.

The vote was as follows:

YES: Commissioners Brown, Daniels, and Lewis.

NO: Commissioner Carlson.

ABSENT: Commissioner Peterson.

The motion failed.

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Case No. 19SUBDIV1007

*NOTE: Because the vote was not unanimous, this case must be referred to the full Planning Commission for review. New notices will be mailed out. The case will be heard at the **November 7, 2019** Planning Commission public hearing.

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New Business

Case No. 18ZONE1063

Request: Change in zoning from R-4 to C-2 with conditional use permit for mini-warehouse; variance, and waiver.

Project Name: Freys Hill Commercial

Location: 3331 Freys Hill Road

Owner: Freys DevCo, LLC

Applicant: Freys DevCo, LLC

Representative: Chris Crumpton - Bluestone Engineers, PLLC

Jurisdiction: Louisville Metro

Council District: 17 – Glen Stuckel

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

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

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

Agency Testimony:

01:46:00 Joel Dock presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Chris Crumpton, 3703 Taylorsville Road Suite 205, Louisville, KY 40220

Jeff Sleadd, 5606 Glenview Falls Way, Louisville, KY 40222

Summary of testimony of those in favor:

01:50:07 Chris Crumpton, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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Case No. 18ZONE1063

01:55:59 Jeff Sleadd spoke in support.

The following spoke neither for nor against the request (“Other”):
Jeff Disney, 3306 Freys Hill Road, Louisville, KY 40241

Summary of testimony of those neither for nor against:

01:56:55 Jeff Disney stated that he is not opposed to this project. However, there is already too much traffic on this road and the turning lanes are not being used correctly. He discussed some traffic issues (number of lanes; specifically, the need for a turning lane.)

The following spoke in opposition to the request:
No one spoke.

Rebuttal:

02:00:30 Mr. Crumpton said the applicant has worked with Metro Public Works to make sure that the main entrance is in the Commercial area. He pointed out the entrance which will be gated and will be exit-only. He said the concern seemed to be that traffic trying to pull into the site would be backed up on Freys Hill Road; this has been eliminated by making that access point an exit-only.

02:02:03 Commissioner Carlson asked Mr. Crumpton if he could write a binding element regarding the exit-only access point. Mr. Crumpton said he would.

02:02:25 Mr. Disney said he has a storage unit in this facility, and the way he access it is to enter through the Freys Hill entrance. He said this proposed project is an extension of that facility. Mr. Crumpton said the proposed project will be a separate storage facility with a separate office, and the main entrance will be off Westport Road. The facility Mr. Disney is referencing will not have access to the new project.

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Case No. 18ZONE1063

02:06:17 Commissioners' deliberation.

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

The Committee by general consensus scheduled this case to be heard at the **October 31, 2019** Planning Commission public hearing.

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Case No. 19-ZONE-0019

Request: Change in zoning from C-1 to C-2 Commercial with a Detailed District Development Plan

Project Name: Awesome Auto

Location: 4910 Poplar Level Road

Owner: Ibrahim H. Ahmed

Applicant: Awesome Auto, LLC

Representative: Greg Butram

Jurisdiction: Louisville Metro

Council District: 2 – Barbara Shanklin

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

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

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

Agency Testimony:

02:07:42 Joel Dock presented the case (see staff report and recording for detailed presentation.) He noted that binding element #5 has been added to ensure compliance with the landscaping and buffering plan.

02:11:50 Commissioner Carlson and Mr. Dock discussed putting a date into the landscaping binding element. It was eventually agreed to make the date of compliance “within six months of Louisville Metro Council approval”. Mr. Dock said he would write this in to the existing binding element #5.

The following spoke in favor of the request:

Greg Butram, 101 North 7th Street, Louisville, KY 40202

Summary of testimony of those in favor:

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Case No. 19-ZONE-0019

The following spoke in opposition to the request:

02:15:55 Greg Butram, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

02:16:57 Commissioner Brown asked about the striped pedestrian connection between the public sidewalk and the building. Mr. Butram described the striped path through the parking lot for pedestrians. There will be no back-and-forth traffic here; cars will be parked for sale.

Summary of testimony of those in opposition:

No one spoke.

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

02:18:07 Commissioners' discussion.

