

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
July 23, 2020**

A meeting of the Land Development and Transportation Committee was held on, July 23, 2020 at 1:00 p.m. via Cisco Webex Video Teleconferencing. On the recommendation of the Louisville Metro Department of Health and Wellness regarding congregate events and social distancing, the Land Development & Transportation Committee meeting set for today was held online.

Committee Members present were:

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

Committee Members absent were:

None

Staff Members present were:

Emily Liu, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning & Design Manager
Julia Williams, Planning Supervisor
Joel Dock, Planner II
Jay Lockett, Planner I
Travis Fiechter Legal Counsel
Beth Stuber, Engineering Supervisor
Rachel Dooley, Planning and Design Management Assistant

Others present:

None

The following matters were considered:

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APPROVAL OF MINUTES

JULY 9, 2020 LD&T COMMITTEE MEETING MINUTES

00:04:40 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution was adopted:

RESOLVED, that the Land Development & Transportation Committee does hereby **APPROVE** the minutes of its meeting conducted on July 9, 2020.

The vote was as follows:

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

NO: No one

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OLD BUSINESS

CASE NO. 20-CAT3-0007

Request: Category 3 Development Plan with approval of Outdoor
Amenity Area design
Project Name: Pond Station Rd Industrial
Location: 3101 Pond Station Rd
Owner: IDI Logistics
Applicant: IDI Logistics
Representative: The Kleingers Group
Jurisdiction: Louisville Metro
Council District: 14 – Cindi Fowler

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.)

Discussion

00:06:11 Jay Lockett stated that the applicant wishes to continue case to date uncertain.

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.

00:07:05 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution, was adopted:

RESOLVED, that the Land Development & Transportation Committee does hereby **CONTINUE** planning case 20-CAT3-0007 to a date uncertain.

The vote was as follows:

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

NO: No one.

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NEW BUSINESS

CASE NO. 20-STRCLOSURE-0009

Request: Closure of public right-of-way
Project Name: West Louisville YMCA Anderson St Closure
Location: Anderson St and associated alley right-of-way east of Dixie Highway and South of Broadway
Owner: Louisville Metro
Applicant: YMCA of Greater Louisville
Representative: Luckett and Farley
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith

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:

00:07:59 Jay Luckett presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Mr. Luckett asked that this case be put on the consent agenda for the July 30, 2020 Planning Commission public hearing.

The following spoke in favor of this request:

No one.

The following spoke in opposition to this request:

No one.

Deliberation

00:10:23 Committee 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.

00:10:50 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution, was adopted:

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NEW BUSINESS

CASE NO. 20-STRCLOSURE-0009

RESOLVED, that the Land Development & Transportation Committee does hereby **SCHEDULE** 20-STRCLOSURE-0009 to the consent agenda for the July 30, 2020 Planning Commission public hearing.

The vote was as follows:

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

NO: No one.

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NEW BUSINESS

CASE NO. 20-DDP-0031

Request: Detailed District Development Plan for rehabilitation hospital
Project Name: Encompass Health
Location: 11800 Bluegrass Parkway
Owner: Papa Johns USA, Inc.
Applicant: Encompass Health Corporation
Representative: Dinsmore & Shohl, LLP
Jurisdiction: City of Jeffersontown
Council District: 20 – Stuart Benson
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:

00:12:00 Joel Dock presented the case via Power Point PDF slide show (see recording for detailed presentation.) Mr. Dock detailed the case summary, proposed development plan, sidewalks, the proposed multi-use trail, elevations, and staff findings. Joel asked the Detailed District Development plan to be recommended to the City of Jeffersontown.

00:14:30 Commissioner Carlson asked if this development will be an inpatient or outpatient facility. Joel Dock deferred this question to the applicant.

00:14:53 Commissioner Brown asked if the City of Jeffersontown had not adopted the fee in lieu for the Land Development Code. Joel Dock replied the City of Jeffersontown is under the previous LDC and he can verify the fee in lieu option. Commissioner Brown noted the presented development plane under the General Notes number 20 states “A fee-in-lieu will be paid for the sidewalk along Campus Place.” Commissioner Brown and Joel Dock discussed the multi-use pathway along Campus Place (see recording for detailed presentation.)

