

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
September 25, 2014**

A meeting of the Land Development and Transportation Committee was held on Thursday, September 25, 2014 at 1:00 p.m. in the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Committee Members present were:

Vince Jarboe, Acting Chair
Jeff Brown
Clifford Turner
Robert Kirchdorfer

Committee Members absent were:

Donnie Blake, Chair
Carrie Butler

Staff Members present were:

Joseph Reverman, Planning Supervisor
Julia Williams, Planner II
Tammy Markert, Transportation Planning
Jonathan Baker, Legal Counsel
Chris Cestaro, Management Assistant (minutes)

The following matters were considered:

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APPROVAL OF MINUTES

SEPTEMBER 11, 2014 LD&T COMMITTEE MEETING MINUTES

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

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on Thursday, September 11, 2014.

The vote was as follows:

YES: Commissioners Jarboe, Brown, and Turner.

NO: No one

NOT PRESENT: Commissioners Blake and Butler.

ABSTAINING: Commissioner Kirchdorfer.

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NEW BUSINESS

CASE NO. 14MOD1011

Request: Amendments to Conditions of Approval

Project Name: Sheppard Square
Location: 421 Lampton Street
Owner/Applicant: Housing Authority of Metro Louisville
Representative: Stites & Harbison PLLC
Jurisdiction: Louisville Metro
Council District: 4-David Tandy
Staff Case Manager: Julia Williams, 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:

00:02:28 Julia Williams presented the case and showed the Sheppard Square Development (see staff report and audio-visual recording for detailed presentation.) The Conditions of Approval under review concern the old Lampton Park. A letter of support is on file from Metro Parks supporting the removal of the binding elements.

00:04:13 Ms. Williams stated that a phone call was received today from a citizen in opposition to the proposal due to loss of parks and open space in the area.

The following spoke in favor of this request:

Greg Ehrhard, Stites & Harbison PLLC, 400 West Market Street Suite 1800, Louisville, KY 40245

Tim Barry, Metro Housing Authority, 420 South 8th Street, Louisville, KY 40203

Summary of testimony of those in favor:

00:05:36 Greg Ehrhard, the applicant's representative, presented the applicant's case (see audio-visual recording for detailed presentation.) He explained that the amount of open space will not be reduced; rather, it will be transferred to the school district. It will remain as open space/recreational space, just transferred to another owner (JCPS). He discussed other pieces of property that will be used as open space.

00:07:19 In response to a question from Commissioner Turner, Mr. Ehrhard said there are no plans for fencing, although this will be up to JCPS to decide.

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CASE NO. 14MOD1011

The following spoke in opposition to this request:

No one spoke.

Deliberation:

00:09:02 Commissioners' 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.

Amendment to Binding Elements

On a motion by Commissioner Turner, seconded by Commissioner Brown, the following resolution was adopted:

WHEREAS, the Louisville Metro Land Development and Transportation Committee finds that the proposal to sell the site of the proposed new Lampton Park to JCPS for Meyzeek Middle School as green space still preserves the initial intent of the site to be held as open space; and

WHEREAS, the Committee further finds that vehicle and pedestrian mobility will not be affected by the removal of the conditions of approval; and

WHEREAS, the Committee further finds that sufficient open space for the Sheppard Square proposal is being maintained with other open space areas within the development as well as with the current proposal. The transfer of the "park" space to JCPS will not affect the overall open space of the area as JCPS will be utilizing the space as open/park space; and

WHEREAS, the Committee further finds that the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community has been addressed. Drainage will not be affected by the elimination of the conditions of approval; and

WHEREAS, the Committee further finds that the overall site design will not change with the transfer of open space from Parks to JCPS; and

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CASE NO. 14MOD1011

WHEREAS, the Commission further finds that, based on the evidence and testimony presented and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **APPROVE** the requested removal of Conditions of Approval 12, 13, and 14.

The vote was as follows:

YES: Commissioners Jarboe, Brown, Turner, and Kirchdorfer.

NO: No one

NOT PRESENT: Commissioners Blake and Butler.

ABSTAINING: No one.