The Committee by general consensus scheduled this case to be heard at the **October 17, 2019** Planning Commission public hearing.

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New Business

Case No. 19-ZONE-0046

Request: Areawide change in zoning from R-6 and OR-2 to C-2
Project Name: Urban Government Center
Location: 768, 810, & 850 Barrett Avenue and 1235 E. Breckinridge Street
Owner: Louisville Metro
Applicant: Louisville Metro
Representative: Louisville Metro
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith

Case Manager: **Julia Williams, AICP, Planning Supervisor**

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

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

Agency Testimony:

02:18:29 Julia Williams presented the case (see staff report and recording for detailed presentation.)

02:20:45 In response to a question from John Carroll, legal counsel for the Planning Commission, Ms. Williams said four parcels would be affected by the zoning change (all four of those parcels are owned by Louisville Metro Government.

The following spoke in favor of the request:

No one spoke.

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New Business

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The following spoke in opposition to the request:

Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299

Joann Robinson, 354 Vine Street, Louisville, KY 40204

Cindy Pablo, 1039 Lampton Street, Louisville, KY 40204

Summary of testimony of those in opposition:

02:22:16 Steve Porter, representing the Paristown Pointe Neighborhood Association, said the association feels this proposal is not ready for a public hearing. He said he could not find a formal application online, only the pre-app. He said the development agreement puts the burden on the "private developer", who is absent. He noted that the neighbors are strongly in favor of this property being re-developed into something good for the whole City as well as the neighborhood. However, neighbors are concerned that, if a blanket C-2 zoning is approved, then the neighbors will no longer be involved in the final decision as to who is chosen as the developer or what will go there. There is no preliminary plan being proposed today. (See recording for detailed presentation.) He suggested that, instead of a C-2 zoning category, the site should be a PDD or at most a C-1.

02:32:13 Joann Robinson, a resident who lives across the street from the Urban Government Center, said she is concerned that the neighborhood has been "cheated" after having been promised more of a say in who will eventually use/develop the site. This is why she is opposed to the C-2 zoning category (see Mr. Porter's explanation.)

02:33:57 Cindy Pablo, a Board member of the Paristown Pointe Neighborhood Association, also feels that the neighbors' input has been negated. She does not want a C-2 zoning because that would remove neighbors' input from any development here.

02:36:19 Ms. Williams discussed the timeline of a resolution from the Planning Commission about rezoning this property (see recording) and what C-2 uses can or should be excluded. She asked neighbors to e-mail her with their suggestions so that those uses can be specifically excluded from the development agreement. She noted that areawide rezonings do not require an application because there is a specific resolution from the Planning Commission

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that directs the department to look at changes ion zoning (similar to a neighborhood plan). Anything that gets developed on this site would have to go through a Category review (through DRC or LD&T Committees) so there would still be public review.

02:39:20 In response to a question from Commissioner Lewis, Ms. Williams said that a list of excluded land uses should be put together prior to the public hearing so that the Commissioners will have time to review them, and then later discuss them publicly at the hearing.

02:40:18 Commissioner Carlson and Ms. Williams discussed possible excluded activities (music at night, etc.) She said something like that would be dealt with as a Condition of Approval for a specific plan (see recording.)

02:45:27 Commissioner Brown noted that any developer would still be bound by Land Development Code design guidelines appropriate to C-2 in a Traditional Neighborhood form district.

02:47:46 Mr. Porter said he was not sure there was anything in the C-2 category that would be appropriate at this site.

02:49:58 Emily Liu, Director of Planning & Design Services, discussed higher-density, mixed use developments and explained how C-2 can help with that.

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

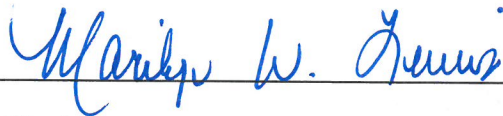
02:50:27 Commissioners' deliberation.

The Committee by general consensus scheduled this case to be heard at the **October 17, 2019** Planning Commission public hearing.

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The meeting adjourned at approximately 04:08 p.m.

A handwritten signature in blue ink, reading "Marjorie W. Dennis", is written above a horizontal line.

Chairman

A handwritten signature in black ink is written above a horizontal line.

Division Director