00:17:10 Commissioner Brown asked since this development is in close to the Tucker Station will this site make contributions to the signal. Joel Dock stated the applicant can answer this question.

00:18:07 Joe Reverman state the fee in lieu option is not in affect in City of Jeffersontown. Commissioner Brown and Joe Reverman discussed the options for the construction process for the multiuse path (see recording for detailed presentation.)

The following spoke in favor of this request:

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NEW BUSINESS

CASE NO. 20-DDP-0031

Cliff Ashburner, 101 South Fifth Street, Suite 2500, Louisville, Kentucky, 40202

Erin Hathaway, 111 West Main Street, Louisville, Kentucky, 40202

Steven Porter, 2406 Tucker Station Road, Louisville, Kentucky, 40299

Summary of testimony of those in favor:

00:20:06 Cliff Ashburner, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Ashburner stated this site will be an inpatient rehabilitation facility. It will be for patients who will no longer need acute care and will be residing at this hospital to relearn various skills. Mr. Ashburner noted there will be two phases to the construction of this hospital, resulting in 80 available beds. Cliff stated the left turn and signal contribution was not discussed in Jeffersontown's review of this plan; but he will accept conditions of approval for these items in the recommendation.

00:26:51 Commissioner Carlson asked if the additional 40 beds will be part of Phase II of this development. Cliff Ashburner state it will be up to 40 beds as needed. Commissioner Carlson asked for the entrances for ambulances. Cliff Ashburner replied Erin Hathaway can answer some of these questions.

00:28:02 Erin Hathaway stated the patient drop off will be on the Campus Place side of the facility and there in the future phase there will be an additional entrance also facing Campus Place.

00:28:51 Commissioner Carlson inquired the ambulances with patients transfer process. Erin Hathaway replied based on how the owner operates these facilities and the design of the entrances she does not anticipate there will not be a scenario where there will be a backup of ambulances on the site.

00:30:23 Steve Porter, representing the Tucker Station neighborhood association, stated he is in support of this project. Mr. Porter noted that he would like this development to contribute to the intersection signal at Tucker Station Road and Bluegrass Parkway.

Deliberation

00:31:51 Commissioners Deliberation (see recording for detailed presentation.) Commissioner Brown stated he would like to see the consideration for a left turn lane and the signal contribution. The signal contribution should be recorded as a binding element.

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00:33:13 Joe Reverman detailed the process of how the cost estimate for the signal contribution for this site was created (see recording for detailed presentation.) He stated the cost estimate for this site was based off the contribution of an apartment complex that was recently rezoned on Tucker Station Road. The results of the traffic generation for this site was roughly 35% of that apartment development traffic generation study. The apartment complex development will be contributing \$10,200 indicating this property will have to contribute and estimated \$3,500.

00:35:34 Commissioners, Joe Reverman, and Joel Dock discussed striking the fee in lieu note on the development plan, the signal contribution binding element, and the construction for the multi-use trail along Campus Place (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.

00:37:59 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

WHEREAS, the Land Development & Transportation Committee finds the site contains natural and historic features that have been acknowledged and accommodated on the development plan; and

WHEREAS, the Land Development & Transportation Committee further finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided as pedestrian connections to public ways and sidewalks or multi-use path will be provided along all frontages; and

WHEREAS, the Land Development & Transportation Committee further finds sufficient open space is provided as areas for stream buffer and internal amenities will be provided; and

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

WHEREAS, the Land Development & Transportation Committee further finds the proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the subject property is located in an

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employment center containing a variety of intensities with convenient access to transportation infrastructure; and

WHEREAS, the Land Development & Transportation Committee further finds now the proposed development plan conforms to Plan 2040. The proposal is in the Suburban Workplace form district and the proposed development plan conforms to the requirements of the Land Development Code adopted by the City of Jeffersontown, therefore be it,

RESOLVED, that the Land Development & Transportation Committee does hereby **RECOMMEND** that the City of Jeffersontown **APPROVE** the Detailed District Development plan **AND** to consider the updated note number 20 stating, "A sidewalk or multiuse path will be provided along Campus Place." **AND** to accept the addition of binding element number 7 stating, "The developer shall contribute their prorated portion, not to exceed \$3,500, to the cost of the signal installation at Tucker Station and Bluegrass Pkwy, this should be paid within 30 days of the request of the Director of Louisville Metro Public Works. "**SUBJECT** to the following Binding Elements:

All binding elements from the approved General Development Plan (docket 9-41-78) are applicable to this site, in addition to the following:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from the City of Jeffersontown, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
 - c. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 23, 2020 LD&T meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.