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NEW BUSINESS

CASE NO. 13ZONE1031

Request: Change in zoning from R-4 to PEC with waivers

Project Name: 3311 Collins Lane

Location: 3311 Collins Lane

Owners/Applicants: Jerry and Martha Schade
Same as above

Representative: Land Design and Development Inc.
Frost Brown Todd

Jurisdiction: Louisville Metro

Council District: 17 – Glen Stuckel

Staff Case Manager: Julia Williams, 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:

00:11:26 Julia Williams presented the case and showed the development plan (see staff report and audio-visual recording for detailed presentation.) In response to a question from Commissioner Turner, Ms. Williams showed the location of a residence on an R-4 property to the east.

The following spoke in favor of this request:

Glenn Price, Frost Brown Todd, 400 West Market Street Suite 3200, Louisville, KY 40202

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

Summary of testimony of those in favor:

00:14:49 Glenn Price, the applicant's representative, presented the applicant's request and showed a Power Point presentation. He said the Nicklies' building, adjacent to the site, will actually serve to buffer the view from Collins Lane, in addition to the landscaping. A detention basin will be located in the back.

00:20:48 Ann Richard, with Land Design & Development, discussed fencing and buffering on the site (a solid, 8-foot tall privacy fence). She also discussed the paving, which will be continued as the building is built out, and answered some questions about the entrance.

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NEW BUSINESS

CASE NO. 13ZONE1031

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 scheduled this case for the October 30, 2014 Planning Commission public hearing.

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NEW BUSINESS

CASE NO. 14ZONE1009

Request: Change in zoning from R-4 to C-2 with a waiver and a variance

Project Name: Thompson Brothers Plumbing
Location: 436 Roberts Avenue
Owners/Applicants: Larry Thompson and Jacob Thompson
Representative: Larry Thompson and Jacob Thompson
John Miller, Miller Wihry
Jurisdiction: Louisville Metro
Council District: 13 – Vicki Aubrey Welch
Staff Case Manager: Julia Williams, 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:

00:25:12 Julia Williams presented the case and showed the development plan (see staff report and audio-visual recording for detailed presentation.) She said there were some issues with property maintenance, and allowing a non-conforming use on a residential property. In response to a question from Commissioner Jarboe, Ms. Williams added that certification statements have been received this week.

The following spoke in favor of this request:

John Miller, Miller Wihry, 1387 South 4th Street, Louisville, KY 40208

Summary of testimony of those in favor:

00:28:03 John Miller, the applicant's representative, presented the applicant's request. He added that there is a mix of residential and businesses in this area.

The following spoke in opposition to this request:

No one spoke.

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NEW BUSINESS

CASE NO. 14ZONE1009

The Committee by general consensus scheduled this case to be heard at the October 30, 2014 Planning Commission public hearing.

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NEW BUSINESS

CASE NO. 14ZONE1031 AND 14STREETS1010

Requests: **Case No. 14ZONE1031 – Change in zoning from R-5 to R-7 with waivers**

Project Name: Jacob School Senior Apartments
Location: 3670 and 3670 R Wheeler Avenue
Owner: LEED Properties LLC
Applicant: Bywater Development Group
Representative: Wyatt, Tarrant & Combs, PLLC
Mindel Scott & Associates
Jurisdiction: Louisville Metro
Council District: 15 – Marianne Butler
Staff Case Manager: Julia Williams, AICP, Planner II

Requests: **Case No. 14STREETS1010 – Alley Closure between Camden and Strader**

Project Name: Jacob School Senior Apartments
Location: 3670 and 3670 R Wheeler Avenue
Owner: LEED Properties LLC
Applicant: Bywater Development Group
Representative: Wyatt, Tarrant & Combs, PLLC
Mindel Scott & Associates
Jurisdiction: Louisville Metro
Council District: 15 – Marianne Butler
Staff Case Manager: Julia Williams, 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:

00:30:14 Julia Williams presented the case and showed the development plan (see staff report and audio-visual recording for detailed presentation.) She said there is 100% consensus on the alley closure, since the property is owned by the applicant. She noted that this means that case No. 14STREETS1010 can go on the Consent Agenda for the October 16, 2014 Planning Commission public hearing.