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3. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
4. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
7. **The developer shall contribute their prorated portion, not to exceed \$3,500, to the cost of the signal installation at Tucker Station and Bluegrass Pkwy, this should be paid within 30 days of the request of the Director of Louisville Metro Public Works.**

The vote was as follows:

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

NO: No one.

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NEW BUSINESS

CASE NO. 20-ZONE-0020

Request: Schedule the Public Hearing for Change-in-Zoning from R-4, single-family residential to R-5, single-family; R-6, multi-family; and OR-1, office-residential with detailed district development plan and variances

Project Name: Hurstbourne Commons
Location: 8127 Watterson Trail
Owner: John A. Paddock
Applicant: RJ Thieneman
Representative: Dinsmore & Shohl, LLP
Jurisdiction: Louisville Metro
Council District: 11 – Kevin Kramer
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:

00:40:13 Joel Dock stated this case was continued to today’s meeting to consider the date for an evening night hearing. He requested that the scheduling of the public meeting date to be continued to a later date as the local state of emergency due to COVID-19 has been extended to August 31, 2020 (see recording for detailed presentation.) Mr. Dock asked this case to be continued to September 2020.

The following spoke in favor of this request:

Cliff Ashburner, 101 South Fifth Street, Suite 2500, Louisville, Kentucky, 40202
Steven Porter, 2406 Tucker Station Road, Louisville, Kentucky, 40299

Summary of testimony of those in favor:

00:41:43 Cliff Ashburner, representing the applicant, expressed that the legal requirements for due process can be achieved through Cisco Webex to host a public hearing (see recording for detailed presentation.) Mr. Ashburner detailed previous conflicts for night hearings and noted staff concerns for public health and safety. He asked Planning and Design staff take the time until the next meeting for this case to consider ways to host a public hearing (see recording for detailed presentation.)

00:45:05 Steven Porter agreed with Cliff Ashburner to finalize a process and procedures for public hearings (see recording for detailed presentation.)

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NEW BUSINESS

CASE NO. 20-ZONE-0020

The following spoke in opposition to this request:

Nancy Willenbrink, 810 Stoney Run Court, Louisville, Kentucky, 40220

Summary of testimony of those in opposition:

00:46:43 Nany Willenbrink asked why staff should consider a public hearing when there are no firm plans for the Meijer Road portion of the development.

Rebuttal:

00:47:55 Cliff Ashburner stated a petition for a night hearing have been filed and the project should not be delayed indefinitely. The time between now and the proposed hearing staff should determine how to conduct a night hearing safely online via Webex.

00:49:07 Travis Fiechter noted virtual meetings should have clear standards about how to move cases forward with night hearings (see recording for detailed presentation.)

00:50:23 Commissioner Lewis and Joel Dock discussed staff's recommendations for the continuance date for this case and the scheduling for the petitioned night hearing (see recording for detailed presentation.) Travis Fiechter noted they could tentatively schedule a night hearing depending on the decision of the Policies and Procedures Committee for public hearings. Emily Liu stated Policies and Procedures Committee can discuss the procedure standards for public hearings. Ms. Liu stated she would prefer this case to be scheduled for the first Land Development and Transportation meeting in September after the expiration of the state of emergency on August 31, 2020.

Deliberation

00:54:29 Commissioner Deliberation (see recording for detailed presentation.) Commissioners and Joe Reverman concluded to schedule this case to September 10, 2020 to allow Policies and Procedures Committee and Planning Commission to discuss and set procedure standards for public hearings.

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.

01:00:37 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution today was adopted.

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NEW BUSINESS

CASE NO. 20-ZONE-0020

RESOLVED, that the Land Development & Transportation Committee does hereby **CONTINUE** this case to the September 10, 2020 Land Development and Transportation Committee meeting.

The vote was as follows:

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

NO: No one.

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ADJOURNMENT

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

Chair

Planning Director