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NEW BUSINESS

CASE NO. 14ZONE1031 AND 14STREETS1010

00:33:19 In response to a question from Commissioner Jarboe, Ms. Williams explained that there is a part of the alley that is being used to get to an existing parking area. The alley does not connect to Strader Avenue and is unimproved.

The following spoke in favor of this request:

Cliff Ashburner, Wyatt Tarrant & Combs PLLC, 500 West Jefferson Street Suite 2800, Louisville, KY 40202

Kathy Linares, Mindel Scott & Associates, 5151 Jefferson Boulevard Suite 101, Louisville, KY 40219

Janet Miller, 3655 Wheeler Avenue, Louisville, KY 40215

Robert B. Luckett, 5341 Rollingwood Trail, Louisville, KY 40214

Aaron Burnett and David Dodson, #8 Church Street, St. Louis, MO 63135

Summary of testimony of those in favor:

00:34:38 Cliff Ashburner, the applicant's representative, presented the applicant's case (see audio-visual recording for verbatim presentation.) He added that the project is subject to tax-credit financing, which has very strict deadlines. Also, the building must be preserved. Mr. Ashburner showed a Power Point presentation to illustrate the plan/proposal.

00:40:12 In response to a question from Commissioner Turner, Mr. Ashburner clarified that the shaded area (shown on the site plan) across the street on Craig and Strader is not included in the proposal.

00:42:19 Robert B. Luckett said he was concerned about parking, particularly when factoring in employees and residents. Otherwise, he said he was in favor of the project. Commissioner Jarboe mentioned that there were no parking waivers requested; however, he suggested that Mr. Ashburner may wish to address this at the public hearing.

00:43:41 Janet Miller said she was strongly in favor of the project. She said she felt that Bywater has addressed the parking issue at their neighborhood meeting.

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NEW BUSINESS

CASE NO. 14ZONE1031 AND 14STREETS1010

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

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 Case No. 14ZONE1031 and 14STREETS1010 on the October 16, 2014 Planning Commission public hearing agenda (Case No. 14STREETS1010 is scheduled for the Consent Agenda.)

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NEW BUSINESS

CASE NO. 14ZONE1033

Request: Change in zoning from R-4 to OR-1 with waivers

Project Name: MTC Office
Location: 4906 Outer Loop
Owner: Jerry Luhr and Norma Jenkins
Applicant: MTC Holdings, LLC
Representative: Cardinal Planning and Design, Inc.
Jurisdiction: Louisville Metro
Council District: 24 – Madonna Flood
Staff Case Manager: Julia Williams, 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:

00:46:20 Julia Williams presented the case and showed the development plan (see staff report and audio-visual recording for detailed presentation.) A karst survey still needs to be submitted for the site.

The following spoke in favor of this request:

Kathy Matheny, Cardinal Planning and Design, 9009 Preston Highway, Louisville, KY

Troy Coulter, 4647 Outer Loop, Louisville, KY 40219

Summary of testimony of those in favor:

00:48:55 Kathy Matheny presented the applicant's request (see audio-visual recording for verbatim presentation.) Ms. Matheny questioned the need for a karst survey for a 4000 square foot residential lot; the applicant is putting in a 20-foot addition onto the back of the house.

00:52:28 Troy Coulter explained some of the difficulties he'd experienced getting the requested karst survey and the cost involved.

00:54:06 Mr. Williams said the applicant could apply for a waiver of this requirement, and she explained what a karst survey is for.

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NEW BUSINESS

CASE NO. 14ZONE1033

01:00:40 In response to a question from Commissioner Turner, Ms. Williams discussed options other than hiring a geo-tech engineer. She explained that this project is considered "new development" which triggered the karst survey requirement.

The following spoke in opposition to this request:

No one spoke.

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 October 30, 2014 Planning Commission public hearing.

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ADJOURNMENT

The meeting adjourned at approximately 2:05 p.m.

Chair

Planning Director